RESPONSIBILITY FOR GROUP TRANSGRESSIONS

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ABSTRACT

This dissertation seeks to develop a novel account of the responsibility members of a group bear for transgressions in which they did not participate. More specifically, the dissertation argues that individual members of a group may be blamed for group transgressions independent of their participation in those transgressions, and it grounds their blameworthiness in a normative conception of membership. The account developed here is intended to apply to any institutional group – the university, corporation, advocacy group, nation-state, etc. Throughout the dissertation, I make reference to each of these kinds of groups (and some others) but the account has been developed with an eye to a special problem – *viz.* the problem of assigning responsibility to American citizens for U.S. wrongdoings in the course of the war in Iraq. In the last chapter of the dissertation, I address this problem, contemplating the responsibility borne by not only the generic citizen who neither supported nor opposed the war but also the citizen who did everything in her power to protest, and thereby prevent, the war and the abuses committed in its course.

The dissertation has four main objectives: First, the dissertation seeks to ground skepticism about the notion of collective responsibility (Chapter 1). Second, the dissertation seeks to offer a critical examination of existing theories of shared responsibility, and to argue that they are ill equipped to elucidate the nature of a group

member's responsibility in cases where the group is large and longstanding, and its aims diverse and sometimes even contested by the group's members (Chapter 2).

The third and central ambition of the dissertation is to provide an account of shared responsibility for institutional groups. Along the way, the dissertation develops a normative understanding of group membership (Chapter 3). The dissertation then builds on this normative understanding to describe its implications for assigning responsibility for group transgressions (Chapter 4).

Finally, the dissertation ends by seeking to apply the account of shared responsibility to the question of Americans' responsibility for human rights abuses committed by the U.S. government in the course of the war in Iraq (Chapter 5).

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INTRODUCTION

The children of Nazis feel deep shame, and sometimes even guilt, about the acts of their parents.[1] Opponents of George W. Bush vote against him in the 2004 election, and yet post photos of themselves holding signs saying, "I'm sorry," after he wins.[2] Soldiers readily kill the enemy in battle because they perceive themselves to be mere agents of a state to which the killing will ultimately redound. Corporate officials apologize for injustices committed by their corporation, or even its predecessor in interest, decades and centuries ago – well before the executives in question could have had any hand in the injustice.[3]

In short, we belong to groups whose acts we do not always participate in or support. Under what circumstances do we, as members, bear responsibility for these acts?

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[1] *See, e.g.*, PETER SICHROVSKY, BORN GUILTY: CHILDREN OF NAZI FAMILIES 39 (Jean Steinberg transl. 1988) ("My parents, they're already roasting in hell. … But they left me behind. Born in guilt, left behind in guilt."); DAN BAR-ON, LEGACY OF SILENCE: ENCOUNTERS WITH CHILDREN OF THE THIRD REICH (1989); STEPHAN AND NORBERT LEBERT, MY FATHER'S KEEPER: CHILDREN OF NAZI LEADERS – AN INTIMATE HISTORY OF DAMAGE AND DENIAL (Julian Evans transl., 2001).

[2] For a gallery of these photos, see *Sorry Everybody*, *at* http://www.sorryeverybody.com/index_old.shtml. (The website was updated in the wake of Barack Obama's presidential victory, with individuals holding signs saying things like, "Hello World! Want to Hang Out?" or "Obama won. No apologies needed." The new photo gallery is introduced as follows: "Hi, world. Remember four years ago, when we screwed up and then we were really sorry? You'll never guess what just happened." The use of the first-person plural is noteworthy, given that the individuals photographed did not themselves vote for Bush in 2004. *See Hello Everybody*, *at* http://www.sorryeverybody.com/.)

[3] Consider, for example, Wachovia Bank's apology to "all Americans and especially to African Americans and people of African descent," issued after Wachovia learned that its predecessor owned slaves and accepted slaves as collateral, *at* http://www.wachovia.com/misc/0,,877,00.html. *See generally* Roy L. Brooks, Institutional Atonement for Slavery: Colleges and Corporations, Repairing the Past: Confronting the Legacies of Slavery, Genocide, & Caste, Yale University, New Haven, CT, Oct. 27-29, 2005.

What about these circumstances licenses an assignment of responsibility to us? And what does it mean to hold us responsible – to what kind of treatment may we legitimately be subject? These are the central questions of this dissertation.

Though the literature on responsibility is vast, the literature addressing the responsibility of groups and their members is relatively modest.[4] Theorists of collective responsibility acknowledge that it "has enjoyed few philosophically sophisticated defenses," and is "one of the murkiest and least explored topics in moral philosophy."[5] This dissertation seeks to engage with the existing literature on group responsibility, identify its weaknesses, and offer a novel account that would justify our holding members of groups responsible for a group transgression independent of their personal participation in that transgression.

More specifically, the dissertation articulates a normative conception of group membership according to which members are subject to demands of loyalty both to one another as well as the joint endeavor that unites them. The demands of loyalty take many forms but most relevant here is the demand that the member not seek to disclaim responsibility for a group transgression, *even if she did not participate in that transgression*. Instead, she must stand alongside her fellow members and recognize that the group wrong appropriately redounds to each of them.

In this way, the dissertation's central claims are at odds with two dominant views in ethics and the law. The first, and more controversial of these, is the view that collectives are entities that may be held responsible in their own right – a view that

[4] Eric A. Posner & Adrian Vermeule, *Reparations for Slavery and Other Historical Injustices*, 103 COLUM. L. REV. 689, 706 (2003)
[5] MARGARET GILBERT, SOCIALITY AND RESPONSIBILITY 142 (2000).

enjoys a (recently) established philosophical pedigree,[6] and supports legal doctrines like corporate criminal liability and state responsibility for war crimes. The second view, which dominates much moral and legal thinking on responsibility, restricts responsibility assignments to individuals, and apportions responsibility strictly in relation to the individual's causal contribution to the act in question. In contrast to the first view, the account to be developed here takes individuals, and not the group as a whole, as the target of responsibility assignments. In contrast to the second view, the account grounds responsibility not in the individual member's causal contribution to the group act, but instead in membership itself, with the magnitude of responsibility borne by members, *just in virtue of their membership*, unmoored from considerations of their causal proximity to the group act.

All of that by way of a rough positioning of the dissertation's account of responsibility. But it will be useful to lay some of the groundwork in more depth. To that end, this Introduction first offers an overview of the broad topic of responsibility, for purposes of situating the dissertation's account within it. Next, I provide a typology of actions to gain clarity on the kind of acts and groups with which the dissertation will be concerned. I end this introduction with a roadmap to guide the reader through what follows.

[6] While there are biblical references to collective moral responsibility, *see, e.g.*, Deuteronomy 5:9 ("I the Lord your God am a jealous God, punishing children for the iniquity of parents, to the third and fourth generations"), the notion has received much of its philosophical attention in this and the last century, *see, e.g.*, INDIVIDUAL AND COLLECTIVE RESPONSIBILITY: THE MASSACRE AT MY LAI (Peter French ed., 1972); COLLECTIVE RESPONSIBILITY: FIVE DECADES OF DEBATE IN THEORETICAL AND APPLIED ETHICS (Larry May & Stacey Hoffman eds., 1991); MARK A. DRUMBL, ATROCITY, PUNISHMENT AND INTERNATIONAL LAW (2007).

I. Responsibility – Some Distinctions

In defending the dissertation's account, and differentiating it from others, much will need to be said about the meaning of the term "responsible." To lay the background for the dissertation's account, I want now to present five sets of distinctions relating to different ways in which the notion of responsibility might be parsed:

- First, responsibility might have different temporal dimensions – thus there are *forward-* and *backward-looking* accounts.
- Second, the target of a responsibility assignment is sometimes an individual and sometimes a collective entity – thus there are individualist and *collectivist* accounts. In addition to these two, there are accounts of *shared responsibility* that assign responsibility for collective acts to individuals, as where – most relevantly -- members of a group are held responsible for an act of the group independent of their participation in that act.
- Third, sometimes, when we ask, "who is responsible for X?" we seek to know to whom (or to what) we may ascribe a particular act; in other instances, we seek to know to whom (or to what) we may appropriately assign the moral (and sometimes material) sanctions that follow from X's occurrence. Our *act ascriptions* need not be coextensive with our *responsibility assignments*; nor need the grounds of ascribing an act to someone (or some entity) be identical to those for assigning responsibility to her (or it).
- Fourth, in the philosophical literature on responsibility, there are those whose interest lies in responsibility's *metaphysical* dimensions and, in particular, in a debate about free will. Others eschew the notion that debates about free will meaningfully affect our responsibility practice. The accounts of these theorists

might be called *Strawsonian* accounts, after Peter Strawson's seminal paper on the subject;[7]

- Finally, the notion of responsibility might be parsed in terms of the objective sought to be achieved by undertaking a responsibility assignment, and there is more than one such objective. I focus here on *restorative* versus *punitive* accounts.

In the remainder of this Part, I elaborate on each of these distinctions. A word about terminology first: The term "agent" is sometimes used in a purely causal sense (e.g., a pathogen is an agent that causes disease), though that will not be the use to which the term is put here. Instead, I will be concerned with the notion of agency as it pertains to questions of moral responsibility. Even here, multiple meanings are possible. Thus "agent" might describe one who acts on behalf of another (the standard legal meaning),[8] and at other times used to refer to one who can act of his own accord, or act intentionally. I will be adopting the latter use. By "moral agent," I shall refer to the agent who is capable of acting in a manner fitting for assignments of moral responsibility.

A. Forward- versus Backward-looking Accounts

The distinction between forward- and backward-looking accounts of responsibility can be most succinctly cashed out in terms of responsibility *to* versus responsibility *for*. More specifically, backward-looking accounts of responsibility are

[7] Peter F. Strawson, *Freedom and Resentment*, *in* PERSPECTIVES ON MORAL RESPONSIBILITY 45, 48 (John Martin Fischer and Mark Ravizza eds., 1993).
[8] *See, e.g.*, AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW OF AGENCY (2006).

concerned with blame: Who committed or participated in a transgression in such a way as to warrant assigning responsibility *for* the transgression to that individual, group, or group member? By contrast, forward-looking accounts of responsibility ignore questions of blame. Instead, and as their name suggests, forward-looking accounts contemplate the obligations going forward that individuals, groups, or their members, bear in virtue of some act to which the individuals, groups or members bear a relation, the nature of which it is a task of these accounts to specify.[9] These accounts gain special prominence in the context of historical injustices, where no contemporary member of a group belonged to the group at the time of the injustice, and so none could have participated in the injustice. Thus, some theorists argue that contemporary Americans have an obligation to offer reparations for slavery – that is, they ought to respond *to* the victims of slavery (if there are still any) -- even though these theorists deny that contemporary Americans are morally responsible *for* slavery.[10] The ground of the obligation may be fleshed out in terms of the membership of these contemporary citizens in the group that committed the harm, or in light of a psychological connection contemporary Americans bear to earlier citizens.[11]

The account I will advance is backward looking. I am concerned with determining the circumstances under which members of a group may be held responsible for acts the group has committed. Further, the dissertation contemplates group transgressions (though

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[9] *See, e.g.*, Annette C. Baier, *How Can Individualists Share Responsibility?* 21 POLIT. THEORY 228 (1993).
[10] *See, e.g.*, Ton van den Beld, *Can Collective Responsibility for Perpetrated Evil Persist over Generations?*, 5 ETHICAL THEORY AND MORAL PRACTICE 181, 198 (2002).
[11] *See, e.g.*, van den Beld, *supra* note 10; Meir Dan-Cohen, *Responsibility and the Boundaries of the Self*, 105 HARV. L. REV. 959 (1992) (identifying pride in the group's successes as a basis for responsibility for the group's transgressions).

I will offer some brief words about the ways in which the account applies to group achievements in Chapter 4). Thus the competing theories of responsibility contemplated from this point on are all varieties of backward-looking accounts. It is only at the end of the dissertation that I return to forward-looking considerations, in order to explore the kinds of obligations group members might have to the victims of their group's transgressions.

B. Individual, Collective and Shared Responsibility

On an *individualist* account, the responsibility of a collective can be fully distributed to its members. On a *collectivist* account, the responsibility of a collective cannot be distributed at all,[12] or cannot be distributed without remainder,[13] to its members. Further, whether one accepts or denies the possibility of collective responsibility, there is the additional question of *how* to distribute responsibility among group members. On a *strictly individualist* account, responsibility is assigned only to the extent of a member's participation in the harm in question, and any sanctions may be imposed strictly in proportion to the member's contribution to the harm. By contrast, on an account of *shared* responsibility, the members of a group will bear responsibility for at least some group acts in which they did not participate. The ground for assigning

[12] *See, e.g.*, Joel Feinberg, *Collective Responsibility*, 65 J. PHIL. 674 (1968); George Fletcher, *The Storrs Lectures: Liberals and Romantics at War: The Problem of Collective Guilt*, 111 YALE L. J. 1499 (2002).
[13] *See, e.g.*, Tracy Isaacs, *Collective Moral Responsibility and Collective Intention*, MIDWEST STUDIES IN PHILOSOPHY 59, 62 (2006) (advancing an "account of the moral responsibility of collectives in which it does not fully distribute among the individuals").

responsibility to members (participating or not) and the responses appropriate to them will vary from one account to the next.

The dissertation begins by casting doubt on the notion that collectives can bear moral responsibility in their own right. Nonetheless, it rejects the distribution of responsibility that the strict individualist would endorse, according to which each member bears responsibility only for her contribution to the collective's act. As others have compellingly argued, the strict individualist's account of responsibility presupposes that we can individuate actions and their effects, and thereby determine exactly who caused what. But this conception of agency ignores the fact that no one acts in a vacuum. Others' actions can influence our own,[14] and their effects can combine with ours to form a product that can no longer be divided into distinct individualized contributions.[15] The task of individuating contributions is made all the more difficult in the case of the action of a longstanding institutional group, where the group's capacity to act might be sustained by processes and characteristics for which all current, and sometimes even all former members as well, bear responsibility. Whatever the merits of strict individualism, then – and I am convinced that these must be modest, given how difficult it is to

[14] *See, e.g.*, Larry May, *Collective Inaction and Shared Responsibility*, 24 NOUS 269, 273-4 (1990); Elizabeth S. Anderson, *What is the Point of Equality?*, 109 ETHICS 287, 321 (1999) ("From the point of view of justice, the attempt … to credit specific bits of output to specific bits of input by specific individuals represents an arbitrary cut in the causal web that in fact makes everyone's productive contribution dependent on what everyone else is doing. Each worker's capacity to labor depends on a vast array of inputs produced by other people – food, schooling, parenting and the like.").

[15] Some egalitarians and feminists rely on this expansive notion of responsibility for a product in order to defend redistribution or compel recognition of women's work. *See, e.g.*, EVA FEDER KITTAY, LOVE'S LABOR: ESSAYS ON WOMEN, EQUALITY AND DEPENDENCY (1999) (criticizing theories of formal equality because these neglect the fact that women are often saddled with dependency work, which entails that they are not symmetrically situated to the men with whom they are supposed to enjoy equality).

disaggregate actions into their individual contributions – it has virtually no traction in assessing responsibility for collective acts.

Put differently, given its focus on causation, strict individualism overlooks a significant source of responsibility – *viz.* the responsibility that flows from membership itself, given members' contributions to the collective's agency. In contrast to the strict individualist, I shall argue that the relationship between members and the collective entails a distribution of the collective's responsibility to all members, regardless of their participation in the collective act.[16] This is not to say that, at the end of the day, participating members bear no greater share of responsibility than do non-participating members; to the contrary, participating members will bear individual responsibility for their contributions, in addition to the responsibility they bear *qua* group members, such that the sum total of the amount of responsibility they bear will exceed that borne by non-participating members. But when we consider only the distribution of the collective's responsibility, we shall see that participation is at least relatively insignificant, if not altogether irrelevant, in determining whether or how much of the responsibility for the collective act ought to befall each member.

Though I provide a more detailed roadmap at the end of the Introduction, let me telegraph that roadmap here, since much of the dissertation's structure aligns with the distinction between accounts of collective and shared responsibility: My reasons for rejecting collectivist views are advanced at length in Chapter 1. In Chapter 2, I argue against existing theories of shared responsibility. In Chapters 3 and 4, I advance my own

[16] *Compare* Gregory Mellema, *Collective Responsibility and Qualifying Actions*, MIDWEST STUDIES IN PHILOSOPHY 168, 169 (2006) (presenting an account of collective responsibility according to which one is a member only if one has contributed to the act for which responsibility is to be assigned).

ground for distributing responsibility to individuals for the acts committed by groups of which they are members, and I explore the implications of that account in Chapter 5.

C. Metaphysical versus Strawsonian Accounts

Metaphysical accounts of responsibility seek to determine what facts must be true if agents are to count as morally responsible. The facts in question fall into two camps – those that go to the conditions the world must meet, and those that go to the conditions agents must meet. Debates between libertarians (those who believe in free will) and hard determinists (those who deny freedom of the will, and believe that no account of moral responsibility can survive in the face of that denial) involve questions of the first type. Those who insist upon the existence of robust freedom of the will, or believe that there is a meaningful kind of freedom of the will that would persist even if determinism were shown to be true, address questions of the second type. In particular, they are concerned with the capacities one must possess if one is to count as a moral agent. In the literature on collective moral responsibility, those who contemplate metaphysical matters address only questions of the second type. They are not concerned with whether we can, in general, capture a meaningful notion of freedom of the will; instead, they presuppose that we can, and seek to determine instead what must be true of collectives – in particular, what capacities collectives must possess – if collectives are to count as moral agents.

Strawsonian accounts of responsibility – so called after Peter Strawson's seminal account[17] -- seek to circumvent questions about the nature of the world, and a great

[17] *See Freedom and Resentment*, *in* PERSPECTIVES ON MORAL RESPONSIBILITY 45 (John Martin Fischer and Mark Ravizza eds., 1993).

many, though not all,[18] of the metaphysical questions about the capacities of agents. The point of departure for these accounts is an argument for the practical irrelevance of debates about free will: Even if determinism were true, the Strawsonian argues, our practices of holding responsible are so deeply entrenched, and so central to our interpersonal relationships that, were we to abandon these practices "it is doubtful whether we should have anything that *we* could find intelligible as a system of human relationships, as human society."[19] In this way, the practices of responsibility need no metaphysical justification; they are simply "given with the fact of human society."[20]

Central to the practices that the Strawsonian has in mind are the *reactive attitudes* – the emotional responses we have to the attitudes and intentions of others as these are displayed in their actions.[21] More specifically, we experience the reactive attitudes in response to actions directed at us, actions directed at third parties, or actions that we ourselves have committed. Peter Strawson classifies these three types as *personal*, *impersonal* and *self-reactive attitudes*.[22] Typical of the personal reactive attitudes are resentment, hurt feelings, gratitude and so on;[23] typical of the impersonal reactive attitudes are indignation, moral disapprobation, approval and so on;[24] typical of the self-

[18] For example, Peter Strawson describes the reactive attitudes as our responses to the "attitudes and *intentions* toward us of other human beings," *Freedom and Resentment*, *in* PERSPECTIVES ON MORAL RESPONSIBILITY 45, 48 (John Martin Fischer and Mark Ravizza eds., 1993) (emphasis added), and, in so doing, reveals that his account presupposes that moral agents must possess, at least, the capacity to form and act on intentions.
[19] *Supra* note 18 at 65.
[20] *Id.* at 64.
[21] *See, e.g.*, *id.* at 49, 56-57.
[22] *Id.* at 57.
[23] *Id.* at 48.
[24] *Id.* at 56.

reactive attitudes are guilt, remorse, shame, pride and so on.[25] Whether personal, impersonal or self-regarding, the reactive attitudes "rest on, and reflect, an expectation of, and a demand for, the manifestation of a certain degree of goodwill or regard on the part of other human beings."[26] The reactive attitudes are connected to morality, and to the concept of moral responsibility in particular, to the extent that the demand for goodwill takes a generalized form. That is, the object of the demand is "all those on whose behalf moral indignation may be felt, i.e. as we now think, towards all men,"[27] and the appropriate subject of the demand is, in general, any participant in the moral community – that is anyone who is not morally undeveloped (e.g., young children) or psychologically abnormal (e.g., psychopathic, deranged, etc.).[28]

In sum, the Strawsonian adds to our understanding of responsibility two key insights: First, the reactive attitudes are not simply practical corollaries or emotional side effects of one's theory of responsibility; instead, they are constitutive of moral responsibility.[29] As Gary Watson notes, on a Strawsonian account, "to regard oneself or another as responsible just is the proneness to react to them in these kinds of ways under certain conditions."[30] Second, our practices of holding responsible are internally justifying – we need not look to some further metaphysical fact in order to determine whether someone is an appropriate candidate of the reactive attitudes.

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[25] *Id.* at 57.
[26] *Id.*
[27] *Id.*
[28] *Id.* at 51-52, 58-59.
[29] *See* Gary Watson, *Responsibility and the Limits of Evil: Variations on a Strawsonian Theme*, *in* RESPONSIBILITY, CHARACTER AND THE EMOTIONS 256, 257 (Ferdinand Schoeman ed., 1987).
[30] *Id.*

The account of responsibility I advance is Strawsonian to the extent that it insists upon the centrality of the reactive attitudes in understanding responsibility and in determining who counts as a responsible agent. In other words, I assume that moral agency necessarily and crucially involves an affective component. I do not believe that this assumption unduly stacks the deck against the proponents of collective responsibility. First, at least some collectivists share this assumption, and attempt to articulate a conception of collective emotions in order to meet it.[31] Second, though I do not offer a positive argument for the assumption here, I also do not simply dismiss out of hand those theories of collective responsibility that eschew the requirement of an emotional capacity for moral agency. Instead, I offer cases and examples that are intended to marshal support for the greater intuitive appeal of accounts of responsibility that posit an affective capacity as a criterion for moral agency.[32]

While I thus share with the Strawsonian an account of responsibility that makes the reactive attitudes central, the understanding of responsibility upon which I rely differs from a Strawsonian account in two significant ways. First, as a methodological matter, I argue in Chapter 1 that we cannot eschew metaphysical considerations in determining whether *collectives* are apt objects of moral judgment. In brief, it is certainly true that sometimes we are content to blame the collective. But in other instances, we deplore the use of a collective shield, and seek to assign blame to the members who are the true

[31] *See, e.g.*, Deborah Tollefsen, *The Rationality of Collective Guilt*, MIDWEST STUDIES IN PHILOSOPHY 237 (2006); David Silver, *Collective Responsibility, Corporate Responsibility and Moral Taint*., 30 MIDWEST STUDIES IN PHILOSOPHY 269 (2006).
[32] The reader seeking a more straightforward defense of the role an affective capacity plays in moral agency and moral judgment should consult especially, in addition to Strawson, *see supra* note 18, DAVID HUME, A TREATISE OF HUMAN NATURE (David Norton and Mary Fate Norton eds. 2000); R. JAY WALLACE, RESPONSIBILITY AND THE MORAL SENTIMENTS (1994); Gary Watson, *supra* note 29.

culprits of the act in question. More significantly, in the case of individuals, the buck must stop with them – there is no part of the individual that is itself a moral agent and could thus qualify for an assignment of moral responsibility. By contrast, collectives are comprised of members who are themselves moral agents. We cannot discern, then, from the face of our practices of blaming collectives (to the extent that we do blame them) whether we mean that the collective itself is responsible or instead whether we invoke the collective as a shorthand way of referring to those of its members who bear responsibility in its stead.

In short, our emotional reactions to collectives raise interpretive questions that do not arise when we survey our emotional reactions to individuals. The answers to these questions cannot be found in anything internal to our practices – there is too much conflicting evidence. Instead, I shall suppose that we must turn to more straightforwardly metaphysical questions – in particular, to questions regarding whether collectives can believe, intend, deliberate about moral matters and experience the reactive attitudes -- in order to determine whether collectives are moral agents. The bulk of Chapter 1 is devoted to these questions.

While the first reason for deviating from a Strawsonian account is then methodological – to recap, we cannot assess the cogency of holding collectives morally responsible without turning to the metaphysical considerations that the Strawsonian would eschew in assessing the cogency of holding individuals morally responsible -- the second reason for deviating from a Strawsonian account is metaethical. In particular, I do not share the Strawsonian's belief that the reactive attitudes are *constitutive* of moral judgments. The propositions that capture the dissertation's understanding of moral

responsibility are not usually found together, and so it will be useful to enumerate them here:

1. Moral evaluation requires a capacity for emotion.

2. The acts through which one expresses one's moral judgment – typically, blaming and praising --, as well as the experiences one has when one judges oneself morally responsible – guilt or pride -- also require a capacity for emotion.

3. Nonetheless, we can accurately judge that an individual bears responsibility and sincerely express that judgment even while an emotional response is not available to us, where the absence of emotion results not from some defect in us but instead from a feature of the relationship between the wrong and the individual judged.

The first two of these claims finds an elaboration and defense in Chapter 1, while the third claim gets its due in Chapter 5. For now, let me just articulate the basic idea: Our emotions equip us with the general ability to discern instances of blameworthy and praiseworthy conduct in the world (Claim 1). Further, our emotions undergird and motivate our blaming and praising, in response to paradigmatically good or bad deeds (Claim 2). But I allow that there may be some good or bad deeds to which we bear a relationship that takes us outside the paradigm. The relationship at the center of the dissertation – that between group member and a group transgression in which the member did not participate – is just the kind of non-paradigmatic case I have in mind. In these cases, it may be that our emotions lag behind a cognitive assessment of responsibility. Correspondingly, having arrived at a judgment of responsibility, we might nonetheless remain emotionally numb, and yet there would still be reason to assent to the judgment and engage in the rituals of holding responsible that accompany the more paradigmatic cases (where we judge others -- castigation, demanding an apology, etc.; where we accept blame ourselves – expressions of remorse, offers of an apology, etc.).

To put the point more succinctly, a capacity for emotion is necessary to bear responsibility and engage in the practice of holding responsible, but an activation or exercise of the emotions is not necessary for every instance in which we do hold someone morally responsible. Further, the absence of emotion in these cases need not reflect some pathology in the judges and/or judged; it results instead from the very structure of the relationship of the judged to the wrong.

D. Ascriptions versus Assignments of Responsibility

Sometimes when we ask, "Who is responsible for X?" what we want to know is, "whose act is X?" The question arises with special force in the context of group action, since groups cannot act on their own; instead, any act of the group will have been performed by one or more individuals acting on the group's behalf. Since individual members of the group can act on their own behalf as well as the group's, it will often be unclear whether some act that a member performs is to count just as her own act or instead (or in addition) as an act of the group. The case of United States v. Hilton Hotel Corps. provides a useful example.[33] In that case, an individual charged with making purchases on behalf of a Hilton Hotel located in Portland, Oregon, threatened to cease doing business with one of the hotel's suppliers unless the supplier agreed to contribute money to a marketing campaign that sought to attract conventions to Portland. The purchasing agent's acts were contrary to express company policy and the agent had been instructed by the hotel manager to cease threatening the supplier. For these reasons,

[33] 467 F.2d 1000 (9th Cir. 1972).