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THE ANATOMY OF COLLUSION*

abstract

Received models of cooperative action overlook the way that the social environment itself features in collective intentions; recognising the divergent ways that norms function can help explain how people collaborating covertly are not considered irrational even though the things they are doing are totally contrary to the principles and convictions they sustain as individual agents.

Introduction   "Collusion" is often used to express opprobrium when describing couples or groups cooperating covertly or secretly to achieve aims that those agents themselves may recognise as morally dubious. Collusion of the sort analysed here is inherently social: the individuals involved would not venture to pursue such ends entirely on their own, because the particular strategies employed could not be executed rationally except as joint efforts or through surreptitious teamwork, nor would these endeavours be reasonable to attempt without the expectation of cooperation or tacit consent of others. Collusion occurs within and across hierarchical divisions; for example suppose the candidacy of a worthy applicant with short stature is undermined by a secretary's intentionally misplacing the applicant's dossier and then disregarding its absence, because the secretary is colluding passively with her boss, whose indefensible aversion to short employees is signalled surreptitiously through pointedly timed grimacing or sighing. The secretary's vertical collusion becomes assertive when she initiates, of her own accord, preparation of the interviewing schedule in a way that delays attention to an excellent short candidate until after the deadline, and prioritises the application of the boss's tall nephew whose skill set is grossly inadequate. The search committee chair, aware of this manoeuvre, colludes vertically and passively by doing nothing to avert the sabotage. Then he colludes horizontally and assertively with other committee members by orchestrating their conduct during interviews in a way that undermines the performance of the short applicant with a barrage of intimidating questions and humiliating banter. The committee's scrutineer, witnessing the discriminatory treatment, colludes passively by not reporting it. In consequence of the collusion overall, the short applicant's prospects are defeated.

My aim here is to illuminate and account for the apparent divergence of collusion from other sorts of rational collaboration, but not so as to cast it in a unique light or as an isolated category of collective endeavour. On the contrary, I hope to show how the social environment itself may contribute directly to rationally cooperative intentional behaviour[1] of many sorts, and how the environment in turn gets shaped by accretive repeated episodes of dogmatic

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1 Throughout this discussion I use the terms "intention" and "intentional" always and only to connote episodes of action that are motivated or attempted in ways that would be wrong to characterise as unwitting, reflexive, automatic, absent-minded. Of course it does not follow that in this sense of acting intentionally, an agent can intend or know everything or even anything that actually comes about as the causal effect of what he or she thinks or intends to be doing.

norm-following (both covert and overt). Understanding the intentionality that underlies collusion may help to illuminate socially acceptable hypocrisy, and to explain why sometimes it makes so little difference to the recalcitrance of a social injustice whether the individuals who perpetuate it approve explicitly of doing so or not. The considerations assembled here may also help to account for the typically sluggish pace of a social reform despite its enjoying ostensibly wide commitment and support.

The account proposed follows from suggestive leads of researchers in cognition, anthropology (Burge 2014; Cohen 1981, 1992; Cancian 1975), stigmergic epistemology, swarm theory (Cazangi et al. 2006; Marsh and Onof 2007; Valckenaers et al. 2006) and Amedeo Conte's notion of nomotropism as it has been applied to urban policy analysis (Chiodelli and Moroni 2014).

Models of collective action received over the last three decades have characterised individual agents participating either in (a) large scale, ongoing, institution-dependent coordination – the stockmarket or football tournaments, or in (b) small scale, episodic collaborations – taking a walk, painting a room.

The content of beliefs constitutive of collusion

For instance "structured social groups" (Bratman 1993, p. 98) feature participants' knowledge of institutionalised norms, customs, traditions, and bureaucratic procedures as essential to the kind of habituated and ritual activity that "contribute to the maintenance and renewal of the institutions involved" (Tuomela 2003, p. 159). Examples include "teleconferences, the stock market" (Kutz 2000), academic departments (Bratman 1993), team sport tournaments (Turner 2003), groups that annually go berry-picking (Tuomela 2003). Some theorists argue that these activities require the occurrence of specific kinds of "group commitment" (Tollefsen 2002), or propositional "we-attitudes", "we-beliefs", or "we-modes" of intention (Tuomela 2003, pp.153, 162). Others posit that these large group processes entail the existence of special "plural subjects" (Gilbert 1990, p. 9, 2014).[2]

In stark contrast, theorists have analysed smaller scale projects which "are not embedded in institutional structures and authority relations" (Bratman 1993, p. 98). Examples of such coordination include a couple's taking a walk (Gilbert 1990; Velleman 1997) or painting a house (Bratman 1993), or investigating a murder (Gilbert 1990). Only some of these accounts require a lattice of agents' immediate "interactive knowledge" that directly acquaints and associates all the participants involved with each other's intentions and expectations (Bratman 1993, p. 109, 1999; Chant and Ernst 2008; Gilbert 1990 and 2014; Kutz 2000, p. 6; Searle 2008; Tuomela 2003). On other accounts, participants are attributed with knowledge about the occurrent events that they actually achieve through their coordinated "sub-plans" (Bratman 1993, p. 105) or through their "participatory intentions" (Kutz 2000, p. 20). Principal agents' knowledge is deemed essential according to these models in order to capture just those cases where an outcome is achieved through genuine collaboration, rather than coercive subjugation (Bratman 1993, pp. 104-106), or as the mere coincidental effect of a confluence of simultaneously occurrent but "unshared" intentions (Kutz 2000, p. 20, n. 41).

As different as their views are from one another, the sorts of clandestine collaboration featured in this essay are not captured straightaway by these theorists. Contrary to the models depicting cooperation on a massive scale – like football tournaments and the European Union – the number of passive or active agents participating in a covert operation is usually small. Nonetheless collusion definitely belongs among the institutionally-dependent collaborations that require of participating agents an intimate, working knowledge of the bureaucratic

2 Margaret Gilbert (1990) regards plural subjects as presupposed by any joint activity, not just those whose participants identify themselves as belonging to a structured group.

arrangements and structures which they exploit. Yet unlike the essential allegiance to norm-following attributed to collaborators in models of the large scale (like teleconferencing, football tournaments and the European Union), the mark of colluders is to presuppose a prevailing habit of fidelity to protocol which they themselves flout. To be feasible, collusion relies upon the resiliency of the very institutional structures which participants in the collusion betray (actively or passively). For example, it is only because colluding committee members know that job interviews are generally regarded as reliable and fair threshold indicators of professional demeanour that they could rationally expect to destroy an applicant's chances by surreptitiously sabotaging his interview performance. Similarly, it is only because of the secretary's astute know-how in the conventions of office procedure, her confidence in co-workers' adherence to office protocol, and her belief that she enjoys tacit respect in the office environment, that she can rationally assume the power to disqualify or dissolve an unsuspecting applicant's competitive edge by tampering with his interview date. On the other hand, in the models of group projects on a smaller scale (like painting a room or taking a walk together) some theorists assume that collaborators must have each other's intentions and expectations in view, in order to capture their activities as joint efforts (Bratman 1993; Kutz 2000). But with respect to passive colluders it would be wrong to suppose that knowing what to do must involve caring or having beliefs about the specific expectations and sub-plans of other individuals involved in a collective covert operation at a particular time, or indeed to hold impersonal generalisations about others involved in a collusion. Consider the overseeing scrutineer who played the most crucial part in the sabotage of the short interviewee. He knew that looking the other way was just what he was expected to do, but not because he held true propositional beliefs describing any specific expectations or intentions of those individual committee members who orchestrated the irregularities which occurred at that particular interview, nor because he held more general beliefs about his co-conspirators as a group. This point applies just as well to those who pro-actively initiate a collusion. The secretary who undermined one short interviewee's chances by perverting his appointment date, and who destroyed the application process of another by suppressing his file, executed her sub-plans with the sole intention of winning a promotion for herself and a permanent place in her boss's good books. Even if her co-workers failed to sideline these short applicants, or were never able to get the tall nephew hired, the outcome of these specific collusions that she herself intentionally helped to instigate need not have mattered to her; for in the event of their failure, she believed she would try something else to win the boss's favour. Indeed, she might rationally sustain a calculated disinterest in those outcomes, to absolve herself of blame for any untoward consequences of the office staff's covert mischief. Toward this end, it would be rational for her to remain wholly indifferent to the interests of other colluders – either individually or impersonally as a group – upon whose cooperation the success of her part in the subterfuge was fully dependent (contra Bratman 1993 and Gilbert 2014, p. 66). Nonetheless commitment to collaboration is the essence of successful collusion: given the antecedent conditions in this case, a highly qualified short applicant getting rejected and the inept nephew's getting hired would not be interpreted correctly as the convergent effect of merely coincidental events resulting from independent parties simultaneously pursuing their isolated self-interests.

Yet that is exactly how a third analytic approach would treat these disappointments and rejections: not as the orchestrated handiwork of collective behaviour of the large scale type (football matches), or as the one-off small scale type (solving a crossword puzzle). Instead, some nominalistic theorists depict the unfortunate happenstances of agents routinely disadvantaged in a biased meritocracy as being mislabelled when they are cited as the outcome of specific cases of group discrimination. These nominalists object that

the complaint is based upon misleadingly aggregating stochastic evidence of coincidental occurrences. Michael Levin (1981) attempts to demonstrate that losing the prize, no matter how often, is the probabilistic outcome of discrete incidents where fair competition occurs between self-interested individuals operating in isolation, legitimately relying upon their own atomised potentials gained through rightfully earned or inherited personal virtues and capacities. Levin's account of manifest inequities in a biased meritocracy obfuscates the causal link between prevailing effects of apparent patterns of inequity and instances of successful collusion which do involve individuals' "intentional participation". It is not readily obvious that the intended goals involved must constitute a specifiable intention of a "plural subject" (Gilbert 1990, 2014). Nor is it obvious that participating intentionally in collusion requires individuals' personal commitments to a shared "group-intention" (Kutz 2000, pp. 7, 22, 24). People in collusion may be committed to an outcome that none of them would pursue without the others' commitment or endorsement, yet not because they share thoughts with any specifiable content which constitutes the object of shared commitment or tacit consent. Nor would it be rational for colluding agents to be prepared in every case to mutually *express* or otherwise to concede what they are up to (contra Gilbert 2014, p. 119). To show this, first we need to consider in more detail how social facts may function directly in causal sequences constituting rational collective agency. In particular, we need to appreciate the variety of ways that a collective intentional action is gauged or calibrated as rational in light of many different kinds of norms. These considerations independently support Chiodelli and Moroni (2014) in replacing the familiar concept of "rule-following" with the more inclusive trait "nomotropic" (so dubbed by A. Conte 2012) to characterise an episode of behaviour as rational because the intention to act has taken into account existing rules, norms, formal statutes, conventions and protocols – and here quoting Chiodelli and Moroni: "without necessarily[...] following or acting in conformity with them" (2014, p. 162).

Momentarily I will spell out the variant ways that beliefs may contribute to the reasoned intentionality of collaborating agents, for which I introduce a "collective utility" function that warrants a belief based on its popularity rather than its probability. The label "collective utility" is meant to dub just one of a variety of norms of reason that work in tandem. Recognising that a variety of norms is effective in causing collaborative intentions allows us to explain how rational agents can embrace dogmatic precepts which are patently false. And it allows us to explain how fully rational, enkratic people can do things collectively that blatantly confound the values they profess sincerely as individuals.

To account for this apparent paradox consider that an outcome, which in fact issues from acting collectively in light of prevailing norms, is not always a matter which can be read off from any description of the norm itself. Nor can the effect of a norm follow by inferring from the propositional content of any agent's thoughts about what that norm dictates. The causal effects of a norm are indeterminate from the point of view of fallible agents. One has to consider the empirical circumstances particular to each situation at hand independently of what agents know, to learn retrospectively the outcome of any instance of norm following.[3] We know this from the moral of Chisholm's story about deviant causal chains. But norms can be causally affective in ways not foreseeable, because they affect behaviour perversely. For instance in the story just told, the colluding individuals anxious to protect their job security

3 As Francesco Chiodelli and Stefano Moroni say, "case by case" (2014, p. 163). With reference to Di Lucia (2002) they observe (2014, p. 162) "that there are in fact diverse ways in which a rule may causally influence an action". For a trivial example, consider that young people in modernity habitually defy conservative dress codes. So nowadays in allegiance to the dictates of covert prestige, young men walk around with their trousers falling down – a practice which counts as rational only insofar as it flouts the convention of securing trousers snugly around one's waist.

diligently took account of the requisite protocols constituting their company's recruitment procedure. But they did *not* do so in compliance with the formally, ostensibly intended purposes of the company policy. They did so in order to mimic compliance, hoping for a quite different outcome than the one prescribed by statutory protocol. As for the secretary, only by assiduously contouring her handling of applicants' portfolios in light of statutory rules was she effective in meeting her own ends, commensurate with the covert in-house legacy of excluding short people – the mischief was made possible because of, yet in defiance of, the very antidiscrimination measures that her company sustains to ensure its hiring record remains beyond rebuke. This example demonstrates colluding agents within a complex social environment – characterised by Chiodelli and Moroni following McFarlane (2012) as a "meshwork" or "entanglement" (2014, p. 162) of covert and overt, formal and informal, norms, rules, and conventions.

L. Jonathan Cohen (1981, p. 321; 1992) has argued for a comprehensive treatment of cognitive attitudes that distinguishes between our *believing* an expressible proposition, and our *accepting* something as a policy in the course of practical reasoning. To this we can add Chiodelli and Moroni's (2014) depiction of the Contean nomotropic nature of rationality. Collusion seems to require agents collectively *countenancing* a policy without abiding by or conforming to that policy, but rather by acting in defiance or in resistance to it, or in divergence from it. But the effect would be impossible to achieve, indeed it would be impossible to conceive, were it not for the causally affective role of the policy.

Treating covert norms as features of the social environment

We have just observed that the rational coherence of professing a principle T while colluding with others in behaviour that defeats T, rests on the fact that an agent may make choices that are causally affected by prevailing norms without necessarily formulating propositional beliefs about doing so. Cohen (1981) has shown how testable theories of cognitive competence presuppose that logical norms – not just intuitions or facsimiles of them in the language of thought – are attributable directly to the episodic reasoning of individual human subjects engaged in problem-solving. Following from empirical results such as these, consider that social norms themselves can enter into one's rational choices as well, bypassing truth-functionally contoured beliefs. A social norm, or convention, or perceived expectation of others, can indicate what to think and how to behave without one's formulating distinguishable propositional beliefs about the information conveyed.

Suppose that in conformity with the custom of keeping short people out of my neighbourhood and office, I intentionally refuse to share my work schedule or to rent my house to an applicant because she is short – not because I dislike short people or believe that short people are lazy or that they make bad neighbours. Instead my refusal expresses my concern to be regarded as a good neighbour or employee, together with my awareness that – where I live or work – being a good member of the neighbourhood or the office team entails deterring short people from acquiring residence or employment. This is an assessment I make about my neighbourhood or my workplace itself; it need not be a belief that refers to any specifiable neighbour or colleague, nor to any differentiable group existing as an entity distinct from the social environments that we happen to share. Sometimes, knowledge that contributes essentially to a successful collusion may be about facts constituting the social environment in which the collusion is executed – yet not about the agents engaged in the collusion. In a different part of the country, or at a different workplace or given a different global economic structure, the same neighbours or office staff might well behave very differently towards short people. This consideration suggests that the causal or other determinacy entailed by intending to collude is in some sense "context sensitive" (Gilbert 2014, p. 122) – yet without necessarily being sensitive to facts about the particular other agents whose cooperation is essential to one's plan.

In formulating and carrying out my intention to nonverbally convey that I am a good neighbour or co-worker, I need not believe an articulable proposition that shunning short people and facilitating nepotism have the desirable characteristics of increasing one's popularity and chances of promotion. If I use speech instead to convey the same message, I need not have any beliefs about the sounds or movements I am making in my larynx. I just go ahead and produce the phonemic sounds as I have learned to make them in the appropriate speech context. Similarly I may execute an unmistakable rebuff by turning my back abruptly upon receiving a direct query or request from a short person, without holding a specifiable propositional belief or value judgment about what I think I am doing. Thereby my gesture of disdain exhibits the image of myself that I intended, and in the process I am participating in the collusion required to keep short people at bay. I do a bit more than that; my exhibition reinforces the status quo of the neighbourhood and office environment that I came to meet, wherein it is acceptable – indeed, expected – to exclude short people. Together with my avowed convictions that our company is an equal opportunity employer, and that people of short stature are just the sort with whom I want to work and send my children to school, I commit no *logical* inconsistency through my intentional display of rudeness or my covert sabotage, because the component thoughts comprising my intentionally nasty behaviour need not carry properties that could enter into logical relations with each other or with the propositional content of my sincere commitment to principles of fairness, civil rights and equal opportunity.

Using L. Jonathan Cohen's (1992) distinction, these sketches suggest that I may accept *as a policy* – or as a covert norm guiding my behaviour – the correlation between ostracising short people and being a good neighbour or co-worker, without believing any proposition which expresses that correlation. In this respect, Hector-Neri Castañeda contrasts propositions with "practitions" (1975, pp. 131-141, 207-208, 240, 331-332). Endorsement of a behavioural pattern or norm as rational is always relative to distinct "contexts of legitimacy" that preclude the agent's individual encounter with what she is doing or with the norms she is following (or flouting) in their propositional formulation.[4] The force of legitimacy of a norm may vanish with a change in the social environment, not because anyone has changed their propositional beliefs about short people. For example the covert legitimacy and so too the incentive for shunning short people may disintegrate if there is a change in the economy and there emerge plenty of jobs to go around.

We noticed already that it can be the factual features of the social environment itself that a rational agent must negotiate and which impel conformity on rational grounds. And we saw that this need not involve the agent's own propositional thoughts and judgments *about* those facts. Typically when a person stops en route to where he is going in order to avoid passing in front of a moving vehicle, it is because he fears getting hit by a moving vehicle, not because he fears the experience of getting hit by a moving vehicle. Conversely, it is unlikely that by correcting a foolish belief about short stature I will be sufficiently equipped either to detonate or to bypass or to impede the effects of a dogma that renders it normal and convenient to comply with prevailing covert practices which ostracise short people.

Insofar as an agent's intention is to conform to the dictates of political fashion by doing "the done thing", be it covert or otherwise, cooperative behaviour counts as consummately sensible, demonstrating that social facts themselves can be dominant in the primary reason

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4 Romane Clarke (1980) has neatly laid down the basis for showing that the thoughts comprising an agent's intentions which might participate in a causal sequence cannot all be distinguishable in propositional form without threat of paradox.

for acting intentionally, and covert norm-following is such a fact. So consider colluding as a rational response to prevailing covert norms. Then since a rational agent need not approve of the propositional formulation of a norm in order to follow it, colluders may be causally contributing to the perpetuation of a certain kind of social environment without committing themselves to any truth-functional thoughts about doing so. Covert norm-following may sometimes entail acceptance of a policy which provides the agent a rationally discernible advantage – not because the content of beliefs summoned as the overt basis for that policy are *true*, nor because such beliefs are derived from the agent's avowed principles for right living, but because those ratifying beliefs are *popular.*

Alasdair MacIntyre (1986, pp. 66-69, 79) details how normality of a social environment precludes reason-giving for the bulk of our intentional actions. I must be aware of a social norm, whether it be official or illicit, in order to follow it or to circumvent it or to defy it intentionally. But the content of my awareness of how to do this may be images of activity, or slogans, or emotional states of relative tension or relaxed ease learned through the body language and facial expressions of parents and playmates. People often know how to do what is expected without ever being told explicitly. This may help to explain why it appears to cause so little conventional stir when, as individuals, we avow our belief in principles and personal values on Sunday that diverge from what we practice throughout the week. Rarely is such inconsistency assessed as irrational. Perhaps in a better world it would be; perhaps in this world it should be; but usually it is not.

In and of itself, the social fact that a belief is widely held can be a reliable guide for individual agents choosing to adhere to it, subscribing to "the way things are". A belief whose cognitive value rests not on its truth functional content but on its stochastic frequency of occurrence throughout a population may be referred to as *dogmatic.* Perhaps analogously to pheromones (the olfactory deposits) chemically effecting a social insect's environment, complex phoneme strings may function as intangible fixtures in the social spaces in which we live and work, constituting a plethora of slogans and stereotypes, prejudices, myths, interwoven with (and sometimes masquerading as) epistemically justified beliefs.

Dogma variously provides protection and cohesion, political leverage, consumer incentive, competitive advantage, consolidating influence, solace and social recognition. If dogmatic beliefs form part of the linguistic architecture that shapes the locality in which agents make plans, set goals, and collaborate, then typically an individual's rational intention to conform is composed of both her personal preferences and also dogmatic posits knitted into the immediate social environment upon which her existence at least partly depends. This collective inter-knittedness can be depicted without attributing preferences or commitments to social group entities as specially designed ontological referents.

Explaining the recalcitrance of the social status quo

To spell out more formally the utility of accepting a dogmatic belief, consider a reactionary neighbourhood group G notorious for colluding against short people. Being a hard-nosed conservative as my membership in G attests, I accept the belief P (that short people are inherently inferior); but I do so as a die-hard bigot, i.e. my warrant for believing that P holds only to the extent that I thereby endorse the views of at least one other member of my group G. If no one else believed P, then I would have no rational incentive or warrant for subscribing to P myself. And suppose all members of G use this same standard for assigning subjective credence or collective utility values to their dogmatic beliefs. This would not be the case for other beliefs attributable to members of G, of course, only for those beliefs that might be called dogmatic. To call P a dogmatic belief implies that individual G-members uphold P provided they perceive it to be the consensus view of G, not because P is true. In appraising P for its utility as a "membership norm" (Cancian 1975, pp. 143-147, 152), its truth value need not enter

into the assessment. As a member of G, the only evidence I ever need to warrant my accepting P is the consensual status I have conferred upon it; in other words P is part of the dogma I embrace because doing so affirms my group identity and solidarity. Because I need not have any propositional beliefs about a policy in order to act in light of it, the same sound string or sequence of marks can function to signal a membership norm and also as a propositional belief content. Hence I can act in accord with the slogan that all short people are unscrupulous and undermine office productivity; while simultaneously embracing the belief that my maid, who is short in stature and looks after my children and my silver, is trustworthy and industrious. P bears a value I am labelling its "pure" collective utility if there is *no* incentive for individual members of G to accept P other than the fact that they believe other members do. In the absence of new evidence relevant to P pro or con, the pure collective utility of P accumulates merely with the passage of time, as members of group G who share an acceptance of slogan P also meet and interact with each other without cognitive dissonance.[5] If P serves in this way as bonding material to enhance and strengthen membership in group G, then the (objective) factual status of P need not contribute directly to calculating its collective utility. On the contrary, if there is any relation between P's Bayesian probability and its value in terms of collective utility, it might be inversely proportional: the *less* there is of neutral and impartial evidence available in P's favour, the more its collective utility increases. P's collective utility increases as the objective counterevidence and growing opposition mounts in its disfavour, because the more improbable P is at face value, the better it serves as a testament to the group-fidelity of a member who accepts it. And so, generally, the more improbable P appears, the better it serves to indicate the resilience of G's group solidarity demonstrated by G-members' adherence to P in the face of all opposition.

Thus, dogma is tenacious; but it is also fickle. Being a good neighbour or office mate – like being a good American – may entail despising short people one year and courting their favour the next. The membership norms of my group will change as people sense that others have a new image of what good G-neighbours and employees do, not because anyone has learned new facts about short people.

If the considerations assembled here are tenable, they should help us to analyse how social injustice gets tolerated and perpetuated through covert means by members of privileged groups who individually regard principles of fairness and equity as sacrosanct. This is not to say that membership norms are indelible, nor that collusion is rooted in genomic preference, nor that historically inherited social norms are evolutionarily optimal. On the contrary, this analysis suggests that correcting unjust and inequitable collaboration requires a change in the social architecture comprised of linguistic noise influencing "normal" conduct and partly shaping the rational choices that individuals find advantageous.

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5 This analysis of dogmatic beliefs is consonant with Iñiguez, et al. (2014) who analyses in detail the social utility of different species of lying.

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