

Individual Complicity in Collective Wrongdoing

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Abstract Some instances of right and wrongdoing appear to be of a distinctly collective kind. When, for example, one group commits genocide against another, the genocide is collective in the sense that the wrongness of genocide seems morally distinct from the aggregation of individual murders that make up the genocide. The problem, which I refer to as *the problem of collective wrongs*, is that it is unclear how to assign blame for distinctly collective wrongdoing to individual contributors when none of those individual contributors is guilty of the wrongdoing in question. I offer Christopher Kutz's Complicity Principle as an attractive starting point for solving the problem, and then argue that the principle ought to be expanded to include a broader and more appropriate range of cases. The view I ultimately defend is that individuals are blameworthy for collective harms insofar as they knowingly participate in those harms, and that said individuals remain blameworthy regardless of whether they succeed in making a causal contribution to those harms.

Keywords Collective · Action · Responsibility · Individual · Complicity · Kutz

Some instances of right and wrongdoing appear to be of a distinctly collective kind.¹ When, for example, one group commits genocide against another, the genocide is collective in the sense that the wrongness of genocide seems morally distinct from the aggregation of individual murders that make up the genocide. More conspicuous cases of distinctly collective wrongdoing are those in which the contributions of individuals do not, in their own right, appear to be morally relevant. While collectively sending enormous amounts of carbon dioxide into the atmosphere could have a devastating impact on millions of people, an individual motorist producing CO₂ emissions does not, through her own individual

¹While I focus on wrongdoing and blameworthy behaviour, I think my position would apply just as well to right action and praiseworthy behaviour.

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behaviour, succeed in doing any harm or committing any wrong. The problem, which I will refer to as *the problem of collective wrongs*, is that it is unclear how to assign blame for collective wrongdoing to individual contributors when none of those individual contributors appears to be responsible for the wrongdoing in question.²

In this paper I develop an account of individual responsibility for collective wrongs that aims to address the problem of collective wrongs or, in other words, that can explain how individuals can be blameworthy for distinctly collective wrongdoing. In the first section I examine the phenomenon of collective wrongness to determine more precisely what these wrongs are and why they pose a problem for the assignment of responsibility in collective action situations. I argue that what is distinctive about these wrongs is that in collective contexts the normative character of the wrong committed by a group as a whole does not mesh properly with what common sense tells us each of the individual members can be blamed for. In Section 2, I argue that the Complicity Principle offered by Christopher Kutz represents the right kind of approach to explaining how blame for essentially collective wrongs can be distributed amongst individuals who participate in these wrongs.³ In the third section, I suggest that Kutz's overall view, along with those of philosophers such as Margaret Gilbert, limits itself by putting too much emphasis on the relevance of metaphysical conceptions of collective action (Gilbert 2000).⁴ I then offer a modified version of Kutz's complicity principle that, while perhaps failing to provide an adequate account of collective action proper, is better able to solve the problem of collective wrongs than is Kutz's original principle, and is also applicable to a broader and more appropriate range of cases. In the final section I further clarify and defend my view by responding to a couple of objections that have arisen in the literature.

1 Collective Wrongs and Individual Responsibilities

I think the best way to understand collective wrongs is to say that they are instances in which the nature of the wrong committed by a group as a whole does not match up properly with the responsibility we seem to be able to attribute to the group's individual members. In other words, common sense suggests that we can only regard an individual as blameworthy for wrongdoing that she brings about on her own, yet in some collective contexts there is an intuitive sense in which this is not enough. When an individual acts alone she faces limitations in terms of the range of outcomes she is capable of causing, and will often have limited success in bringing about outcomes that fall within that range. But while these limitations will dictate the range of activities for which she can be morally responsible while acting alone, when acting in collective contexts it appears that she can be responsible, in part, for what other contributors cause as well. In other words, in collective contexts, that for which an individual agent is morally responsible can be mediated by the agency of another individual. What I have in mind arises in cases in which the contribution of a given individual group member is either causally insufficient to bring about the group harm, causally unnecessary to bring about the group harm, or both. For an example of the first

² When I refer to an individual as "blameworthy", I mean only that she is responsible for having committed a wrong. I sometimes refer to actions themselves as blameworthy, by which I mean that an individual is responsible for the act and that the act is wrong.

³ Kutz first develops his view in Kutz 2000a. A more comprehensive version of his account can be found in Kutz 2000b, especially Chapters 3 and 4.

⁴ While I will focus my attention on Gilbert, similar strategies can be found elsewhere in the literature. See, for example, Tuomela 2002 and Pettit 2003.

kind of case, consider a scenario in which three individuals, A, B, and C, conspire to stab a victim, D, to death.⁵ Each of the perpetrators manages to land a substantial blow, but each subsequently panics and runs off. Suppose, further, that none of the individual wounds alone, nor any two of the wounds, is sufficient to kill D, but that the three wounds taken together are sufficient to cause D to bleed to death. Intuitively, we want to be able to say that the group has murdered D. However, given the nature of the contribution of each member, it is difficult to see how, on a common-sense understanding of individual responsibility, we can call either of A, B, or C a murderer. In terms of criminal prosecution, we could easily charge each contributor with assault with a deadly weapon, but to do so would hardly capture the nature and magnitude of the harm these individuals have jointly brought about. We could also charge each member with attempted murder, because each intended to kill D. Again, however, this would be inadequate because it would fail to take account of the fact that the victim has died. The problem is that, in the ordinary context of individual action, we are accustomed to holding individuals accountable for the harms that they produce on their own, and this approach leaves us without the tools to hold individuals responsible for the wrongs that they bring about together. Each of the group's individual members can claim that she, herself, did not bring about D's death, and that she thereby cannot be held responsible for that death. This is not to say that our consciences would be troubled by convicting each contributor of murder in a criminal court. A court would not hesitate to convict each participant of murder, but this is merely a legal convention that has become commonplace, and does not explain how we can reconcile what we know about the actual contributions of the individuals involved with our intuitions about that for which they should be held responsible. I recognize the plausibility of the intuition that each participant is guilty of murder. I am only trying to show that wrongs committed in collective contexts can sometimes present us with an awkward mismatch between what our intuitions tell us individual contributors are responsible for as individuals, and what our intuitions tell us about how individual responsibility ought to be understood in collective contexts.

It is this kind of situation that I believe best captures the intuitive force behind the problem of collective wrongs. What makes wrongs collective is not that they can only be performed by groups—one person could quite easily kill another with a knife. Rather, collective wrongs emerge in circumstances where the wrong done by the group as a whole resists being attributed to any of the group's members. To further clarify the nature of collective wrongs, consider an alternate version of our case in which each member's contribution is sufficient to bring about the harmful outcome, but in which none of the contributions is necessary to bring about the outcome. Here, each of A, B, and C succeeds in landing a blow that is, on its own, sufficient to bring about D's death. In this case it may seem a bit easier to charge each of the members with murder, but complications still emerge. If we say that each member can be charged with murder because each has managed to commit murder on her own, we would effectively be saying that three distinct murders have been committed despite there only being one body. Also, it might be open to each individual member to claim that her contribution alone made no difference in bringing about the victim's death, because the victim would have died even if she had not acted at all. In other words, A could claim that she is only properly guilty of, say, vandalizing a corpse while either of B or C is guilty of murder, but either of B or C could make the same sort of claim. Again, in the context of individual action, agents are generally thought only to be responsible for the range of outcomes they are capable of causing, and in this case no one individual makes a difference in terms of bringing about the killing. But because the

⁵ The same sort of example, though used for a different purpose, can be found in Miller 2001.

individuals are acting together there seems to be a sense in which each of them can be regarded as responsible, in part, for what is caused by the other participants.

Perhaps the most problematic case would be that in which no member's contribution is either necessary or sufficient. In our case with the three stabbers, this would mean that any two blows put together are sufficient to kill D, but where one is not sufficient and three would overdetermine D's death. In this final version of the example, it is unclear how we can say that a given member's contribution is enough to call her contribution a murder, while at the same time we seem forced to admit that, strictly speaking, her particular contribution did not make a difference in terms of whether the victim lived or died.

The point of all this is that there are cases in which the nature and magnitude of the wrong that ought to be attributed to the group resists being appropriately attributed to the group's individual members. Collective wrongs in which the contribution of a given individual group member is either insufficient and/or unnecessary to bring about those wrongs are those in which this mismatch between collective wrongdoing and individual responsibility arises. This mismatch is what I have been calling the problem of collective wrongs. What makes some wrongs collective is that they exhibit this kind of mismatch between collective wrongness and individual responsibility. Because we are accustomed to regarding individuals as responsible for outcomes to which their actions make a causal difference and over which they have causal control, it becomes difficult to hold them responsible for collective wrongdoing. So, on the one hand, we tend to think that individuals are responsible for the wrongdoing that they can and do bring about, but, on the other hand, in collective contexts there appears to be a sense in which a given individual ought to be held responsible, to some extent, for the causal contributions of her fellow participants.

2 Kutz's Complicity Principle

As is common in the literature on collective responsibility, Kutz begins his inquiry into the nature of how responsibility operates in collective contexts by developing a general account of collective action. Kutz's view of collective action is particularly distinctive in terms of its commitment to what he calls "minimalism". Kutz's minimalism can be best understood as a response to stronger views, such as we find in Michael Bratman and Gilbert, wherein some sort of mutual responsiveness among agents is required if they are to be said to participate in genuine collective action. Bratman, for example, claims that when two individuals can be said to intend to do something together, "the constitutive intentions of the individuals are interlocking, for each agent has an intention in favour of the efficacy of an intention of the other" (1993, 104).⁶ According to Bratman, for two (or more) individuals to share an intention requires more than that they each intend the same outcome. We can only say that two individuals have a genuinely shared intention if each knows that the other has a sufficiently similar intention, and that each has that intention, in part, because of this knowledge.

Kutz is more than willing to accept that this kind of intentional group activity has a distinctive, and morally relevant, character. He explains, borrowing an example from Gilbert, that "if we are walking together, then each of us must be matching our paces to the other, searching the other for hints that a change in direction would be welcome, taking turns fighting off the brambles, and so on" (2000b, 91). However, if we insist that such

⁶ While Bratman develops a view of collective intentionality he does not offer that view as a means of determining how moral responsibility should operate in collective contexts.

strong criteria are necessary for collective action in general, then we will be forced to exclude many sorts of actions that ought to be characterized as collective. For Kutz, excluding such actions not only leaves us with an inadequate conception of joint activity, but also entails some unacceptable normative conclusions. Put simply, accepting the strong criteria of collective action would allow some individuals who ought to be held accountable for collective wrongs to get away with too much. Here, Kutz is particularly concerned about those who participate in group wrongs, but hide behind an “I’m just doing my job” sort of excuse. He also wants to be able to properly assign blame in cases in which the roles and knowledge of individual participants are deliberately compartmentalized, the most striking example of which being organized crime syndicates.

Kutz minimalist account of collective action centers around what he calls a *Participatory Intention*:

Participatory Intention: An intention to do my part of a collective act, where my part is defined as the task I ought to perform if we are to be successful in realizing a shared goal... (These are) ordinary individual instrumental intentions whose *content* is irreducibly collective (2000b, 81; 67).

An individual can be said to participate in a collective goal provided she sets out to accomplish an individual task that will contribute to that collective goal. All that is required for collective action, then, is that each individual intentionally does her part to contribute to a collective goal, where each member’s conception of that goal sufficiently and actually overlaps with that of the others. By “overlap”, Kutz means the intentional goal of each member has to refer to the same outcome or activity, and “where there is a nonempty intersection of the sets of states of affairs that satisfy those collective ends” (2000b, 94). In other words, the outcome at which each member is directed must have the same extension, so there must be common ground between the various states of affairs that would satisfy each agent’s intention.

All that remains, then, is for Kutz to give an account of how an individual’s participatory intentions allow us to hold her accountable for the collective harms to which she contributes. To this end, Kutz gives us the following principle:

The Complicity Principle: (Basis) I am accountable for what others do when I intentionally participate in the wrong they do or harm they cause. (Object) I am accountable for the harm or wrong we do together, independently of the actual difference I make (2000b, 122).

The *basis* of accountability, or the ground for an attribution of accountability, is intentional participation. The *object* of accountability, or that for which an agent is held accountable, is the collective goal or activity. Thus, the basis on which agents are held accountable is individualistic whereas that for which they are held accountable is irreducibly collective. To borrow Kutz’s example, suppose that in preparation for a picnic, I buy the cheese while you buy the wine. Each of our individual actions is explained by a participatory intention to have a picnic. Kutz makes an informative distinction here between *exclusive* and *inclusive* authors for this sort of action. I am the exclusive author of the cheese purchase, because I performed the action on my own, but we are both inclusive authors of the picnic, because each of us intentionally participates in the picnic. Consequently, we can each be held exclusively accountable for our respective exclusive acts, and can each be held inclusively accountable for our inclusive acts. Common sense dictates that I can be held accountable for the act for which I am exclusively responsible because of the direct causal relation I have to the act. However, my relation to the act of which I am the inclusive author is importantly different.

Both of us are inclusive authors of the picnic, but our relation to that joint goal is purely *teleological*, which eliminates the need for the sort of link between causation and responsibility that we find in individual actions. Because the relevant feature of accountability for collective acts is teleological, individuals can be held accountable for participating in these acts even if their contributions fail to fulfill the overall goal, or even if they fail to make a causal contribution at all.

The strength of Kutz's view is that it allows us to tie individuals to collective harms regardless of whether a given individual makes any causal contribution to those harms. In other words, the complicity principle explains how we can hold an individual responsible for a collective wrong even in cases where her contribution is neither necessary nor sufficient to bring about the collective wrong. Recall that the problem of collective wrongs is that a common sense understanding of individual responsibility leaves us without the tools to properly distribute responsibility among individuals for the wrongs they commit together. Kutz shows how we can modify our common sense understanding of individual responsibility in these contexts, and thereby gives us the tools to make sense of collective wrongs. He cites the Allied strategic firebombing of Dresden as a case where, because of the magnitude and nature of the act, "no bomber makes an individual difference and no bomber has control over the total outcome" (2000b, 122). In the Dresden case, the number of participants in the firebombing was so great, and each participant's individual contribution so negligible, that no individual's contribution could be regarded as either necessary or sufficient in bringing about the harm. Were we to require that individuals must make a causal contribution to a harm in order to be held accountable, we would, according to Kutz, be unable to tie individual bombers to the collective raid. The complicity principle, in contrast, permits us to hold each bomber accountable in virtue of his intentional participation in the disastrous outcome.

Kutz's teleological approach to individual participation for collective wrongs provides a way to assign blame to individual contributors for distinctly collective wrongdoing. What is more, his minimalist approach allows us to understand how collective responsibility operates in a broader range of cases than would be possible using views of collective action such as those of Bratman or Gilbert. In the following section, I will take this minimalist approach a step further in order to account for an even broader range of cases, as well as to de-emphasize the, I think, paralyzing effects of taking views of collective action too seriously in debates over collective responsibility.

3 Complicity, Normativity, and Collective Action

Recall that before defending the merits of the complicity principle, Kutz develops an account of collective action as such, an account he defends on the same sort of metaphysical, action theoretic grounds used by Bratman and Gilbert. However, as I pointed out in the previous section, Kutz admits that his main motivation for developing the minimalist view that he endorses is normative. He wants an account that can cast the net of responsibility wide enough to catch individuals who might otherwise hide behind the excuse that they are simply doing as they are told, as well as an account with loose enough criteria that it can blame members of groups such as organized crime groups that deliberately compartmentalize the roles of their individual members. Kutz is also more than willing to admit that "strategic interaction and responsiveness are essential to many paradigmatically joint activities, such as going for a walk together", and that stronger conditions than overlapping participatory intentions would obtain in such circumstances (2000b, 91). Gilbert seems to

miss the point in her criticism of Kutz's minimalism, saying his "account of collective action fails, at best, to explain the nature of a significant species of such action, namely [inherent mutual accountability] collective action" (2002, 171).⁷ However, that Kutz's view of collective action will include cases that Gilbert's stronger account would exclude does not necessarily count against his view. It is reasonable to assume that what we might call collective action will admit of a broad range of different degrees of cohesiveness, mutual responsiveness, size, organization, and so forth. Regardless of whether these variations suggest that collective action exists on a sort of continuum or admits of discrete levels, there is no reason to assume that one particular mid-level version of collective action or a stronger brand of collective action ought to be the one that determines how we solve the normative problems associated with assigning collective responsibility. To assume, as Gilbert appears to, that identifying a particularly interesting, discrete brand of collective action will solve all our problems with respect to collective responsibility is ill-founded. What we need is an understanding of collective action that will allow us to make sense of the normative problems that arise in collective contexts.

I believe Kutz is right to focus on normative considerations at least as much as more metaphysical ones, and that the appropriate place to look in addressing issues of collective responsibility is the problem of collective wrongs. The central issue is the determination of how to assign responsibility for praiseworthy and blameworthy collective action, regardless of whether the action falls under a heading that action theorists such as Bratman and Gilbert dub collective action proper. The problem, then, is a matter of figuring out how to assign responsibility for wrongs when that responsibility resists being assigned using traditional versions of individual responsibility—namely, those wrongs that are distinctly collective. Kutz himself, however, appears to be hindered by the same strategy employed by Gilbert. He begins with an account, albeit a minimalist account, of what he takes to constitute collective action proper, and then proceeds to offer a view of how we should assign responsibility for collective wrongdoing within that framework. I want to follow up on Kutz's idea that normative considerations should be our primary concern when determining how to hold individuals responsible for collective wrongdoing. Kutz's complicity principle is on the right track, but I believe it should be expanded to include any and all cases in which the problem of collective wrongs arises. Rather than starting with an account of collective action and proceeding to explain collective normative responsibility within that framework, I begin on the normative side with collective wrongs and use these wrongs to supply the criteria for how we ought to make sense of collective responsibility.

Before proceeding I think it is worthwhile to show that my approach may not be as radical as it initially appears. One might object, for example, that by using collective wrongs as the criteria for determining how to tie individuals to collective wrongdoing, I am inviting the possibility of a view so minimalist that it ignores all the valuable insight that could come from a clear understanding of how collective action operates. However, if beginning with an account of collective action keeps us from properly assigning responsibility for distinctly collective wrongs then surely this approach is more of a hindrance than a help. Second, recall that I do not deny that there are more robust brands of collective action that involve more than the production of collective wrongs. I am willing to concede that accounts such as those of Bratman and Gilbert capture a distinct and important social phenomenon. My reason for adopting the minimalist approach here is that understanding how to assign

⁷ By "inherent mutual accountability collective action" Gilbert means the kind of collective action that she argues is partly constituted by the members involved having an obligation to one another to remain committed to a collective goal.

collective responsibility requires that we solve the problem of collective wrongs, and the strong requirements for collective action employed by these authors leave us without the flexibility to do so.

To understand why I believe Kutz's complicity principle needs to be expanded, consider the case I alluded to earlier in which motorists collectively produce emissions that ultimately cause disastrous harm.⁸ The victims of the climate change have been wronged, and the wrong is collective in that no individual motorist's contribution is necessary or sufficient to bring about the harm. One driver's contribution does not produce so much as a small amount of harm, because the CO₂ emitted from one vehicle would easily be converted into oxygen by surrounding plant life. Climate change is precisely the kind of wrong that it takes a group to perform. However, Kutz's complicity principle is unable to accommodate this sort of case because "individual polluters are not intentional participants in a collective act of pollution" (2000b 166–7). While Kutz's principle is broad enough to include individuals who intentionally participate in a collective end without necessarily desiring that end, outcomes like climate change are too remote because they are not the goal of any group or individual and, as such, are not properly speaking "ends" at all. Kutz also explains that contributions to environmental harms are too distant from individual agents' conceptions of their own agency to be plausibly described as the products of intentional participation.

I do not believe these reasons are sufficient to keep us from expanding the complicity principle to cases such as climate change. First, the basis for holding an individual responsible for her contribution should be based on how she ought to understand her agency rather than how she, in fact, conceives of that agency. As Isaacs explains, "the collective context in which our actions take place contains morally relevant information, and... when determining responsibility, it is important to take such information into account" (2005, 273–4). The fact that an individual recognizes, or even that she could reasonably be expected to recognize, that she is contributing to a harm gives us reason to describe her behaviour as a contribution to that harm in a way that secures responsibility. Second, and more importantly, because the climate change case constitutes a collective wrong, only a teleological principle such as Kutz's complicity principle will allow us to assign responsibility to individual contributors. As we have already seen, common sense views of individual responsibility fail in this respect.

Thus, I believe Kutz's principle should be expanded to the following:

Modified Complicity Principle: (Basis) I am accountable for what others do when I knowingly contribute to a harmful outcome that results from our collective contributions. **(Object)** I am accountable for the harm or wrong we do together, independently of the actual difference I make.⁹

This principle allows us to assign responsibility to individuals who participate in harms produced by groups whose members do not necessarily take themselves to be contributing to

⁸ Obviously climate change is caused by more than just motorists, but for the sake of simplicity I will treat motorists as the only contributors.

⁹ It may be appropriate to extend the principle even further by claiming that individuals are responsible for what they *ought to know* are harmful contributions rather than merely for those contributions that they *know* are harmful. The principle could then allow us to hold responsible those individuals who are willfully or otherwise unjustifiably ignorant of the harms to which they contribute. However, to extend the principle in this way would give rise to many questions and concerns having to do with whether and to what extent individuals should be required to educate themselves about the numerous and often veiled consequences of their behaviour. Thus, while I believe the notion of individuals being responsible for what they ought to know they are doing has merit, for the purposes of this paper I will confine my view to the more restrictive claim that individual contributors must know that they are contributing.

a goal as such, but who nevertheless ought to recognize that they are producing cumulative harm. Taking this complicity principle as our starting point, all that would be required for collective responsibility is that each individual recognize that she is contributing to a harmful outcome, and that each individual recognizes that the harmful outcome to which she contributes sufficiently and actually overlaps with that of the others. By modifying Kutz's views of complicity and collective responsibility, we can accommodate a broader range of cases and, more importantly, ensure that blame can be assigned appropriately to individuals involved in collective behaviours that give rise to collective wrongs.

One might object that individuals contributing to what turns out to be a harmful effect when their contributions accumulate cannot, properly speaking, be called a collective action at all, and thereby should not be the subject matter of the effort to assign collective responsibility. However, as I have argued, the problem of determining how to assign collective blame requires that we solve the problem of collective wrongs, and since examples such as the climate change case constitute collective wrongs we require an account broad enough to include such examples. There is no reason to insist that only a more robust view of collective action should count as the appropriate venue in which to understand how collective responsibility operates, particularly if that more robust view fails to account for the normative concerns that arise in collective contexts. There may be something odd about suggesting that motorists causing climate change constitutes an instance of collective action proper, but it should not necessarily matter whether a case fits the mold of a particular conception of collective action.

Moreover, I think it is far from clear that the view I have outlined, minimalist though it may be, is particularly counter-intuitive. There is nothing obviously strange about suggesting that propositions such as "motorists and other carbon emitters have caused climate change" falls under the heading "collective action". Granted, my aim in this paper is not to develop an account of collective action, and I am more than willing to concede that my analysis of how responsibility operates in collective contexts would likely fail as a model of collective action proper. However, if members of a group recognize that they are contributing to the same harmful outcome then it seems reasonable to suggest that there is at least some sense in which they are *acting together*. Notice also the way adopting my analysis of collective responsibility eliminates the burden of having to employ a more robust view of collective action. Gilbert, for example, wants to show that collective action necessarily involves collective agency, which requires that she develop a conception of collective action robust enough to include genuine collective agency. By accepting a minimalist and more normativity-oriented view we are no longer saddled with the burden of requiring such a strong account of collective action, and are at liberty to consider weaker accounts that are better suited for solving problems having to do with collective moral responsibility.

4 Objections

4.1 Are All Who Are Complicit Equally Responsible?

The first problem I want to respond to is that my position appears to entail the counterintuitive result that minor individual contributors can be responsible for committing whole collective wrongs. It seems plausible enough to say that a head of state can sometimes be responsible for a whole country invading another or that a CEO can be responsible for the action of a whole corporation, but surely individual group members with little control over a group's behaviour should not be held to the same standard. Because my version of the

complicity principle says that individuals are responsible for collective wrongs in virtue of a teleological connection to a collective goal without regard for their own causal contributions, it becomes difficult to see how one might distinguish between the varying degrees to which different contributors ought to be regarded as blameworthy. After all, every contributor has the same connection to the collective goal in the sense that each is connected in virtue of having a participatory intention.

The first concern, then, is that the complicity principle appears committed to regarding each contributing member to a collective wrong as equally and wholly responsible for that wrong. My modified version of the principle is just as vulnerable to this concern as the original version offered by Kutz, and critics of Kutz have already taken notice of the problem. Isaacs points out that, according to Kutz's complicity principle, "Anyone who has a participatory intention fulfills the same criterion for inclusive responsibility" (2005, 282). In a case such as genocide, for example, it seems those who play a leadership role are accountable to a greater degree than the minor players who merely follow orders. Leaders tend to have authoritative control over what ends are set for a group, as well as over the means by which those ends are carried out. Speaking of State legal responsibility, May articulates this point by explaining that "... the leader epitomizes the intent of the State, and is the one who is at least presumed to intend what is allowed to be done by the members of the State" (2005, 142). Because heads of state, corporate executives, and similar leaders are in a position to set a group's agenda, see that the agenda is carried out, as well as monitor and correct the behaviour of subordinate group members, these leaders can be regarded a responsible in a strong, and perhaps holistic sense for a group's wrongdoing.

Kutz, however, tells us only that each participant is inclusively responsible for the same collective goal, but leaves us without a clear ground for distinguishing between the various degrees to which each individual contributes. Gilbert makes the same sort of observation, citing Kutz's treatment of the allied bombing of Dresden. She states that if we give a strong reading of Kutz's view, we "might reasonably blame any given bomber for the destruction of the city", which seems desperately counterintuitive (Gilbert 2002, 181). Alternatively, claims Gilbert, inclusive accountability could mean nothing more than that onlookers would be justified in chastising any given bomber for the destruction, which would be true but uninformative. It seems that Kutz's complicity principle fails to take account of the way the different roles and causal contributions individuals carry out in collective contexts affects the extent to which a given individual is responsible. My version of the complicity principle is, if anything, more vulnerable to this charge, because my version extends the principle to include contributors too remote to fit into Kutz's framework. I will address the issue of the relevance of causal contributions in the next section, but first we can focus on another important sense in which different members can be regarded as responsible to varying degrees for collective wrongdoing.

I think a useful starting point in responding to the objection can be found in Kutz's work, where he briefly addresses the issue of degrees of responsibility by looking at an example involving of a mine manufacturing company that develops and sells mines to Third World countries. He looks at the various roles played by a vice-president in charge of sales, a mid-level engineer, and a shipping clerk respectively. Kutz says, for example, that the engineer is a difficult case because we can say he intends the company's harmful collective goal under some descriptions but not under others:

Described as 'doing his part of producing control modules,' or even 'doing his part of producing whatever the company sells,' he both works toward and identifies with the collective end; described as 'doing his part of selling land mines for Third World

conflicts,' he does not. The engineer need not intend this sale, much less the inevitably resulting civilian casualties (2000b, 157).

Kutz insists the engineer's intentional participation in the company's goal implicates him in that goal, but Kutz acknowledges that the engineer is accountable to a lesser degree than, say, the vice-president. This is because the nature of the vice-president's job is such that "she must identify with [the mines'] sale and use, and so must associate herself directly with their morally relevant characteristics in the course of doing her job" (2000b, 159). Kutz uses a spatial metaphor to characterize the difference between the various employees, saying those who intend the collective goal could be regarded as at the core of the company's activity, while those who merely participate are at the periphery.

But amidst all this talk of association and peripheries we still do not have a clear sense of how each employee can be responsible to a different degree. In fairness to Kutz, in this section of his book he seems more concerned to show that these minor players can be held responsible for collective acts in general, rather than to show the varying degrees to which each can be held responsible. But while Kutz may want to embrace the view that degrees of responsibility vary, it nevertheless seems that Kutz's complicity principle commits us to accepting that each contributor has the same object of responsibility, namely the whole collective end. At this point it becomes tempting to return to a more common-sense understanding of individual responsibility, according to which individual participants can only be responsible for the causal contributions that they contribute to the collective goal. However, as I explained above, responsibility for distinctly collective wrongs resists being appropriately assigned based on individual causal contributions. Causal differences might wind up coming into the picture in some way, as I will discuss in the next section, but they are not necessary for someone to be complicit in wrongdoing. Nevertheless, how can an account of individual responsibility in collective contexts fail to acknowledge the moral difference between a CEO who has a great deal of control over a collectives' behaviour and a shipping clerk who does not?

Now Kutz is well aware of the sort of distinction mentioned above between CEO types who have directive control over a group's actions and those who are less influential participants. He refers to the former kind of agent as holding *executive intentions* whereas the latter hold *subsidiary intentions* (2000b, 106). Agents in an executive role intend the collective outcome conceived as a whole, and play a characteristic role in generating, commanding, or determining other intentions in order to achieve that outcome. Individuals with subsidiary intentions, such as the engineer and the shipping clerk in our example, rationalize their activity with reference to the executive intentions, and the content of their intention is the achievement of a part of the total outcome. While we are fairly comfortable holding executive agents accountable for whole collective wrongs, Kutz owes us an explanation as to how we can hold subsidiary agents similarly accountable given that their contributions are less substantial. I think that by examining the relationship between executive and subsidiary intentions we will be able to explain how the complicity principle can accommodate varying degrees of responsibility.

When we say that the CEO has an executive intention to bring about the collective harm of selling mines, we are essentially saying that she aims at that goal, tries to achieve it, chooses actions on the basis of their contribution to it, and monitors her success in achieving it. But an agent who behaves this way in relation to a goal or other outcome also exhibits another characteristic: she treats that goal *as though it is valuable for its own sake*.¹⁰ The

¹⁰ I am borrowing this point from Alison Hills (2003).

CEO may be more interested in her own goal of making money *for its own sake* than in the company's activities, but the nature of her executive intention is such that she must treat the company's ends *as though they are ends in themselves*. Even if her primary interest is in making money, she nevertheless must aim at the goal of manufacturing and selling land mines, try to achieve it, choose actions on the basis of their contribution to it, and monitor her success in achieving it. In other words, the nature of her role as an executive is such that she cannot help but treat the company's goals as though they were her own, because her role is such that it forces her to treat the company's goals of manufacturing and selling landmines as though they are ends in themselves. The CEO cannot disassociate herself from the goals of the collective because the nature of her work is such that her success depends on achieving ends that are identical to the ends of the collective. Regardless of whether the CEO actually regards the goals of the company as inherently worthwhile—and I am sure it is often the case that CEO's do not—the nature of her work is such that she treats those goals *as though* they are inherently worthwhile.

I think this last point can help us find a morally relevant link between executive and subsidiary intentions. Consider the vice-president in charge of sales, who, upon reflection, may only regard achieving success as a salesperson as worthwhile in itself. Even if her primary interest is her own financial gain, the nature of her work is such that she cannot help but treat the overall company goal of getting mines to Third World countries as though it is an end in itself. Kutz explains that the vice-president, "...in carrying out her duty, must focus on the project of encouraging consumption of the mines, perhaps by stressing their destructiveness or their reliability" (2000b, 159). She may not like to regard the company's ends as her own, but the nature of her work forces her to treat those ends as though they are inherently worthwhile. She must aim at those ends, try to achieve them, choose actions on the basis of their contribution to them, and monitor her success in achieving them.

The engineer and the shipping clerk are in similar situations, though to increasingly lesser degrees. The engineer must design and build the mines in a way that will ensure their destructiveness. His work places him in a more remote and compartmentalized role than that of the vice-president, so his job does not serve as a constant reminder of the harmful ends to which he is contributing. But by focusing his effort on the creation of working, destructive mines, the engineer cannot help but treat the company's harmful collective goal as his own end. The shipping clerk's place is, of course, even more remote and compartmentalized. He is forced to recognize that, by ensuring the company's "packages" get to where they are going in good order, he commits himself to doing his part in helping to carry out the collective goal. His involvement, however, does not require the same company goal-oriented focus as does that of the vice-president or the engineer.

All of this is meant to show that the notion of inclusive accountability can accommodate our intuitions about varying degrees of responsibility. It should be noted that while the example I have borrowed from Kutz involves a collection of people contributing to a collective goal, the same approach to understanding varying degrees of responsibility can be applied to my view, according to which only foreseen outcomes, and not necessarily goals, need be in place in order for individuals to be responsible contributors. Individuals can be responsible for foreseen outcomes insofar as their contributions treat a harmful collective outcome as though that outcome is inherently worthwhile. By treating the collective goal or outcome as worthwhile in itself, each participant is accountable in virtue of her intentional contribution to that goal or outcome. However, the extent to which each agent cannot help but treat the joint goal or outcome as her own worthwhile end varies and, as such, the degree to which each agent is responsible for the collective harm also varies. Put another way, individual participants are responsible in proportion as their contributions

become inseparable from the collective outcome. The idea here is that there are different degrees to which we can be warranted in describing a given agent's action as a contribution to collective action. It is true that we are only justified in holding agents responsible insofar as we are justified in describing their acts as contributions to collective wrongs, but the problem is that whether we are warranted in giving such a description is not a simple either/or question. Though we can describe both the CEO's and the shipping clerk's actions as "contributions to the sale of landmines", these two descriptions are warranted to different degrees. Here, the object of accountability is still the collective outcome as a whole, but there are different degrees to which a given agent can be regarded as intending that whole outcome. The difference in degree does not come from how much the agent contributes, but from how closely her contribution commits her to the collective goal or outcome. The nature of a given agent's intention captures her own conception of her plan of action, and is a much needed part of any accurate description of her behaviour.

Notice that this kind of talk of 'degrees' is very different from trying determine the extent of an individual's contribution by looking at the amount of harm she actually causes. It would be difficult for a causal contribution oriented approach to measure degrees of accountability in a case such as the mine manufacturing company, because in collective contexts such as these it seems strange to suggest that different individuals contribute to different causal degrees. The vice-president, the engineer, and the shipping clerk all appear to play causally necessary roles, in the sense that the company could not run without each of them. To illustrate this last point, we could easily imagine that the shipping clerk works his fingers to the bone in 12 h shifts, whereas the vice-president is only called in from time to time to make particular kinds of decisions. In this version of the example the clerk appears to be doing a lot more causal work than the vice-president, but this would not prevent us from wanting to hold the vice-president responsible to a greater degree for any harmful actions the company might commit. The inclusive responsibility approach focuses on the nature of an agent's intention to determine the degree to which she can be legitimately regarded as a contributor to the collective act. When we employ a teleological rather than a causal basis of responsibility, differences in degrees of responsibility turn on the kind of contribution rather than on the amount of contribution. If two people have the same engineering job, and thereby act with roughly the same intentional structure, then whether one of the engineers manages to produce more mines per day than the other will not make a difference to our being justified in describing each of their acts as the same kind of contribution to the company's goal. The two engineers can be regarded as the same kinds of contributors to the joint project independently of the extent of their respective causal contributions.

To be sure, it will not be easy to determine to precisely what extent, say, the engineer can be held more accountable than the shipping clerk. These are definitely not the sorts of distinctions that can be given a clear numerical value, and the details would have to be worked out on a case by case basis. Still, if it is true that an individual's intentional content determines the extent to which her action can be regarded as contributory, then this remains the right approach to take even if it is painstaking and complicated.

4.2 Complicity and Causal Contribution

The second problem is the related point that completely removing the relevance of the causal contributions of individuals seems too strong. Recall that in the first section I showed that the problem of collective wrongs amounts to there being a mismatch between the wrong a group commits and the apparent causal contributions for which we can hold individual contributors responsible. It is no surprise that solving this problem thereby requires an

approach that deemphasizes the importance of causal contributions. However, by making individual causal contributions unnecessary, the complicity principle appears to go too far in that there remains an intuitive sense in which the causal contributions of individuals should play some role in assigning blame to contributors. Thus, either the complicity principle should be modified to include a place for causal contributions, or the principle should be given further justification.

Critics have already taken notice of this problem with Kutz's principle. Gilbert, for instance, says it does not seem that "one can be blamed for 'what one wills' in the sense that one can be blamed *for that something's coming to pass*" (2002, 182–3). Isaacs adds that "...one cannot be responsible, neither morally nor legally, neither partly nor wholly, for participating in a collective action that does not take place" (2005, 282–3). By placing the ground of accountability solely within the content of an agent's will, the complicity principle appears to miss out on much that we tend to regard as relevant for ascriptions of responsibility. Kutz appears to fall into this problem with the example of the Dresden bombing, when he insists that the bombers are responsible even though "no bomber makes an individual difference". But had no bomber make a causal contribution, there would be no disaster to speak of, and nothing for which to take responsibility.

I think Kutz's worries about the place of causation are well-founded and deserve some defense. Here are three reasons we should be sympathetic to his concerns, and to his reluctance to incorporate a causation requirement into the complicity principle. First, it is not as obvious as it may seem that causal contribution can explain our intuitions about the extent to which individual contributors are responsible for collective wrongs. This is the point I alluded to earlier about how it is difficult to find a difference in causal contribution between the vice-president, the engineer, and the shipping clerk. Our intuitions tell us the shipping clerk is less responsible than the vice-president, and it is tempting to account for this intuition by claiming that the shipping clerk's causal contributions are minimal compared to those of the vice-president. However, it is not clear how the notion of "cause" would be applied here. In what sense can we say the clerk somehow caused less than the vice-president? If we apply a counterfactual test and ask whether the collective goal could have been carried out in the absence of a given sort of agent, then the shipping clerk will pass just as easily as the vice-president, because the mines will not reach their destination without being shipped. As I have already argued, it seems more appropriate to look at the *kind* of contribution an agent makes if one wants to determine her degree of responsibility.

Second, we should be wary of our inclination to treat an agent's causal efficacy as though it must be indicative of her intention. If two individuals set out to contribute to a genocide and one agent kills ten people while the other kills none, then we tend to assume that the former agent was more committed to the genocide, whereas the latter may have been uneasy, reluctant, or whatever. Certainly in a court of law we may be justified in using the extent of an agent's causal contributions as evidence of her intentions. But here causal contribution is only evidence of an agent's intention; it is not something required to legitimize that intention. Two individuals can be equally committed to bringing about a collective goal regardless of how the results turn out.

Finally, if an agent's failure to carry out her collective intention keeps us from holding her responsible, then this may be no more interesting a problem in the collective case than it is in cases of individual action. When an individual attempts, but fails, to commit murder, our blaming attitudes are less severe than when she succeeds. Suppose the same agent were to wake up in the morning with a genuine intention to commit murder, but she slips, hits her head, and completely forgets about the whole project. We would not want to hold her accountable, and we might even wonder whether it is meaningful to say she had an intention

to commit murder. Similarly, if an agent genuinely intends to contribute to genocide, but discovers no one else is interested and gives up, then it would be absurd to hold her responsible for genocide. As in the case of the individual murder, evidence of success, or at least evidence of near success, affects the nature of our intuitive responses.

The more interesting case to look at here would be one in which a given individual fails to execute her plan to contribute to a collective harm, but where the harm takes place anyway through the efforts of others. Imagine, for instance, an intentional participant in genocide who, despite her best efforts, fails to contribute to the killings. We would not say that her failure exempts her from responsibility in the same way as with the individual attempted murderer, because he intentionally participates in the genocide along with all the others who succeed in carrying in out. Unlike the lone attempted murderer, the genocide participant's intentions can be carried out by those with whom she jointly acts. Cases involving unsuccessful attempts are difficult to address in both cases of individual behaviour and individual participation in group behaviour. However, I do not think the problem is greater in collective contexts. It seems a plausible intuitive fit to say that once someone commits to contributing to an outcome along with others, her being blameworthy for her participation is not as sensitive to the extent of her causal success as it would be in a straightforward individual case. That the complicity principle deemphasizes the importance of causal contributions is thereby at least as much a strength as a weakness of the principle.

But the problem does not end there. Consider once again the individual genocide participant who fails to contribute to the killings despite her best efforts. Even if making a causal contribution is not necessary to attach the individual to the harm, surely her lack of causal contribution must bear some relevance in determining the extent to which she is blameworthy. However, I want to suggest that the *kind* of role each participant plays determines the context in which we can assess the moral importance of her causal contribution. The first step in determining the degree to which a participant is blameworthy is to ask how warranted we are in describing her action as a contribution to the collective wrong, or what I have been calling the kind of contribution she makes. Only after establishing this can we then ask how great a causal contribution she has made within the context of her particular brand of contribution. To illustrate what I have in mind, consider again the engineer and the shipping clerk from the mine manufacturing company. First, the engineer is blameworthy to a greater degree than the clerk because we have a stronger warrant for describing the engineer's behaviour as a contribution to the company's goal. So the engineer is more blameworthy, first, because of the more incriminating kind of role he plays. Second, we look at how much each agent has causally contributed in her respective role. Intentional participation and causal contribution are ultimately both relevant in assessing the degree to which a participant is blameworthy, but the latter can only be calculated within the context of the former.

While appealing to the distinction between kinds of contributions and degrees of causal contribution may help to make the complicity principle more plausible, there may remain a concern that the complicity principle casts the net of blame too far. The shipping clerk, for example, is very far out on the periphery of the corporation's behaviour. He must have some entitlement to earn a living and perhaps even, say, support family members, and to regard him as blameworthy in any way for the corporation's wrongful behaviour may appear to set an overly demanding view of responsibility. Holding a motorist responsible in any way for climate change could appear even more extreme, particularly were we to consider an example of someone who must drive a car in order to do very noble or charitable work.

In response to this last objection about demandingness, we first need to look once again at the different kinds of contributions individuals are making and at the sometimes negligible causal differences they make. The roles of the shipping clerk and the driver only bear a

remote relation to the collective goal and outcome respectively, so the view I have outlined is perfectly capable of recognizing the fact that we only have a small degree of warrant to describe their actions as contributions to the goal and outcome. In this way the complicity principle can acknowledge that these sorts of contributors could only be blameworthy in a very minimal sense. The driver's responsibility is particularly minimal, because in addition to playing a remote kind of role in bringing about climate change, she also makes an incredibly small causal difference. Second, as is the case with isolated individual actions, we can accept that there may be features of a given individual contributor's circumstances that justify what would otherwise be blameworthy behaviour. If the shipping clerk faces limited options for employment and has a family to support then his behaviour is almost certainly justifiable, especially given that his contribution to the corporation's wrongdoing is very remote and thereby would not require very strong justifying circumstances. The driver could easily justify having to do a certain amount of driving, because those of us who live in the developed world operate within a social infrastructure that nearly requires of us that we sometimes drive a car as well as that we contribute to the carbon in the atmosphere in numerous other ways. The complicity principle is meant to implicate individuals in collective wrongdoing, but our being implicated in wrongdoing does not necessarily mean that we are blameworthy when all circumstances are considered.

5 Conclusion

I have argued that collective wrongs are those for which a common sense understanding of individual responsibility does not allow us to properly assign responsibility to contributing group members. I then offered Kutz's complicity principle as an alternative to the common sense view of individual responsibility which can explain how individuals can be responsible for collective wrongdoing, but argued that the principle needs to be modified to accommodate instances of collective wrongdoing that are not covered by Kutz's principle. By adopting weaker conceptions of individual complicity and collective responsibility, we are in a better position to properly assign responsibility in the range of cases in which distinctly collective wrongs emerge.

Moreover, the complicity principle can account for the varying degrees to which individuals contribute to collective harms better than one might initially suspect. Individuals are responsible for collective wrongdoing insofar as they intentionally contribute to harmful collective goals or outcomes, but the extent to which we are warranted in describing their respective actions as contributions to those goals and outcomes varies from one contributor to another. Our ability to hold different contributors responsible to different degrees is explained by variations in the extent to which we are warranted in describing their actions as intentional contributions. By centering on the wills of individual participants, the complicity principle is able to take note of the fact that individual contributions vary in terms of how closely they resemble the collective goal. Causal contributions can still be relevant, but only within the context of the kind of role played by the participant.

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