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REASONS FOR TEAMWORK

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I.

Often, I have a reason to ϕ and derived from it I have a reason to *try* to ϕ. But not always. A reason for me to try to ϕ derives from a reason for me to ϕ only if my trying to ϕ will contribute to my ϕing. In cases of two distinct types my trying to ϕ does not pass this test. In cases of the first type, I lack the ability to ϕ at all, so nothing that I do (including but not limited to my trying to ϕ) will contribute to my ϕing. I will never sing like Ella Fitzgerald whatever I do, so there's nothing to be gained by trying. In cases of the second type, I have the ability to ϕ but lack the ability to ϕ-by-trying-to: trying to ϕ is counterproductive; it would be better, from the point of view of my ϕing, if I aimed at something else instead, possibly even at −ϕing. Trying to impress people, or trying to be funny, or trying to make oneself popular may all have the opposite effect. The funniest thing, indeed, is sometimes trying to be serious in the face of absurdity. On such an occasion a reason to be funny yields no reason to try to be funny, but it does yield a reason to try *not* to be funny.

Some people are uncomfortable with the idea that reasons to ϕ can be detached like this from reasons to try to ϕ. What does it mean to have a reason to ϕ (they wonder) if it does not mean having something to *act on the strength of*? And surely acting on the strength of a reason to ϕ is just the same as trying to ϕ? So isn't it a necessary truth that when one has a reason to ϕ, one also has a reason to try to ϕ? Not so fast. It is true that acting on the strength of a reason to ϕ means trying to ϕ. But it is not true that, when one has a reason to ϕ, one also has a reason to act on the strength of that reason. What it means to have a reason to ϕ is that, all else being equal, ϕing is acceptable. Reasons are there, first and foremost, to be *conformed* to, and one conforms to a reason to ϕ if and only if one ϕs. As my examples just reminded us, trying to ϕ is neither necessary nor sufficient for ϕing. Not necessary because (barring special cases in which ϕing is a definitionally intentional action) one might ϕ by accident. Not sufficient because (barring special cases in which ϕing is itself an attempt) one's attempt might fail. As a rational agent, of course, one always has a reason to act on the strength of *some* reason. The most basic imperative of rationality is: Always act for an undefeated reason. But it does not follow that whenever one ϕs, rationality would have one act for an undefeated reason *in favor of* ϕ*ing*. It

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does not follow, in other words, that ϕing intentionally (on the strength of a reason to ϕ) is generally rationally superior to ϕing accidentally (as a by-product of trying to do something else). Sometimes the reason to ϕ is defeated (i.e., not fit for acting on the strength of) because acting on the strength of it (trying to ϕ) would not secure conformity with it. The reason to ϕ is still there, and holds itself out to be conformed to, but does not hold itself out to be acted on the strength of. Rationality itself *blocks* us from trying to do what rationality would have us do, because trying to do it is, in this case, not a way of doing it.

I have explored all these issues in far greater detail elsewhere.[1] I mention them here because they provide the backdrop to the intriguing cluster of problems with which Christopher Kutz is concerned.[2] How so? As I said at the start, if I have a reason to ϕ but no derivative reason to try to ϕ, that can only be because I do not have the *ability* to ϕ (by trying to ϕ or at all). My efforts to ϕ will be wasted. But maybe I would have the ability to ϕ, so that my efforts to ϕ would pay off and I would have a reason to make them if only my circumstances were a bit different. If only some snow would fall on the Cairngorms, I would be able to go skiing while I'm at the Edinburgh conference. If only my throat infection would recede, I would be able to give tomorrow's lecture audibly. If only my neighbors would stand up and be counted, I would be able to persuade the city council not to build the incinerator. The last of these examples is the one that brings us to Kutz's topic. I have *ex hypothesi* a reason to persuade the city council not to build the incinerator. And *ex hypothesi* what makes the difference between my having the ability to persuade the council and my lacking the ability to do so, and hence between my having a derivative reason to *try* to persuade them and my lacking that reason, is what my neighbors do. My ability to ϕ, and hence my reason to try to ϕ, depends not on what happens (snow falling on the Cairngorms, my throat infection receding) but on *what is done by other people*.

Cases of this type—in which the actions of others affect my ability to succeed and hence my derivative reasons to try—I will call "many-agent" cases. They come in various configurations. In some cases we each have a different success that we have reason to achieve (I have my profit to make, you have yours). In some cases we each need to make a different effort before any of our efforts will pay off (I have to drive the van, you have to read the map). In some cases it is not a simple question of efforts either paying off or being wasted, but of *degrees* of payoff, with higher levels of participation by others yielding higher marginal benefits from the actions of each, and hence weightier reasons for each to try (if only ten people donate ten

1. On reasons to try and reasons to succeed, *see* my *Obligations and Outcomes in the Law of Torts in* RELATING TO RESPONSIBILITY (Peter Cane and John Gardner, eds., 2001). On acting for an undefeated reason, *see* my *Justifications and Reasons in* HARM AND CULPABILITY (Andrew Simester and A.T.H. Smith, eds., 1996).

2. Christopher Kutz, *The Collective Work of Citizenship*, in this issue of LEGAL THEORY.

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dollars, 50 percent will go in transaction costs; but if a hundred donate ten dollars, only 5 percent will go in transaction costs). And of course some cases are complex in all three of these dimensions. Here I will follow Kutz in sidelining all such complications and focusing on the simple many-agent case in which there are no degrees of success, and each person is in the same position in respect of what would count as success, and each person is also in the same position in respect of what he or she would need to contribute to enable that success.

An excellent example of such a simple many-agent case is the balloon story from Ian McEwan's *Enduring Love*, with which Kutz introduces his topic.[3] On a windy day we find ourselves in a field where a hot-air balloon lands. Each person in the field has the same reason to keep the hot-air balloon down (the basket contains an infant, and the wind will otherwise blow the balloon into the power lines, and then the infant will die). If each person keeps hold of his or her rope, then the balloon will be kept down. That being so, each will have a derivative reason to keep hold of his or her rope with the intention of keeping the balloon down. But if enough of the rope-holders let go, then the one or two left holding will be unable to keep the balloon down and will no longer have a derivative reason to keep hold of their ropes. The explanation is not that they lose their reason to keep the balloon down. Of course not. That the child will otherwise die remains a reason for anyone and everyone to keep the balloon down. What the remaining holders-on lose is not their reason but their *ability* to keep the balloon down and hence their derivative reason to *try* to keep the balloon down by holding on to their respective ropes. That is what makes the situation so tragic—in the classical sense—and the story so powerful. Depending on what the others do, each may be rationally blocked from doing what rationality would have her do. Each person has the same reason to ϕ throughout but nobody has the ability to ϕ unless several other people also try to ϕ. So, unless several other people also try to ϕ, nobody's reason to ϕ gives anyone any reason to try to ϕ.

To judge by the extensive game-theoretical literature on the subject, one would think that even such simple many-agent cases raise special puzzles about the application conditions of reasons for action, pointing to curious lacunae or indeterminacies in practical rationality. But I can't see how they do. In McEwan's balloon story, each rope-holder has a continuing reason to keep hold of his or her rope on condition that enough of the other rope-holders also keep hold of their respective ropes. So far as the reasons applicable to each rope-holder are concerned, the actions of the other rope-holders are like any other background circumstance (e.g., changes in the wind) that affect her ability to keep the balloon down. Each rope-holder has a reason to keep holding her rope insofar as circumstances (including but not limited to the actions of others) enable her thereby to keep the

3. Ian McEwan, ENDURING LOVE (London, 1997).

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balloon down. So the application conditions for the reason to keep hold are as clear as they ever are. Of course it does not follow that it is always clear *to each agent at the time of acting* whether the application conditions for the reason are met in her case. An individual rope-holder may have a reason to keep hold of her rope (others are not about to let go of theirs) and yet she may well not be *sure* whether she has a reason to keep hold of her rope (she suspects that others are about to let go of theirs). As it stands, this epistemic problem is common to many-agent cases and single-agent cases. I may have a reason to pack my skis (snow is about to fall on the Cairngorms) yet not be sure whether I have a reason to pack my skis (the weather forecast is equivocal). But in many-agent cases, as I am calling them, the epistemic problem is apt to have special consequences, and these are what make even simple many-agent cases theoretically interesting.

Consider a pared-down version of McEwan's balloon story in which the continuing efforts of only two people—A and B—are necessary and sufficient to keep the balloon down. If A doubts whether B is going to keep hold of his rope, then A suspects that at any moment now she will lose her reason to keep hold of her own rope. In the light of this suspicion, A's commitment to keeping hold of her rope may well decline; she may prepare herself psychologically to let go; her intentions may become less firm. This gives B reason to doubt whether A will keep hold of her rope. But if B doubts whether A will keep hold of her rope, then B suspects that at any moment now he will lose his reason to keep hold of his rope. In the light of this B's commitment to keeping hold of his rope may well decline; he may prepare himself psychologically to let go; his intentions may become less firm. This gives A reason to doubt whether B will keep hold of his rope . . . and so the cycle continues. One can easily expand this story to take in many more rope-holders. The problem will always be the same. Once the doubts begin, we get caught in a feedback loop in which the predictable doubts of each about the intention of others feed the predictable doubts of each about the intention of others. These doubts (unlike doubts about the snow on the Cairngorms) are escalating and self-fulfilling. The chances that each rope-holder will let go, and hence that the balloon will be lost, quickly ratchet up.

So the special problem of the many-agent cases is not the theoretical problem of specifying conditions under which each agent has reason to keep trying. The special problem is a practical problem: that it is increasingly unlikely that those conditions will continue to hold for anyone in view of everyone's predictable anticipation of everyone else's doubts about whether those conditions will continue to hold. The blockage that rationality introduces between ϕing and trying to ϕ in the single-agent case (in which the single agent lacks the ability to ϕ) is therefore apt to reassert itself surprisingly in the many-agent case. Between them, *ex hypothesi*, the many agents do have the ability to ϕ, and indeed the ability to ϕ-by-trying-to. But in spite of this, they are each apt to *lose* the reason to try to ϕ that derives from their admitted reason to ϕ. Let's call this "the problem of instability."

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What are the possible cures for the problem of instability? What is needed, you may say in the familiar game-theoretical idiom, is some kind of *coordination*. But *what* kind of coordination? It is tempting to turn immediately to "invisible hand" solutions. If only each agent in a situation like this were not trying to serve the common good (e.g., improve the economy, save the planet) but rather trying to do something that she is able to do relatively independently of the other agents (e.g., run her business, do her job) then she need not attend to what the other agents are doing, or even be aware of it, and hence need not be affected by any of the escalating and self-fulfilling doubts about the intentions of others that were just mentioned. And yet her interactions with others may, it so happens, be serving the common good. By competing with others, to take the best-known example of an invisible hand, she may accidentally be coordinating with them, reducing waste and increasing overall prosperity—in which case she has, *pro tanto*, a reason to compete with others. Some fanatical defenders of free markets (and indeed of bureaucracy, which is a similar invisible-hand mechanism) like to present this as a universal prescription: If any of us is to serve the common good, when our having the ability to do so depends on what others do, we had better not any of us be trying to serve the common good. But McEwan's story shows what a crackpot prescription this is, applied universally. In McEwan's story, accidental coordination, by invisible hand, is not an option. The rope-holders have no other conceivable way of saving the child than by trying to save the child and cannot but be aware, as they try, of the trying of others and the codependency of all this trying if there is to be any success. What is called for, if anything is going to overcome the problem of instability in such a case, is not an invisible hand. In fact it is the very opposite of an invisible hand. The case calls for intentional coordination, also known as *cooperation*, *concerted action*, or *teamwork*. As McEwan's narrator credibly explains the failure of the balloon endeavor: "There may have been a vague commonality of purpose, but we were never a team."[4]

McEwan has his own ideas about the difference between teamwork and mere commonality of purpose.[5] Teamwork, for him, seems to require *leadership*—an instance of what Nagel calls "the moral division of labor."[6] But I am inclined to follow Kutz in doubting whether this gets us to the heart of the matter. Maybe there can't be captains without teams. Maybe captains also tend to make teams more effective. But it is not part of the very idea of a team that it has a captain. There can be teamwork without leadership. So even what I called a simple case (in which each would need to contribute identically to enable success) can in principle be a case of teamwork. Let me explain how.

It strikes me as natural to speak of acting with "commonality of purpose"

4. McEwan, *supra* note 3, at 10. McEwan's text says "communality," but since "commonality of purpose" is a stock expression, I have treated this as a typo.

5. *Id.*, 11.

6. Thomas Nagel, EQUALITY AND PARTIALITY 53ff (New York, 1991).

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in any case in which several are trying to ϕ and all are aware, as they try, of the trying of others and the codependency of all this trying if there is to be any ϕing. The condition of mutual awareness here is the one that obtains in the balloon story before the problem of instability takes hold and the rope-holders start to fall away one by one. The condition of mutual awareness also explains, as we saw, *why* the problem of instability takes hold. Mutual awareness allows mutual doubt to set in and to escalate. So commonality of purpose, we could say, has a built-in instability. Nevertheless, in some contexts one might well think of acting with commonality of purpose as "intentional coordination" in a loose sense. It is intentional action by several that each is aware will pay off conditionally upon the actions of others and in which the intentions of each are sensitive to the fact of the conditionality. And in the light of this mutual sensitivity one might well speak, as McEwan speaks, of what "we" achieved or failed to achieve—"we" meaning all of us *in common* (being the sum, if you like, of our individual parts).

Teamwork, however, is intentional coordination in stronger sense, and it implicates a more radical idea of collective agency. It is intentional action that is not only known or expected but *intended* to coordinate with that of others. Whatever else she may intend, each team member acts in order to contribute to the work of the team. She does not merely adapt her intentions, as in the commonality of purpose case, to the actions and intentions of others. Rather, she adds an extra intention, that of contributing to the work of the team. Putting it another way, a team member treats her team membership as an extra reason to try.[7] Of course, she already has a reason

7. Both the commonality-of-purpose case and the teamwork case are easily confused with another—call it the "convention" case—in which an agent A treats the fact that other people also ϕ (now, or regularly) as a reason for A to ϕ. The convention case differs from both the commonality-of-purpose case and the teamwork case in that what makes a rational difference in the convention case is the mere fact that others ϕ, never mind whether they try or intend to ϕ (except where ϕing happens to be a definitionally intentional action). Of course, the convention case also differs from the commonality-of-purpose case in that what others do in the convention case is treated by A as a reason for action in its own right and not merely as a circumstance affecting the application of other reasons. But any resemblance to the teamwork case on this front is superficial. In the teamwork case, unlike the convention case, what A treats as a reason is not what others do. What A treats as a reason in the teamwork case is her membership of a team, i.e., her acting together with others who also act for that reason as well as for another reason which is the team's reason (e.g., to save the infant in the basket).

This digression is pertinent to the line of thought developed by Scott Shapiro in *Law, Plans, and Practical Reason*, in this issue of LEGAL THEORY. At the foundation of all legal systems, as H.L.A. Hart explained, are to be found conventions in the broad sense just identified. Certain people (officials) do certain things (treat certain rules as rules of law) because certain people (other officials) also (regularly) do the same thing: Hart, THE CONCEPT OF LAW 113 (Oxford, 1961). *Pace* Shapiro, this behavior need involve no teamwork nor even any commonality of purpose. If we are going to think of it as intentional coordination, we should think of it as intentional coordination in yet another sense only very indirectly related to the two sketched in the text above. In fact a convention case has at least as much claim to be thought of as a case of *un*intentional (invisible hand) coordination, because the *further* reasons for doing as others do in the convention case may be a matter of radically divergent opinion as between the agents who do it. To the extent that the convergent behavior pays off in some valuable way or another (and hence is justified), this may well be a complete accident relative to some or all of the agents, who may not be remotely aware of the real value or normative significance of what they do (e.g., its ability to change the constitution by changing the convention for future users).

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to try on condition that others also pull their weight. The efforts of others enable her to succeed by trying, and so her reason to succeed anyway gives rise to a derivative reason to try. As a team member, she also acts for *that* reason. That is why I said that a team member treats her team membership as a *extra* reason to try. So far as her ordinary non-teamwork reason to try is concerned, the efforts of the others are just propitious circumstances (akin to a drop in the wind) that enable her to succeed. But so far as her extra teamwork reason is concerned, the efforts of other team members are not merely propitious circumstances. The efforts of other team members are necessarily thought of by each team member as efforts, just like her own. For the efforts of other team members together with her own are constitutive of a further effort distinct from the efforts of each, namely a *team* effort—intended by all *qua* team effort. When we speak of what we achieve or fail to achieve by this team effort, the word "we" refers the team members *jointly*, not merely in common. Each makes his or her effort (in common with the others) and the product is a further effort made by a distinct agent, the team. The team, if you like, is something more than, or other than, the sum of its parts. It too does things and tries to do things and intends to do things—things that are distinct from, albeit a function of, the things that its individual members do, and try to do, and intend to do.

In this sketch you may detect an equivocation. To start with I said that the team member *treats* her team membership as an extra reason to try. But I quickly lapsed into talking as if she really *had* an extra reason to try. Surely it's quite a long way from one proposition to the other? Yes, but not as long a way as you might think. True, even if she is right to think that she is part of a team, a team member could be mistaken in thinking that this gives her any reason to contribute to the team effort. But *if there is a reason for the team to make an effort*, a team member cannot be mistaken in regarding her team membership, in turn, as a reason for contributing to that team effort. For the only thing that could conceivably count as doing what *ex hypothesi* all together have reason to do (i.e., making a team effort) is for the team members to act as team members, and that in turn entails each team member treating his or her team membership as a reason to contribute to the team effort. It follows without further ado that, in such a case, his or her team membership *is* a reason for each team member to contribute to the team effort, and he or she is not mistaken in treating it as one. It is a reason for each team member to try to ϕ, on top of the ordinary (non-teamwork) reason to try to ϕ that each has anyway, assuming that the others also pull their weight and thereby make success possible.

This argument shifts our attention from one question to another. Each team member has a reason to contribute to the effort of the team (call this the "individual teamwork reason") on condition that the team itself has a reason to make an effort (call this the "collective teamwork reason"). So when, we now need to know, does the latter reason exist? I want to leave aside all the independent reasons that there might be for a team to act as a team (the fact that the team members are friends, the fact that they made a prior

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agreement, etc.). I also want to leave aside all those enterprises—such as winning the World Cup in soccer—in respect of which the only thing that *counts* as success is success by a team. Let's stick to McEwan's case in which what counts as success—the balloon being kept down—has no built-in reference to teamwork, and there is no prior agreement or existing team relationship. What might give rise to a collective teamwork reason in such a case? The simple answer is that a collective teamwork reason comes into existence in such a case if there is a reason for the individual teamwork reasons to be brought into existence. An individual teamwork reason cannot come into existence on its own. It can be brought into existence only as a derivation from a collective teamwork reason. It calls for a team with a reason to work as a team. If there is no reason for any team to make any effort as a team, then nobody has reason to contribute to any team effort. It follows that if there is a reason why each team member should *have* a reason to contribute to a team effort, then there is a reason for the team to act as a team. Or should I say—because the team may not yet exist—if there is a reason why each *potential* team member should have a reason to contribute to a team effort, then there is a reason for there *to be* a corresponding team that acts as a team. In short, a collective teamwork reason comes into existence automatically—without any need for prior agreements, existing teamwork relationships, etc.—if there is reason for individual teamwork reasons to be brought into existence.

So again our attention is shifted to a new question: When would there be a reason for the individual teamwork reason to be brought into existence? The answer takes us back to the problem of instability. The most basic reason for the individual teamwork reason to be brought into existence is that those who have such a reason are less prone to be drawn into the cycle of escalating and self-fulfilling doubts that is associated with mere commonality of purpose. You may wonder how the existence of this extra reason could avoid the instability of the reason to which it is added. Surely the same doubts are apt to arise about the individual teamwork reason itself? One wonders whether one's teammates are about to break ranks, in which case one would have less reason to play one's part in the team (for the team would have less ability to succeed and less reason to try), from which thought one starts to lose one's commitment to the team, which gives one's teammates more reason to wonder whether one is about to break ranks . . . and so on. True enough; the problem of instability doesn't go away in the teamwork scenario. The question is only whether it is mitigated. Two things about the individual teamwork reason hold out hope that, over a range of cases, it will mitigate the problem of instability. The first is that it is an *extra* reason on top of the non-teamwork reason that all would have anyway while the commonality of purpose lasted. All else being equal, two reasons for keeping hold of the rope (the non-teamwork reason and the individual teamwork reason) weigh more heavily than one and constitute a greater rational inhibition to letting go. That remains true even though the application conditions for the latter

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reason include those for the former (i.e., the continuing contributions of others). Second, to act for the individual teamwork reason is necessarily to think of one's fellow team members not merely as background circumstances that add up to enable one's success but as *fellow team members* whose success with one would be a *joint* success. It means that (using McEwan's balloon story as an example again) one's reasons for action have a built-in reference to other people one is helping—people to whom one's effort is *owed*—quite apart from the poor infant in the balloon basket. One's thinking of them as unstable background circumstances is apt to be counteracted by one's thinking of them as fellow team members whom one would be letting down by letting go. It is plausible to think that these two factors operate, on at least some occasions, to mitigate the problem of instability. If they do, then on those occasions there are reasons for teamwork.

The hypothetical formulation of this last sentence is significant. Although the hypothesis is plausible enough, I am obviously in no position to do the social-psychological research necessary to establish under what conditions or to what extent the existence of the individual teamwork reason does indeed help to mitigate the problem of instability in the way that I just described. I am not even in a position to say how widespread the problem of instability is. Nor am I in a position to say how, if at all, one might go about getting teamwork started when that is what one has reason to do. Perhaps McEwan is right to think that, in a case like his, the move from commonality of purpose to teamwork could only have been made, in practice, by someone's assuming the role of leader, captaining the team. Again this question calls for empirical research that is beyond my competence. All I am in a position to offer is the conceptual infrastructure for that research, namely an explanation of what teamwork is and an explanation of what would serve as the most basic reason for participating in it. That most basic reason is an instrumental reason. It does not derive its existence from some intrinsic value in the solidarity, loyalty, patriotism, and so on that teamwork exhibits. In the most basic case, teamwork—I propose—reinforces commitment, reduces instability, and thereby helps to enable the rational intentional pursuit of whatever success it was that the team members had reason to secure anyway.

You may say that there is a tension between this suggestion that reasons for teamwork are instrumental and my proposal a paragraph earlier that those who act for the individual teamwork reason think of their fellow team members as fellow team members and would regard breaking ranks as letting those fellow team members down. Doesn't this last line of thought by team members entail their attaching some intrinsic significance to teamwork? And doesn't that entail, in turn, that at least when there are reasons for teamwork, teamwork has some intrinsic value? True enough. All that I said was that the basic reasons for teamwork that I identified do not *derive their existence* from the intrinsic value of teamwork. I did not mean to deny that their existence *entails* such intrinsic value. On the contrary, I meant to

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suggest that when there are reasons for teamwork, teamwork has intrinsic value. My point was only that, in the basic case, the value derives from the reasons rather than the reasons deriving from the value.[8] It is because there are instrumental reasons for team members to attach intrinsic value to team membership, and because team members *qua* team members necessarily attach that intrinsic value, that team membership *has* that intrinsic value. To put the same point in another idiom, even though the virtue of solidarity may well be a valuable constituent of some valuable pursuits and ways of life, we need not first establish that it have some value apart from its instrumental contribution to the success of those pursuits and ways of life in order to establish that its value is that of a constituent of them.

This conclusion concerns teamwork in pursuit of worthwhile objectives, such as the saving of infants in peril. But it also helps us to see the way forward concerning the evaluation of teamwork in pursuit of worthless objectives. Many suppose that if teamwork has intrinsic value, it must have that value irrespective of the use to which it is put. For surely any value that depends on the use to which teamwork is put must be instrumental value? This line of thought draws us into a kind of philosophical variation on an old Hollywood Western. Lined up on the top of the hill we have the romantic communitarians. They insist that solidarity, loyalty, patriotism, and so on are moral virtues. Being moral virtues, these dispositions must be constituents rather than mere instruments of worthwhile lives. Therefore the value of these dispositions must be at least partly intrinsic. Therefore people who exhibit solidarity, loyalty, patriotism, and so on must be lending some value to their lives even if they exhibit solidarity, loyalty, patriotism, and so on with or toward some shower of fools, knaves, and charlatans. In fact, if all exhibit such solidarity, loyalty, patriotism, and so on, then they are not entirely the shower of fools, knaves, and charlatans that they seem. Better their lives, surely, than a life lived alone! Meanwhile, crouching in their circle of wagons down in the valley we have the unglamorous, rationalistic individualists. They refuse to admit that being part of a joint enterprise, as such, is a redeeming feature of anyone's life. Better a life lived alone than a life lived in unity with the misguided or the base. What heroic pioneers they seem at first! But alas, the story goes, these individualists are doomed to deny that solidarity, loyalty, patriotism, and so on are moral virtues at all, for they are doomed to insist that the value of such traits is entirely instrumental, depending entirely on the value of the use to which they are put. Consequently, they can never experience true solidarity or loyalty or patriotism, for their commitment to others can only be a fair-weather, opportunistic, take-it-or-leave-it commitment, more like a case of commonality of purpose than a case of genuine teamwork.

My explanation of the value of teamwork showed that we do not need to

8. In other words there is here a pocket of deontology in the first sense identified by John Rawls in A THEORY OF JUSTICE (Cambridge, MA, 1971), at 30: The good is not specified independently of the right.

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choose between the two sides in this absurd drama. Instead we can side with Aristotle in holding (1) that we exhibit moral virtues only in pursuing what is valuable (instrumentally or intrinsically) quite apart from the value of the virtues themselves, while agreeing (2) that the value brought to the lives of the virtuous by the virtues themselves is nevertheless intrinsic rather than instrumental.[9] The conjunction of (1) and (2) allows that an instrumental defense of solidarity—of the type I sketched—is compatible with holding solidarity to be a moral virtue, valuable as a constituent and not merely as an instrument of a worthwhile life. The mistake that led many to overlook the Aristotelian possibility was a collapse of two different ways in which use may be relevant to value. True, the value of the use to which something is put counts only towards the instrumental value of that thing. But not all value that depends on the use to which something is put is the value *of* that use. There is also the value that cannot but be invoked and relied upon, in the process, by those who put that thing to that use. Those who participate in teamwork—who act for teamwork reasons—cannot but attach intrinsic value to the team itself, and that lends intrinsic value to the team. But it does so only on condition that there are reasons for the team to exist. If the team serves a worthwhile end, such reasons do exist. Not so, on the other hand, if the team effort is oriented entirely towards the worthless. In that case the fact that people attach intrinsic importance to the team only compounds their error and casts them in a *worse* light. Far from exhibiting the virtue of solidarity, to put it another way, they exhibit the innominate vice that is a *corruption* of solidarity.[10]

II.

So far I have said little about Christopher Kutz's essay. That is because I broadly agree with what he has to say about joint enterprise. The remarks above were mainly intended to reinforce his position by telling a similar story in a different idiom.

Kutz emphasizes three sets of relations that hold in the teamwork case.

9. Consider NE 1106^{a}15: "We may remark, then, that every excellence both brings into good condition the thing of which it is the excellence and makes the work of that thing be done well; e.g., the excellence of the eye makes both the eye and its work good; for it is by the excellence of the eye that we see well. Similarly the excellence of the horse makes a horse both good in itself and good at running and at carrying its rider and at awaiting the attack of the enemy. Therefore, if this is true in every case, the excellence of man also will be the state of character which makes a man good and which makes him do his own work well."

10. Here we have the beginning of a justification of the hard line that the common law takes against those who are complicit in a criminal "joint enterprise"—but only the beginning. Importantly, we still need to ask whether a team that exists for morally unacceptable prudential reasons (e.g., to allow its members to make a profit out of the misery of others) should be treated as a team that exists for a reason in the sense that lends intrinsic value to participation in it. Could honor among thieves still be genuine honor? I have said nothing to suggest that it couldn't, which only goes to show that the argument still has a long way to go before the criminal law can use it.

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First there are the collective "vertical" relations that hold between team members and the beneficiaries of their team actions (e.g., the infant in the balloon basket). In one way the team acts as a kind of intermediary in these relations. If the effort to save the child is a team effort, then relative to the child, the failure would be a team failure. The team is the agent, and any criticism for the failure falls in the first instance upon the team. Second there are the "horizontal" relations that hold between one team member and the others such that each may properly criticize another for breaking ranks. The team members get to pass on any criticism of the team to the team members who let the team down. Finally, and not to be forgotten, are the individual vertical relations. Each individual team member is also still an agent in his or her own right. He or she also has a role apart from the team as a personal contributor to the saving of the child. Thus the vertical relations have an individual as well as a team dimension. The team member is not insulated by the team from criticism for his or her own contributory failure. My account preserved all three aspects of Kutz's picture. Kutz explains them in terms of obligations and rights. I explain them in terms of reasons for trying: respectively, the *collective* teamwork reason, the *individual* teamwork reason, and the *non*-teamwork reason. Kutz's explanations are more vivid than mine but also more open to conflicting interpretations. In this comment I merely wanted to suggest that his main conclusions survive translation into what I regard as a less forgiving idiom. Nevertheless I do want to add a few more specific—and more critical—comments on his piece.

(1) Kutz thinks that the liberal tradition in political philosophy, with its characteristically individualistic conception of agency, has had problems accommodating the role of joint enterprise in public life. He notes that the criticism is "frequently overstated," but still he states it.[11] For my own part, I think that the criticism is mistaken rather than overstated. I am not aware that any of the great liberal thinkers—be they ever so individualistic—have ever had any problems finding a public role for teamwork. To mention only two prominent late-twentieth-century examples, Rawls was always explicit about the public importance of "social unions," understood as joint rather than common enterprises,[12] and Gauthier explicitly identifies society itself as a cooperative effort and a distinct collective agent.[13] The main thing that marks these writers off as individualists in their political philosophies is their view that a public institutionalization of teamwork—or indeed of any public good—must always be justified by the instrumental contribution that teamwork (etc.) makes to the lives of individual people (be they team members or otherwise). Misguided though this doctrine may be in various ways, I find it hard to see anything in Kutz's paper that militates against it. If anything, Kutz's paper lends support to it and wrong-foots those who

11. Kutz, *supra note 2*, at 3.
12. John Rawls, *supra* note 8, at 526-529.
13. David Gauthier, MORALS BY AGREEMENT 330 (Oxford, 1986).

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insist that true teamwork demands a noninstrumental justification. He emphasizes that teams exist first and foremost to perform work (saving the child in the balloon basket, feeding the hungry, running the country) that is not analytically (by definition) the work of teams. It follows that so far as his story goes, the justification of teamwork remains first and foremost instrumental. It is justification in terms of the efficacy of teams as a way of overcoming the contingently (not conceptually) limited ability of individuals to do the same jobs well by themselves and the contingently (not conceptually) unstable character of many-agent action with mere commonality of purpose. Of course, as Kutz hints and I explained, the fact that the justification for a given team's existence is entirely instrumental does not mean that the work of the team lacks intrinsic value. On the contrary, it *entails* that the teamwork has intrinsic value as a constituent of the lives of the team members. But to the best of my understanding, neither Rawls nor Gauthier—nor any other major liberal thinker (since Bentham)—denied this.[14] They denied only that the intrinsic value of teamwork is available as part of the public justification of the team's existence. Error though it may be, this is not the error charged by Kutz.

(2) Kutz distinguishes between teamwork and what Nagel calls a "moral division of labor."[15] I agree (and have already made clear) that teamwork is not the same as a division of labor among the individual team members. It is also not a division of labor between them and some other (as Kutz puts it "external") agent that acts independently of them. But it is a moral division of labor between the individual team members on the one hand and the team itself on the other. The team has reasons to act that are distinct from those of any of its individual members, although whether it conforms to or acts on the strength of those reasons is entirely a function of what its members do and why. In short, the team is an agent, and a rational agent, but not (in Kant's sense) an autonomous agent. In some of his remarks, Kutz may appear to cast doubt on this picture. But I don't think, on reflection, that he means to do so. I think he means to cast doubt only on the rival views according to which (at one extreme) the team is not an agent at all and (at the other extreme) the team has an agency that is not a function of the agency of its members.

(3) I worry about the seamless transition in Kutz's paper from cases like McEwan's balloon story to the so-called "voting paradox."[16] In the balloon story and others like it, the source of the problem is that individual agents lack the ability to ϕ on their own. Their contributions alone would be insufficient to save the infant but are sufficient taken together with those of others. But in the so-called voting paradox, as Kutz sets it up, the real problem is different. It is a problem of unnecessity: My vote is dispensable,

14. Indeed, Rawls and Gauthier assert it: Rawls, *supra* note 8, at 528; Gauthier, *supra* note 13, at 338.

15. Kutz, *supra note 2*, at 7.

16. Kutz, *supra note 2*, at 23.

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the result of the election would have been no different if I hadn't voted. Kutz amalgamates these problems of insufficiency and unnecessity into the so-called "Individual Difference Principle" according to which each agent has reason to act only in proportion to the individual difference that his or her action will make. He regards his own paper as a challenge to the principle. But it seems to me that he needs to disambiguate the two aspects of the principle in order to force the challenge home. There is no reason to think that any team member has any reason to act—a teamwork reason or a non-teamwork reason—when her action even in combination with that of others will fail to achieve (instrumentally or constitutively) any worthwhile objective. And merely keeping a team alive—a team with no other worthwhile objective—is not in itself a worthwhile objective. So teamwork does not solve the problem of insufficiency, if by "solving" it we mean giving someone a reason to try to do what, even in combination with others, he still lacks the ability to do. All that teamwork does, so far as the problem of insufficiency is concerned, is to make it less likely that the problem will *arise*, by augmenting the reasons that people have to keep trying when together they do have the ability to succeed by trying. Teamwork tackles the problem of insufficiency by tackling the problem of instability which would otherwise preserve insufficiency in some many-agent cases.

But when we shift attention to the problem of unnecessity, things are different. Assuming that there are reasons to act as a team (i.e., assuming the insufficiency of any single agent's trying), any single agent's reasons are reasons to act even where success is overdetermined, such that some of some individual team members duplicate the contributions of others. Why? The key elements of the explanation have already been provided. The basic argument for teamwork, recall, is that teamwork helps to meet the problem of insufficiency by helping to meet the problem of instability in many-agent cases. It does so by giving the agents concerned extra reasons (reasons that have what Kutz would call a "horizontal" aspect) to do what they have reason to do anyway. It thereby reinforces their commitment to doing that thing—and to do it by pooling their abilities—in the face of mutual doubts. By the same token, teamwork can clearly give reasons to extra *agents* as well. They serve as an extra precaution against the partial disintegration of the team enterprise. Thanks to these agents, there can be more breaking of ranks—more instability—without undermining the team's success. Yes, these agents duplicate the contribution of others on the team. But only in the same innocent way that teamwork reasons duplicate the contribution of non-teamwork reasons. It does not make the extra agents redundant, any more than it makes the extra reasons redundant. It makes them reinforcing, both in creating fallback ability to replace team ability that is lost by individual breaking of ranks and in creating extra team members whom other team members would be letting down if they broke ranks.

(4) All the same, *pace* Kutz, I find it implausible to think of healthy democratic elections as instances of teamwork. The fundamental error of

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those who find voting paradoxical is not that they neglect the special rational significance of teamwork; their error is that they neglect the rational significance of coordination more generally, whether it be intentional or unintentional. In dissolving the so-called voting paradox, one could offer either a teamwork dissolution or—at the other extreme—an invisible-hand dissolution. It is more plausible, it seems to me, to lean in the latter direction. When democracy is faring well, mutual voter ignorance and the consequent impossibility of adjusting one's intentions to other people's intentions (let alone having *joint* intentions) are a strength of the system, not a weakness. Voters, it seems to me, are best regarded as individual petty bureaucrats who each play an individual role as a tiny individual cog in a huge political machine, each serving as a distinct check and balance on the overmightiness of other larger cogs (such as the legislature and the executive). The importance of there being a large number of such cogs with widely different views and attitudes is sufficient to justify the existence of a social rule (hardening into a legal one if necessary) that all are to vote. That valid rule is a mandatory reason for each voter to vote irrespective of whether, taken on its own, his or her vote will make any difference to the result of the election. It is also a reason for each voter to vote irrespective of whether he or she is aware of the case for its existence. Conformity to the rule works as an invisible-hand mechanism. To fulfill their constitutional role well, individual voters need not be aware of the intentions and actions of their fellow voters and indeed have reason not to adjust their own actions and intentions to the intentions and actions of their fellow voters even when they do know them. Of course there are some situations in which tactical voting, even mass tactical voting, is justified. Then intentional coordination of some kind does have to emerge. But these are, to my way of thinking, mainly crisis situations. Teamwork by voters is usually a sign that something has gone wrong in democracy, not a sign that all is well.

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