

# Whose Rights? A Critique of Individual Agency as the Basis of Rights

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# Framing the problem

- Common assumption in philosophy and economics:  
*individualism of agency* (IoA)
  - I challenge this
- Not necessarily crucial to liberalism (return to this later)
  - But closely connected to *rights individualism* (RI)
- Attack philosophical, formal arguments for IoA

# The case I want to refute

- Kukathas argues for IoA  $\implies$  RI
  - Groups  $\iff$  political structure  $\implies$  indeterminacy
  - Groups temporally fleeting, inconsistent
  - Groups divided (mass v. elite, minorities across groups)
- Formal attacks on group agency: Arrow's most famous
- Arrow: no rational group decision making satisfying weak, plausible axioms

# But individuals are divided as well

- Individuals are divided as well
  - Conflicting and non-fungible desires (May)
  - Optimal computation has conflict (Livnat+Pippenger)
  - Separate neural systems (neuroscience)
  - Inter-temporal divisions (Parfit, Laibson, Elster)
- Individuals show framing effects, indecision, intransitivity
  - ⇒ Formal and philosophical critiques therefore apply to them

# The case against loA (RI)

- So individuals also problematic as agents
- Can qualitative distinction be sustained?
- Couple of arguments
  - ① Individuals can non-coercively unify
    - Groups have mechanisms as well
  - ② Group rights lead to tyranny (over divisions)
    - Tyranny of desires, or reason

# Speculation on broader implications

- I focus on two narrow doctrines
- loA prominent: broader implications for political theory?
- Two points
  - 1 Negative, destructive point: what does this do to...
    - those behind veil of ignorance?
    - case for moral individualism?
  - 2 Constructive point
    - Importance of internal justice
    - Debate about cultural minorities lead to group rights thought
    - ⇒ Libertarian paternalism, liberal epidemics should lead to concern over internal justice
    - Only philosophy can solve these economic debates