There Are no Empty Groups

Extended Abstract

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Mereological group ontology analyses groups as wholes composed of physical parts. Such mereological accounts have enjoyed renewed popularity in recent years (Sheehy 2003, 2006a, 2006b; Ritchie 2013, 2015, 2018; Hawley 2017; Strohmaier 2018), but they have not yet addressed a crucial challenge. How can such accounts respond to proposed instances of groups without members or any other parts? The literature suggests that the Supreme Court can persist when all judges serving on it resign simultaneously (Epstein 2015) and that corporations do not require any physical parts (Smith 2003).

If these supposed examples of empty groups held up to scrutiny, it would undermine the mereological approach to group ontology. Groups cannot be wholes without having parts. In the present paper, I show how mereological accounts can face this challenge and dispel the force of these counterexamples.

To specify neo-Aristotelian mereology, I use Fine's hylomorphic approach as laid out in his 1999 paper *Things and their Parts* (see also Uzquiano 2018). In this text he introduces rigid and variable embodiments. A rigid embodiment has a constituent structure that can be represented as "<a, b, c…/R>", where a, b, c… are objects, R is a relation and the "/" denotes the primitive relation of rigid embodiment. The objects as well as the relations are timeless parts of the whole. According to Fine, a ham sandwich can be analysed as a rigid embodiment of three timeless parts, two pieces of bread and a ham piece. The relation R would be the ham being between the bread pieces.

Variable embodiments are represented as "f=/F/", where F is a principle and there are a series of manifestations f_t. F picks out the objects as manifestations of the embodiment and can be thought of as a function from world-times to things (Fine 1999: 69). The water in the Thames can be analysed as such a variable embodiment where a principle, presumably related to the riverbed, picks out various quantities of water as manifestations. These manifestations are a part of the variable embodiment at the time of manifestations and the embodiment exists whenever a manifestation of it exists.

Fine analyses a car using both resources. It is a variable embodiment picking out a rigid embodiment of a motor, a chassis and other parts at a world-time. The combination of variable and rigid embodiments allows the car to undergo changes in parts, while also capturing that there is a structuring relation to the whole. At each point in time during which the car exists it is manifested by a rigid embodiment of parts, but over time these can be different embodiments. The wheels might be replaced, which entails a change of rigid embodiments, while the car persists.

Following Fine, one can analyse groups the same way as cars (see also Uzquiano 2018). A reading group is a variable embodiment /G/ manifested by rigid embodiments, that is the manifestation of the group at a world-time is a whole with parts standing in a particular relation to each other. If Rory, Paris, and Doyle are the members of the reading group today, there is a rigid embodiment <Rory, Paris, Doyle/R>. Should at a later point Marty join the reading group, then another rigid embodiment <Rory, Paris, Doyle, Marty/R> would manifest the group at that later world-time. The relation could also change, for example, because Paris appoints herself successfully leader of the reading group. Again, that would lead to a different embodiment <Rory, Paris, Doyle, Marty/R'> manifesting the group at

that point. In virtue of being a variable embodiment the group can persist through all these changes of rigid embodiments that manifest it. The theory, however, requires physical manifestations of groups at each point of their existence.

I focus in my discussion on the case of the Supreme Court. It has been a prime example in group ontology (see Uzquiano 2004) and Brian Epstein has suggested it as a candidate for a group which exists at some world-time without members. In his book the Ant Trap, he raises the question whether the Supreme Court existed, "with no members, when the Constitution was ratified, or when the Judiciary Act of 1789 was passed?" (Epstein 2015: 158) In an illustrative example, Epstein also assumes that "once [the Supreme Court] has come to exist, it continues to exist in perpetuity" (Epstein 2015: 159). Accordingly, the Supreme Court will also persist without any members.

This proposal of an empty group is motivated within Epstein's approach to social ontology. According to Epstein, facts about the Supreme Court are not exclusively grounded in facts about its members and some of them are not even partially grounded in facts about the members. The Supreme Court has certain powers, such as revoking the decisions of lower court, independently of its members and one might propose that the Supreme Court has these powers even when it does not have any members. But the Supreme Court can have such powers only while it exists.

As can be seen, Epstein raises multiple questions, which can receive different responses. For the present purposes, the decisive questions are (1) whether the Supreme Court can exist at any world-time without having members; (2) whether the Supreme Court can exist at any world-time without having parts; and (3), if the response to either of these questions is affirmative, whether this is compatible with a mereological account of groups.

One simple solution I will neglect here is to argue that the Supreme Court has other material parts than its members, e.g. the Supreme Court Building. While this would address the difficulty in the specific case of the Supreme Court, it would be easy to adapt the supposed counterexamples to evade this response. It would be too much to require that all candidate groups have non-member material parts.

Instead, I propose, the case of the Supreme Court is best dealt with by comparing it with the case of the US President. The US Presidency was also created prior to the first President being sworn in and the role of the Presidency would also continue if the President unexpectedly died and before anyone else replaced them. Nonetheless, in neither case would one say that there exists a US President although there is no person who is the President. Since the US presidency does not confer immortality, there is no President persisting throughout the history of the United States.

What would persist, I suggest, is a whole that allows for someone to be sworn in and become the US President under appropriate conditions. The federal government is a mereological composite that typically manifests as a rigid embodiment including a President. Likewise, prior to any Supreme Court justice being confirmed, what exists is a whole which allows for a group, the actual Supreme Court, to fill a specific role. The Judiciary Act of 1789 established the federal judiciary and thereby changed the federal government to enable groups to serve as the Supreme Court.

The proposal of groups without members rests on a confusion between type and token. The type Supreme Court can exist in the absence of any justices serving on the court, because it can exist in the absence of a token group. The type Supreme Court has certain powers lacking a material token, in the same way the US President has pardoning power even when there is no token President. It is a power conferred to tokens in virtue of being to a certain type. As soon as we remind ourselves of the type-token distinction, there are no special mysteries here.

What makes the confusion between types and tokens so tempting is that there can always only be one realising token of the type Supreme Court. But that is also the case for the Presidency, where only one person can be the US President at a world-time. Nonetheless, no one would suppose that the US Presidents can persist independently of a physical object and there exists a separate term for the type.

Having accounted for the intuitions in the case of the Supreme Court, I also address how this solution can be generalised to other groups, including limited liability corporations. As a consequence of my proposal, one needs to distinguish a specific type for each corporation from its tokens. There is a Microsoft type in addition to a Microsoft token. Such a multiplication of types might appear counter-intuitive, but I propose it is not unusual within the field of social ontology. We can set up kinds such as the US Presidency without much ado (cf. Epstein 2015).

I will also address the problem that some ordinary discourse seems to presuppose the existence of a group token despite the lack of physical parts. One might say of a corporation lacking any physical embodiment that it still owns abstract assets such as patents. My account is committed to not take these utterances at face value. I will discuss how such property ascriptions can be re-interpreted and propose that we understand them as falling under a subjunctive conditional; that is if the type were to be instantiated, the token would have these properties.

By dispelling examples of groups seemingly lacking members, my paper resolves one of the few remaining challenges to mereological accounts of groups. Consequently, group mereology exerts great appeal and can serve as the foundation of future research, empirical as well as philosophical.