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Author(s)	Fujimoto, Ryoji
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An Attempt to Secure the Status of Collectivities

- From a Ethical Point of View -

Ryoji Fujimoto

Graduate School of Letters, Hokkaido University

ryoji@let.hokudai.ac.jp

I cannot provide a list of necessary and sufficient conditions for holding a collective responsible for the faulty actions of some of its members, but I can perhaps do some of the reflection, which would precede the creation of such a list.

Terrorism and Collective Responsibility, Burleigh T. Wilkins

0. Introduction

During the last decade philosophers have paid much attention to the structure of social reality. Social reality comprises social conventions and norms, social roles and relations, social institutions and artifacts and so on. A good deal of attention has focused on the nature of collectivities, i.e. social groups, associations, and corporations. And some philosophers have explored collective responsibility and group rights.

In this regard, the key question is whether a social collectivity amounts to something significantly over and above the simple sum of individual property. Individualists say that social collectivities are determined by individuals and supervene on individual properties¹. This priority given individual agency is taken by some to require showing that social attitudes can be reduced to individual attitudes. Therefore, they have a negative view of the collective responsibility. Others are opposed to the individualistic view, claiming that a collective action or intentionality isn't reducible to an individual action or intentionality.

In this paper I will consider the above mentioned controversy. My aim in what follows is to undermine individualist assumptions about the explanatory priority of individual agency. I shall do this by arguing that there is as much reason to ascribe action and responsibility to social collectivities as to individual agents. To bring to light the problems involved in collectivities and show the relation to the real ethical issue, I will take up the issue of collective responsibility. Then we are faced with the problem of whether collectives count as moral agents. I give an affirmative to this problem and

¹ According to Tuomela(1989), actions by collectives “supervene” on the actions of the operative members of the collective in such way that the properties of particular collectives are “embodied in” and “determined by” the perspective of the properties of individual members.

provide a warrant for my position.

1. Distributive and Non-distributive Collective Responsibility

Let us begin with a clarification of the notion of collective responsibility. According to Feinberg (1968), people often have some different models in mind when they speak of “collective responsibility”. He classifies the notion of collective responsibility into some groups. These are: *group liability without fault*, *group liability with noncontributory fault*, *contributory group fault: collective and distributive*, and *contributory group fault: collective but not distributive*. It is beyond the scope of this paper to scrutinize his classification. But, it is important to notice the distinction between the notion of distributive or shared collective responsibility and the notion of non-distributive collective responsibility. In the case of distributive collective responsibility, we can attribute moral responsibility or blameworthiness to a whole group because of the contributory fault of each and every member. Since each individual brings about the harm in question purposefully, no one’s responsibility is vicarious. After all, the distributive collective responsibility is simply the sum of all the individual responsibility. In contrast, the notion of non-distributive collective responsibility amounts to something significantly over and above the simple sum of individual responsibility. It is this notion that arouses the philosophical controversy.

Traditionally, it is understood that the notion of moral responsibility grounds moral blameworthiness in the wills of discrete individuals. Most people agree that the collective responsibility would make sense if it were merely a sum of individual responsibility. Because it can be reduced to individual responsibility, they accept the notion of distributive collective responsibility. But they disagree notably about whether collective responsibility makes sense as a non-distributive phenomenon, i.e., as a phenomenon that transcends the contributions of each member of the group.

Defenders of non-distributive collective responsibility argue that the notion of moral responsibility can be associated with groups, as distinct from their individual members, and located in the collective actions taken by groups. They construe groups as moral agents in their own right. And they frequently maintain as follows: While groups understood as collectives generally act through their individual members, their actions don’t coincide with their member’s actions. Nor is their moral agency merely the moral agency of their members or the moral agency of group representatives. Instead, such agency is an agency that is attached to the collective itself and hence not the kind of thing that can be distributed across group members. (Unless otherwise noted, in what follows the term of “collective responsibility” refers to the notion of non-distributive

collective responsibility.)

The notion of non-distributive collective responsibility does not fit into the prevailing philosophical idea on moral responsibility. H.D. Lewis, one of the methodological individualists, challenges the possibility of associating moral agency with groups understood as collectives. According to Lewis(1948), collective responsibility makes no sense because groups, unlike individuals, cannot formulate intentions of the kind normally thought to be necessary to actions and hence groups cannot be understood to act or to cause harm qua groups. He says that "it is the individual who is the sole bearer of moral responsibility". In addition, Lewis worries about the fairness of ascribing collective responsibility to individuals who don't themselves directly cause harm². So, he claims that "no one is morally guilty except in relation to some conduct which he himself considered to be wrong".

These claims each can be related to two philosophical controversies. The first controversy concentrates on the metaphysical foundations of collective responsibility — e.g., is it possible for groups to have intentions, for instance. The second controversy focuses on the consequences of ascribing collective responsibility in practice — e.g., how can we ascribe moral responsibility to groups for harms that only a few of its members directly caused without violating individual responsibility.

2. Intentionality

Methodological individualist's claim is based on the assumption that all actions necessarily begin with intentions. This assumption is very useful to critics because it enables them to write group intentions into the definition of collective action itself and hence render group intentions a necessary condition of collective responsibility³. They say that a collective action must be caused by the beliefs and desires of the collective itself. And how, critics ask, can groups be understood to have intentions? Lewis here claims that actions are associated exclusively with individuals, not groups, and groups, which don't have minds of their own, cannot hold beliefs in the sense required by the formulation of intentions.

Defenders of collective responsibility rely on a variety of strategies to debunk the above claim. Interestingly enough, many defenders don't go as far as to assert that all kinds of groups are capable of acting and intending collectively. Instead, they assert that only particular kinds of groups are capable of acting and intending collectively and being

² Sverdlik(1987) says that "it would be unfair ,whether we are considering a result produced by more than one person's action or by a single person, to blame a person for a result that he or she did not intend to produce."

³ For example, see Corlett's definition of a collective action (Corlett 2001, p.575).

collectively responsible for harm. In this regard, French's classification of collectives is useful. He distinguishes between aggregate and conglomerate collectives. According to French, the former are random collections of persons — e.g. the crowd, mob, rioter, whereas the latter are organized — e.g. nations, corporations. Conglomerate collectives have a characteristic of an “organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization”(French 1984, p.13).

French considers conglomerate collectives to be appropriate bearers of moral responsibility because of some features that they share. In other words, he thinks that some features signal the existence of collective intentional actions that are capable of rendering groups collectively responsible for harm. It is the most important feature of them that is a series of well-ordered decision-making mechanisms through which collective actions can be chosen⁴. A series of well-ordered decision-making mechanisms should permit a conglomerate collective to admit and expel members at will according to its valid rule system. This affords the conglomerate collective the freedom to determine the boundaries of its own membership. By virtue of the well-ordered decision-making mechanisms, conglomerate collectives are able to demonstrate two things that are assumed to be necessary to collective responsibility. The first is a set of group actions that have an identifiable moral agent, — e.g. a governing board or a representative body. The second is a set of decisions that are made self-consciously on a rational basis by the group that take the form of group intentions.

In addition, when we find a fault of a member of groups, defenders of collective responsibility can respond more effectively to the fault than methodological individualists. Under the individualistic view, there is nothing to the individual fault but the individual fault itself. But, defenders of collective responsibility can separate the fault resulting from playing his role in group with the structural defect from his individual fault itself. And we can cope with the fault in a coordinated way. We may make every effort to improve a structure of the group. In contrast, individualists may punish the individual, but they will never hold a view on the reformation of the group. After all, individualists leave the group problematic and another member repeats the same mistake made by his predecessor.

⁴ Other features are (1) a set of enforced standards of conduct for individuals that are more stringent than those usually thought to apply in the larger community of individuals, and (2) a configuration of defined roles by which individuals can exercise certain powers(French 1984).

Some peoples including French argue that collectives are moral agents. David Copp(1984), for example, says that certain collectives, namely conglomerate collectives such as nations and corporations that have rule-governed and highly structured decision-making capacities, can be intentional agents. There are difficulties, however, that confront any claim to the effect that such collectives do act intentionally such that they might qualify as moral agents.

It might be thought that conglomerate collectives do not act intentionally for two reasons. First, they do not act intentionally as individual humans often do. Instead, individual constituents of the conglomerate collective act on its behalf. Another reason why it might be thought that conglomerate collectives do not act intentionally is that it is possible to reduce ascriptions of collective agency to attributions of individual agency in congruence with recognized rule systems. These claims would lead one to adopt some version of moral responsibility individualism.

It seems clear that aggregate collectives do not act intentionally because they do not function according to a recognized formal or informal rule system. Aggregate collectives such as crowds and rioters lack common goals and interests, though their respective members can possess goals and interests. Crowds and rioters are aggregate collectives, and aggregate collectives are simply a loose collection of individual human persons. It seems, then, that such collectives are not plausible candidates for intentional action attributions.

But perhaps conglomerate collectives can act intentionally. In fact, nations and corporation act, though not in a primary way. They are “secondary agents”. A primary agent is one who has the capacity to act on her own intentionally. A secondary agent is one for whom another acts according to a legal or moral rule system intentionally. In the case of secondary agency, both the one on behalf of whom the action is performed and the one performing the action in her name are intentional agents, but in different respects. The secondary agent, for whom the act is carried out, must have the capacity to have the action carried out according to her beliefs and desires. The one acting in her name must be capable of performing her action such that her own doings are caused by her wants and beliefs. For example, an attorney acts on behalf of her clients, and states, corporations. This makes at least some conglomerate collectives secondary agents to the extent that their agents properly represent their putative aims and purposes according to a rule system.

There is no doubt that nations and corporations (and other conglomerate collectives) often *behave* (without intention) according to official rules of their respective systems. But it is unclear that behavior resulting from such decision making is the result of the

intentionality of the conglomerate collectives themselves or whether it is the consequence of the intentionality of certain powerful decision-makers in those collectives. If a corporation's attorneys successfully defend that corporation against all suits brought against it for its alleged corporate wrongdoing, then it does make some sense to say that the corporation vindicated itself from charges. But, it does not necessarily follow from this that what the corporation did constitutes an action. At best, it is a doing-related event. Action entail intentionality, doing do not. So, we require an independent argument to show that what a conglomerate collective does amounts to an action, that is, that what it does is caused by its own wants and beliefs and not merely the wants and beliefs of certain powerful individuals of that conglomerate collective.

An interesting analysis of collective intentionality has been presented by Michael Bratman(1993). According to Bratman's view shared intentions are complexes of appropriately constrained individual intentions interrelated in appropriate ways. The intentions of individuals form a web, and that web is the collective intention. His account is attractive because it captures the widespread intuition that collective intentions should rely on the intentions of individuals, but it also shows that collective intentions are different from collections of individual intentions. I think that the account of shared intention developed by Bratman is fundamentally an account of substantive collective intention.

3. Collective Responsibility and the Values of Individual Freedom

The second controversy concentrates on the consequences of ascribing collective responsibility in practice. Is it possible, participants in this controversy ask, for individual members of a group to be collectively responsible for group-based harms in cases where they did not directly cause it ? In other words, the question is whether the whole community can be held responsible for the harms produced by particular group members. Does responsibility attach to all members of the perpetrator's group, no matter what their actual role ?

Individualists claim ; it is impossible, for it is unfair, whether we are considering a result produced by more than one person's action or by a single person, to blame a person for a result that he did not intend to produce. The very idea of collective responsibility appears to deny the traditional link between responsibility and control, since one's group membership is often beyond one's power of choice, e.g., membership in racial, ethnic or national communities. It also seems to violate the liberal ethics of the "separateness of persons". Rawls(1971) has used this phrase to communicate the idea that each individual has a separate, non-fungible value. According to Rawls, in

assigning responsibility, one must consider each person separately and weigh his moral accountability on the basis of his own actions. The notion of collective responsibility threatens to assign to each member of a group the worst crimes of his fellows, thereby ignoring the differences among, and independent dignity of, individuals. The potential for abuse is significant. In treating the issue of collective responsibility, we must be mindful of this danger. Then, individualists try to establish general criteria for distributing collective responsibility among group members.

Suppose that an interview with a man who survived a massacre committed on his family by some members of a rival ethnic group. He said; I know that not all of them were in on it. Not all of them have blood on their hands. But, you know, not one of them has come up to me and said, "I'm sorry for what my people did". He felt that even those among his neighbors who did not actually harm him or his family owed him something-an apology. It seems that it is difficult to justify this man's claim, but intuitively his reaction is perfectly understandable.

Imagine a person (X) who is a member of an ethnic group that has committed atrocities against another group. X himself, however, has not directly caused any harm. He didn't himself kill, beat, or rape, though many of his group did. Might X still share the responsibility for the crimes? It seems most people would say that he might. For instance, there are many ways in which X might have been an indirect or partial cause of the atrocities. If X publicly advocated violence against the rival ethnic group, he shares a lot of the blame for the resulting harm. If he voted for a political regime that he believed capable of these sorts of acts, and if that regime later went on to commit these acts, X is certainly partly responsible.

Another way in which individuals can come to share in the responsibility for the wrongs committed by their groups is through acts of omission. Suppose that X was in a position to prevent some of the crimes committed by his group without subjecting himself to any unreasonable risks, and that he knew this, but still he did nothing. X would surely share in the responsibility for the outcome. Here, the link between responsibility and causation is broken. In omitting to act, X did not cause the harms in any straightforward sense. Still, the link between responsibility and what is in the agent's control remains. X could have acted but did not. His omission was a choice. Since choice and control are still relevant to the attribution of responsibility, the separateness of persons principle is respected. However, the lack of a causal link does have an effect on our understanding of the sort of responsibility involved. Depending on the details of the case, "shame" may be a more appropriate response to acts of omission than blame.

The reason comes from a consideration of the following situation. A student is beaten in full sight of classmates (X,Y and Z) assembled around him. And, if someone tried to subdue the attacker, things would settle down (all classmates have ability to subdue). Let's suppose that X subdue the attacker. Now, can X's action release Y and Z from their own obligations to subdue, or can Y and Z be blamed for failing in their obligations? In this case, it is obvious that someone (X or Y or Z or X&Y or X&Z or Y&Z or X&Y&Z) ought to subdue the attacker. But, for example, we cannot go as far as to argue that "Z" ought to subdue the attacker. Therefore, we cannot claim that Y and Z can be blamed for failing in their obligations

In my opinion, above-mentioned "ought to" ("someone ought to subdue the attacker") is proper for the *supererogation* and is not relevant with the notion of obligation. So, even if X or Y or Z does not try to subdue the attacker, they cannot be blamed for it.

I have discussed several ways in which people can share in the responsibility when their fellows cause harms. Larry May(1992) says "just as our relationships with others are multitudinous and wide-ranging, so is the domain of responsibility". It is very difficult to give a fully unified account of collective responsibility. But, if we establish the conception of collective responsibility, we will be more likely to act in ways that can reconcile groups in the aftermath of harms and avoid future harms.

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