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## FOUNDATIONS AND CONSEQUENCES OF COLLECTIVE MORAL RESPONSIBILITY

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## FOUNDATIONS AND CONSEQUENCES OF COLLECTIVE MORAL RESPONSIBILITY

"We are doing a very wicked thing in firing on the Cretan insurgents & in blockading Greece so that she cannot succour them..."<sup>1</sup>

This paper focuses on *collective moral responsibility* in the backward-looking sense that subsumes collective moral *blameworthiness* and *praiseworthiness*.<sup>2</sup> For the sake of simplicity I focus on the former, to which I also sometimes refer as *collective moral guilt* or more briefly as *collective guilt*.<sup>3</sup> For the same reason I focus on collective guilt over a bad *action* as opposed to an irresponsible *belief* or reprehensible *attitude*.

As I understand it, collective guilt is a moral condition. When appropriate in what follows I make it clear that I am speaking of *feelings* of guilt rather than of the moral condition of guilt itself.

I first introduce some pressing questions relating to collective guilt. I then raise a prior problem and sketch my solution to it. On that basis I defend a particular set of answers to the questions, and consider some of their consequences.<sup>4</sup>

### 1. Some questions about collective moral responsibility

Suppose that we did something horrible. We were not forced to do it. We were not faced with irresistible threats, for instance. We knew, or should have

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<sup>1</sup> [Martin] Gilbert (1991: 68) quoting Winston Churchill, age 22, in a letter to his mother.

<sup>2</sup> Sometimes "collective moral responsibility" is understood as a matter of what the collective's *responsibilities* are. My focus is, evidently, on collective moral responsibility in a different sense. Though one can ask about a collective's moral responsibilities in relation to some persons whom they have not wronged, one often asks about them in relation to those they have wronged. Hence an understanding of the question on which I focus is highly pertinent to the other question also.

<sup>3</sup> I take collective moral guilt to be the moral condition for which one will be blamed, if one is morally blameworthy.

<sup>4</sup> I have previously addressed the topic of collective moral blameworthiness and related topics in quite a few publications. See e.g. Gilbert (1989: esp. chs. 4 and 7), (1997), (2000), (2002a), (2002b), (2006a). In this discussion I review my basic position while explicitly or implicitly addressing some of the comments that those earlier discussions have received. There is no space for a full set of responses.

known, that what we did was horrible. Many would say those are enough---if not more than enough---premises from which to infer that we are to blame for doing what we did.<sup>5</sup> Let us suppose this is so.<sup>6</sup> Indeed, let us suppose these premises state both necessary and sufficient conditions for collective moral guilt.

If we are to blame, what does that say about me? More fully: Must I personally be blameworthy with respect to our action---at least to some extent? After all, *we did it*, and I am *one of us*. Or must I be blameless? After all, *we did it*, not I. Or must my blameworthiness---to some extent or other---still be unclear?

I shall argue for negative answers to the first two questions: *Neither my moral guilt nor my moral innocence is implied by our moral guilt.*

Hence, as I see it, when we are to blame, none of us is necessarily personally *white-washed*, morally speaking.<sup>7</sup> Nor are any of us necessarily *morally blameworthy*---to any extent---as a result.

Thus I argue for a positive answer to the third question: given that we are guilty, my personal blameworthiness---to some extent or other---is still unclear. Everything depends on the precise details of my relationship to our wrongdoing---even allowing that it is properly characterized, from my point of view, as our wrongdoing.

## 2. Towards an account of acting together

What is it for *us* to do something horrible? This is the fundamental question one needs to answer in any inquiry as to the nature and implications of collective guilt---if such there be.<sup>8</sup> I shall therefore spend considerable time on it.

Sometimes when one says "We are doing such-and-such" this is understood to be elliptical for "We are all doing such-and-such" or "Both of us are doing such-

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<sup>5</sup> One might wonder about the knowledge condition; though this, as posed, is fairly weak.

<sup>6</sup> One might also think further conditions should be added, relying perhaps on fine-grained analyses derived from consideration of individual human agents. I shall not attempt to discuss the extent to which such analyses should drive discussion of the collective case. Clearly this is an interesting question. For discussion see Haji (2006). I discuss the general methodological issue in relation to individual versus collective belief in Gilbert (2002c).

<sup>7</sup> The white-washing worry in relation to collective moral responsibility is evidenced in e.g. Smith (2008: 206).

<sup>8</sup> This is recognized by Kutz (2000), who offers his own account of acting together.

and-such". In my discussion here I have been and will be giving the sentence "We did something horrible" a different, common, *non-distributive* reading.

The use of "together" marks this reading in the following version of the question at issue: what is it for us to do something *together*?<sup>9</sup>

There are many different philosophical accounts of what doing something together, *acting together* or *joint action* amounts to. They focus on the human case as I do here.<sup>10</sup> Many of these accounts, however appealing in other respects, do not seem to be adequate to *our everyday understanding* of the statements in question – statements such as "We're fighting the Nazis", "We're on a mission to kill their leader", "We're working on a plan" and so on.<sup>11</sup>

Whatever the merits of such accounts, then, they *do not speak directly to the questions at issue here*. For those questions were posed in everyday terms, relying on everyday understandings.

#### *Conditions of adequacy for an account of acting together*

What is needed for an adequate account of acting together? Here I briefly note some of the requirements I find plausible.<sup>12</sup>

##### *i. The unity condition*

Those who do something together are thereby *unified*. Further, they are unified in the way in which persons who constitute a *social group* in a relatively narrow sense of the term are unified. Such groups include families, sports teams, discussion groups, labor unions, and terrorist cells.<sup>13</sup> I say this because, intuitively,

<sup>9</sup> "Together" here does not then mean "in close physical proximity". Those who are doing something together may be in close physical proximity, or they may not be. Sometimes I use the term "joint activity" to refer to the phenomenon in question.

<sup>10</sup> There is discussion in the literature of primatology comparing primate and human modes of "acting together". This literature is influenced by the accounts a variety of philosophers have given.

<sup>11</sup> An account I have questioned in this respect is that of Christopher Kutz who sees personal "participatory intentions" as the foundation of acting together. See, e.g. Gilbert (2002a). I would say the same of Michael Bratman's account of what it is for people collectively to intend to do something, first presented in Bratman (1993), which I have discussed in other terms in several places including Gilbert (2009a). Bratman puts personal "intentions that we J" at the foundation of what he refers to as "shared intention".

<sup>12</sup> Central references here are Gilbert (1989: ch. 4 also ch. 7) and Gilbert (2006b: chs 6 and 7).

<sup>13</sup> For discussion of the use of such lists see Gilbert (1989 ch. 4), (2006b ch. 8).

those who act together constitute such a group, though in some cases a small and ephemeral one.<sup>14</sup> To use terms from Rousseau, they constitute an *association* as opposed to a mere *aggregation* of persons.

An adequate account of acting together, then, should enable us plausibly to characterize what I shall refer to as the unity of the *collective "we"*.

In this connection the perennial attractiveness of the idea that a society is constructed through an actual contract or, better, agreement, is suggestive.<sup>15</sup> It suggests that the members of a collective "we"---including those who act together---are unified *in the same way* that the formation of a contract or agreement unifies the parties to the contract.<sup>16</sup> This is not to say that what is strictly speaking an agreement will need to have been made. Nor is it to say precisely what an agreement achieves.

These points throw doubt on accounts of acting together according to which appropriately matched personal intentions---intentions properly expressible with the words "I intend..." --- lie at its core. However these personal intentions are correlated with one another and whatever their content, it is doubtful that they connect the participants in the right way. One might say that the parties are still too "loose and separate" from each other to constitute a collective "we".<sup>17</sup>

The same goes for a correlated set of subjective "we-intentions" along the lines suggested by Searle.<sup>18</sup> Certainly none of these accounts invoke anything that looks like an agreement the parties have made.

## *ii. The rights and obligations condition*

Suppose Beth and Mary are out on a walk together, where this is understood to be a matter, among other things, of walking alongside one another. Then, absent special background understandings, should Mary start drawing ahead, it will be understood by both parties that Beth has the standing or authority to issue related

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<sup>14</sup> Cf. Simmel (1918) quoted in Gilbert (1990).

<sup>15</sup> "Agreement" is better, insofar as "contract" is a term from law, and the existence of a given contract is dependent on the prescriptions of a particular system of law. I assume that a given social group can be founded without reference to any legal system.

<sup>16</sup> That a contract does unify or bring together the parties is suggested by the etymology of the term. It comes from the Latin "con-trahere" or "bring together".

<sup>17</sup> I take the phrase "loose and separate" from Hume, in a different context.

<sup>18</sup> See Searle (1990). For a detailed discussion of Searle's approach see Gilbert (2007).

demands and rebukes. For instance, she may demand that Mary slow down, rebuke her for drawing ahead, and so on---and this simply on the basis of their being out on a walk together. Or so observations on the way people think, talk, and act in these situations suggest.

Evidently in saying this I take it that demands and rebukes of the type in question are actions---generally "speech acts"---that require a certain standing or authority in the one who successfully performs them. If someone lacks this standing then his purported demands are not genuine demands, and similarly for his rebukes.

Having the standing to demand an action of someone is to be distinguished from being justified in demanding it of them. If, for instance, Mary is so sensitive to demands and rebukes that she is likely to become seriously ill if one is levelled at her, Beth would presumably not be justified in rebuking her for drawing ahead---she would need to find some other way to change Mary's behavior. Even then, Beth would have the standing to rebuke Mary.

Having clarified those points let me now generalize and make a little more precise my point about Mary and Beth above: absent special background understandings, at least, when people are doing something together---be it going for a walk, building a bridge, plotting a revolution, or what you will---they have *by reason of this joint activity* the standing to demand of the other parties action appropriate to the completion of the joint activity, and to rebuke any other party for not acting

I take it that if A has the standing to demand that B perform action x, then in standard---though not unique---sense of the terms A has a *right* to B's performance of x, and B has a correlative *obligation to A* to perform x. In other terms, B *owes* A his performance of x.<sup>19</sup> In the absence of special background understandings, then, those who are doing something together owe each other appropriate actions. To say this is not yet to say what owing---in the sense at issue---or the rights that correlate with it amount to.<sup>20</sup>

Given that there are rights and obligations of some kind in the picture, and that, as is generally supposed, agreements give rise to rights and obligations of the

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<sup>19</sup> Related points are made in Hart (1955), Feinberg (1970), among others.

<sup>20</sup> There is reason to think that owing, in this context, is a *not* a matter of moral requirement derived from a general moral principle. The argument in Gilbert (2004) is pertinent here.

parties, here is a further reason for thinking that the link between those who act together is broadly speaking contractual in nature. Be that as it may, an adequate account of acting together will explain the obligations and rights of the parties.

*iii. The exit condition*

A final observation on acting together also suggests that the underlying situation is broadly speaking contractual. Absent special background understandings, a given party cannot without fault abandon the joint activity prior to its completion without the concurrence of his fellow-participants. This "exit condition" is something about which an adequate account of acting together should have something to say.

*The need for an account of acting together that goes beyond an appeal to the personal intentions of the parties---or their subjective "we-intentions"*

It is at best not clear that any account of acting together in terms of personal intentions or subjective "we-intentions" of the parties can satisfy the last two conditions of adequacy just outlined, those relating to owing, and to exit from the joint activity. As already noted, the same goes for the unity condition. A different approach seems to be needed.

### **3. Acting together as involving joint commitment**

*Joint commitment*

I have elsewhere proposed that an adequate account of acting together will appeal to the *joint commitment* of the parties.<sup>21</sup> In doing so it will go beyond the personal commitments involved in personal decisions and intentions; it will also go beyond the subjectivity of Searlean we-intentions.

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<sup>21</sup> See Gilbert (2006b: ch. 7). This contains a longer and more nuanced treatment than is possible here.

In saying that personal intentions and decisions involve *commitments* I mean that they have a particular normative impact. At a minimum, if one decides or intends to do something, then by virtue of having done so, one *has sufficient reason* to do that thing.<sup>22</sup> In other terms: if one is appropriately responsive to relevant considerations, one will do that thing, all else being equal. In other terms again: one ought to do that thing, all else being equal. Precisely *how* that is, is not something I will enter into here.

It implies, importantly, that *by a simple exercise of one's own will one can change one's normative situation*. That---of course---is not to say that one can by an act of one's will somehow influence the intrinsic character of the action itself or of its consequences. One simply makes it the case that one ought to do it, all else being equal.

The kind of commitment engendered by a personal decision or intention is what may, for obvious reasons, be called a *commitment of the will*. It is a *personal* commitment of the will in that it is brought into being an exercise of the will of the single person whose commitment it is. Further, it can be unilaterally rescinded---done away with---by that person.

When I refer to a *joint* commitment I have in mind a type of commitment of the will that involves the combined exercise of two or more wills. Here two or more people together commit them all. Further, one who becomes committed through this process cannot unilaterally rid himself of that commitment. The concurrence of all is required.<sup>23</sup>

The foregoing characterization is intended to subsume two rather different types of joint commitment---basic and non-basic cases. I distinguish these shortly.

Every joint commitment can be represented, with respect to its content, as a joint commitment *to do something as a body*. Here "do" is construed very broadly so as to cover psychological attributes in general. Thus people can be jointly committed to *espousing a certain goal as a body*, to *believing that such-and-such as a body*, and so on.

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<sup>22</sup> I say "at a minimum" because there are other, important aspects of the normative impact of intentions and decisions, some of which differentiate between them, that will not be discussed here. The aspect on which I focus is, clearly, important in its own right.

<sup>23</sup> Sometimes there may be special background understandings such that one or more parties have, in effect, given their concurrence in advance to someone's later "unilateral" rescinding of the commitment.

The phrase “as a body” is intended to indicate that conformity to the joint commitment does not require each party personally to espouse the goal in question, say. Rather, by virtue of their several, coordinated actions, the parties must emulate as far as possible a *single espouser of the goal in question*.<sup>24</sup>

#### *Formation of joint commitments*

How are joint commitments formed? Consider Jack and Jim, who are illegally and immorally setting a fire in a dry valley in southern California. We can imagine that this joint action was initiated by an informal agreement. Jim says to Jack “It’s real hot and dry now...let’s set a fire!” and Jack replies “Great idea!” They then set about their nefarious work.

What precisely transpired between them? I propose that by the explicit process in question each of the two openly signaled to the other his readiness to co-create with him a joint commitment to endorse as a body a certain plan of action---to set a fire, and to do so right now. This having transpired, in conditions of common knowledge, Jim and Jack were jointly so committed.<sup>25</sup>

As long as people signal their readiness to be jointly committed in a particular way, in conditions of common knowledge, their joint commitment is established. This can be done in less explicit ways than is involved in the example, where what transpires amounts to an agreement, strictly speaking.<sup>26</sup>

Indeed, it may come about slowly and without face-to-face contact between the parties. Thus *the members of a large population of people each of whom knows only a small segment of the population personally can be jointly committed in various ways*.<sup>27</sup>

It appears that, as in the example, two or more people can create a joint commitment to do something immoral. It appears, further, that they can jointly commit one another when one or more of them is subject to significant pressure to do so. Each may nonetheless fully intend to co-create the joint commitment with

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<sup>24</sup> In some cases coordination will be more of a task than in others.

<sup>25</sup> I use the term “common knowledge” roughly in the sense of Lewis (1969); see also Gilbert (1989: ch. 4).

<sup>26</sup> For further discussion of agreements as joint commitments see e.g. Gilbert (2006b: ch. 10).

<sup>27</sup> For discussion of joint commitment in large populations see e.g. Gilbert (2006b: ch. 8).

the others, and that is sufficient for its creation. In other words, no strong form of *voluntariness* is required in order that a joint commitment come into being.<sup>28</sup>

#### *Basic versus non-basic (derived) cases of joint commitment*

The case of Jim and Jack is a *ground-level* or *basic* case of joint commitment. In such cases each of the parties to the commitment brought it into existence by signaling his personal readiness jointly to commit them in the specified way.

Non-basic cases involve a background basic case. This authorizes some particular person or collective body to impose new joint commitments on the group. Thus suppose Jim says "You decide where we go from here", and Jack concurs. Later when Jack says "We'll stop in five minutes", he (in effect) jointly commits them both to endorse as a body the plan of stopping in five minutes. This can happen on a large scale as well.<sup>29</sup>

#### *Signing on later*

Once a given joint commitment has been created, someone who was not previously party to it can "sign on" to it given appropriate expressions of readiness for such signing on, on the part of all pertinent parties.<sup>30</sup> His standing with respect to the joint commitment will then be of the same type as that of the other parties. For instance, his concurrence will be needed for rescission.

#### *A joint commitment account of acting together*

Consider now the following rough account of acting together:

A, B, and so on (or: members of population P) are *doing something together* if and only if A, B, and so on are jointly committed to espousing as a body a goal G and a sufficient number of A, B, and so on (or: members of

<sup>28</sup> For more on both of these points see Gilbert (2006b: ch. 10).

<sup>29</sup> See Gilbert (2006b: ch 8.).

<sup>30</sup> See Gilbert (2006a:101-2), the case of "Tarzan".

population P), are acting in light of this joint commitment in a way that is geared to the attainment of G.

In more concrete but still rough terms, with respect to the example given earlier:

Jack and Jim are setting a fire *together* if and only if they are jointly committed to espousing as a body the goal that a fire is set, and in light of this joint commitment a sufficient number of them are acting in a way that is geared to the setting of a fire.<sup>31</sup>

I shall not be concerned with the details of this account here. What is central is that within it *an underlying joint commitment plays a motivational role*. As I put it above, the people involved must act *in light of* such a commitment.

#### *Adequacy of the account*

Given the role of a joint commitment within it, the account passes the tests of adequacy mooted earlier.

#### *i. The unity condition*

First: Those who co-create a joint commitment are naturally described as *unifying their wills*---for the purpose of committing them all. Moreover none can de-commit himself without the concurrence – at some point – of the others. Thus they can meaningfully be considered to be *bound together* in a double fashion – together – they bind all and each is bound at the pleasure of the others.

I have proposed, in effect, that this is the way in which the parties to an agreement are unified. If this is right, an account of the unity of those who act together that appeals to joint commitment accords with the perennially attractive

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<sup>31</sup> "...in a way that is appropriate" --- by and large. The more "off-base" the actions of the parties are, the less fitting it is to say that they are "setting a fire" as opposed to "trying to set a fire" or ""setting a fire""---using scare quotes. Note added in response to a comment from Frank Stewart.

suggestion that social groups in general are founded in an agreement or something like it.<sup>32</sup>

*ii. Joint commitment, rights and obligations*

In relation to the special rights and directed obligations of those who act together, an appeal to joint commitment is extremely fruitful. Indeed, it helps us to understand how the type of right at issue is possible.<sup>33</sup> In explaining why I say this, I shall assume there are no special background understandings in place.

Intuitively, those who are parties to a joint commitment have the standing to demand that their fellows conform to the commitment. Intuitively, again, they have this standing by virtue of their joint commitment as such. In other terms, given a joint commitment each party is in a position *qua party to the joint commitment* to demand conformity. This intuitive judgment is presumably grounded on the fact that the parties have together constrained one another to act in accordance with the commitment. In such a way it can be argued that the parties to a joint commitment owe each other conforming action and have correlative rights against one another to such action.

Clearly, this is not to say that the parties ought to conform in all cases---all things considered. Thus Jack may be in a position to insist that a suddenly reluctant Jim proceed to carry out their nefarious plan. We may assume that Jim should not do so given its nature and likely consequences.<sup>34</sup>

*iii. The exit condition*

Given that a joint commitment as opposed to a set of personal commitments is at issue, those who are acting together on the joint commitment account require the concurrence of the other parties to abandon the joint activity without fault.

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<sup>32</sup> That social groups are founded in joint commitments is the gravamen of Gilbert (1989: ch. 4); see also Gilbert (1990) and (2006a: ch. 8).

<sup>33</sup> There will be an elaborate discussion of this topic in a book of mine currently in progress and entitled *Rights Reconsidered*, to be published by Oxford University Press. There is related material in Gilbert (2004).

<sup>34</sup> I discuss this type of situation at more length in "Dark Duties" (2009ms).

*Metaphysical innocence of the account.*

Does the account of acting together just sketched involve any metaphysically worrying elements? I think not. This is worth emphasizing insofar as my past use of the phrase “plural subject” *to refer to any set of people who are jointly committed in some way* has led some commentators to think that my account of acting together is less acceptable metaphysically speaking than accounts in terms of personal commitments.

Though I think the phrase “plural subject” is an apt one – in part because the site of joint commitment is a plausible referent for the collective “we” as this occurs in everyday thought and talk – I have come at least somewhat to regret using it because of this inference that has been made. I do not see myself as the proponent of a “spooky” view, one from which people should flee on pain of going over the metaphysical top.

As can be seen from what has been said so far, I can state my position on acting together without using the term “plural subject” at all.

#### **4. Collective moral responsibility**

I have been supposing that we are to blame for doing something if what we did was horrible, we were not forced to do it, and we knew or should have known that it was horrible. I have discussed at length what it is for us to do something – which is, presumably, the core of the matter – and offered a rough account of it in terms of joint commitment.

For present purposes our not being forced to do what we did, and our knowing its moral character, can both be construed, as to their core, in terms of our beliefs, where *our* beliefs are understood in terms of joint commitments to believe as a body one or another proposition – in the cases in point, the proposition that, roughly, *we had better do this if we want to avoid great harm*, and the proposition that *it is a horrible thing to do*.

As I have argued elsewhere, such an understanding of statements about what we believe is merited for reasons parallel to those offered for the proposed account of what we are doing. Here I should perhaps emphasize that our joint

commitment to believe that *p* as a body does not require any of us personally to believe that *p*.<sup>35</sup>

The discussion that follows will presuppose the proposed accounts of our action and our belief. And I shall continue to suppose that we are blameworthy if and only if we did something horrible, we weren't forced to do it, and we knew or should have known that what we did was horrible.

I am now in a position to discuss the relationship between *our* moral guilt and *my* personal moral guilt or innocence.

The issue can now be elaborated as follows: Suppose that we were jointly committed to espouse a certain goal as a body. Enough of us acted in light of this joint commitment for this goal to be achieved. Suppose, further, that we were not jointly committed to believe as a body that there would be some dire consequence should we fail to achieve that goal. And so on.<sup>36</sup> Does this mean that *I* am either morally guilty to some extent or morally innocent in the matter?

The answer is surely "neither". One can usefully distinguish between *basic* and *non-basic* cases here.

In the basic cases, it is always possible that one of the parties was constrained to enter the joint commitment to espouse the goal in question in such a way that he cannot be held culpable for doing so. For instance, given their prior history, Jack may have known that should he refuse to set the fire with Jim, Jim would violently assault him, quite likely killing him. For some such reason he agreed to set the fire. He did not pretend to agree; he really did agree. Nonetheless, one may wish to deny Jack's personal culpability in the setting of the fire, perhaps to the point of regarding him as free of any moral guilt in the matter.

Possibly Jim was also forced to act as he did, not by Jack, but by some third party who, he knows, will do violence to him should he and Jack not set the fire. Thus it is possible that neither party is personally culpable in relation to their collective act.

In this type of case, each of the parties is at least aware of what – as they would put it – we were doing. But now consider a case of derived joint commitment.

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<sup>35</sup> On our belief see Gilbert (1989 ch 5), Gilbert (1996), and elsewhere.

<sup>36</sup> "And so on": we knew or should have known our action was horrible, this construed in terms of the joint commitment account of collective belief.

Suppose Jack and many others are party to a joint commitment to accept as a body that a certain person, Rex, is to set goals for the group and arrange for their implementation by calling on those members of the group he deems to be best equipped for the associated tasks.

Under these circumstances, we may do something horrible, in the event, even though some of us did not even know that the collective goal had been set. Perhaps more is needed to make those of us in this position free of personal moral guilt in the matter.

For instance, we may have voted for Rex as our leader, knowing that he was a belligerent person likely to engage in attacks on those outside our group. But we might not have voted for Rex. Indeed, we might have voted against him, and taken every legal step to prevent his election.

Or it may be that originally everybody reasonably judged that Rex would be an exemplary leader. A sudden personality shift has left him ready to do things that are untoward, barbaric. And no one can easily stop him, though many are doing what they can to do so.

In conclusion, then, given a joint commitment analysis of what it is for *us* freely to do something bad, when we knew or should have known that it was wrong, a given party to the underlying joint commitment may not be personally culpable in relation to our action – though he may be.

## **5. Some consequences of the foregoing**

### *i. Personal responses: feeling guilt over what one's group has done*

Towards the end of the famous lectures whose title has been translated as "The Question of German Guilt" Karl Jaspers wrote<sup>37</sup>:

...in a way which is rationally not conceivable, which is even rationally refutable, I feel co-responsible for what Germans do and have done.

Going on he emphasizes the difficulty:

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<sup>37</sup> Jaspers (1947); Here I follow the English translation by Ashton.

...I seem to have strayed completely into the realm of feeling and to have abandoned conception...

A joint commitment account of collective moral guilt allows that such feelings need not be irrational, even for one who is personally blameless in the matter in question.<sup>38</sup>

In feeling co-responsible with others one could be responding emotionally to the fact of one's implication in some horrible action or actions not so much through any personal culpability but rather through one's non-culpable participation in those joint commitments that lay at the foundations of those actions.

How, after all, should one feel, if one is in a position to say "We've done something horrible"? Not good, presumably.

I have elsewhere proposed that it may make sense in at least some cases to speak here of a *feeling of guilt*. This will then be a *feeling that does not relate to one's personal guilt* but rather to the guilt of one's group. For want of a label I have called it a feeling of "membership guilt".

Membership guilt – as understood in this context – is *not* a form of personal guilt. *It is simply a matter of my being one of "us" – when we are guilty – something that does not speak directly to my personal guilt or innocence.*<sup>39</sup>

One might put it this way: our moral guilt, as such, does not, in and of itself, taint *me* morally. Rather, it puts me in a position to feel a particular kind of emotion, one that is hardly pleasant. It may, indeed, be agonizing. This is one of the hazards of membership in a social group – something that most of us can hardly avoid.

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<sup>38</sup> This was the theme of Gilbert (1997). My point is evidently a general one, and does not speak to the empirical facts of any particular case.

<sup>39</sup> I tried to make this clear in Gilbert (1997) but my view has at least once been mischaracterized in print (in spite of an informative quotation just prior).

*ii. Concerning our responses to our blameworthy actions: collective feelings of guilt.*

Given that we are blameworthy, what responses to what we have done are appropriate for us collectively? That is a large question. Here I focus on one of the least discussed aspects of it.<sup>40</sup>

Many assume that we cannot respond affectively to what we have done.<sup>41</sup> I can so respond and so can you, but we cannot. Yet ascriptions of feelings of guilt or remorse to *us* are well within the limits of everyday discourse.<sup>42</sup> And it would seem that such feelings on our part, whatever they amount to, will be appropriate responses to our collective moral guilt.

What are we talking about, then, when we talk in this way? As I have argued elsewhere, a joint commitment account recommends itself.<sup>43</sup> Here I focus on the case of remorse.

At the core of such an account will be a joint commitment *to feel remorse as a body*. It is worth spelling out what this particular commitment amounts to.

As indicated earlier, in order to conform to it, one need not personally feel remorse for anything he has done. It may indeed be queried whether one can feel remorse at will---a negative answer making a *commitment to feel something* a lost cause from the start.<sup>44</sup> Such willed feeling is not in any case at issue here. Nor is one required to feel membership remorse, the analogue for remorse of membership guilt, discussed in the last section. One's capacity to do this at will may also be questioned, and is in any case not to the present point. Rather one is to contribute as best one can to the emulation of a single subject of remorse by means of the actions and expressions of each.

Of course a feeling of membership remorse in one or more of the members of a guilty group may help to produce remorse at the collective level. Thus suppose that Jack has come to feel very bad about the fire that he and Jim set together.

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<sup>40</sup> The first extended discussion of collective emotions in analytic philosophy that I am aware of is my discussion of collective remorse. See Gilbert (2000).

<sup>41</sup> See Kutz (2000).

<sup>42</sup> I believe Joshua Knobe has some experimental data to this effect.

<sup>43</sup> See e.g. Gilbert (2000).

<sup>44</sup> A parallel longstanding philosophical discussion concerns one's capacity to "believe at will". For some discussion of this in connection with collective belief see Gilbert (2002c).

Predictably, it has ravaged many acres of land, destroyed homes, and at least one person has died. In a remorseful tone Jack says to Jim, "We really shouldn't have done that!" Jim responds, "That's right!" in a similar tone. In some such manner Jack and Jim may come collectively to feel remorse over their setting of the fire.

Note that though they here *express* their membership remorse, the parties are not explicit about it. Jim does not say "I feel so bad about what we did!" to which Jack might have replied "Me too!" The latter dialogue is apt to produce a collective *belief* to the effect that *Jim feels remorse over their setting the fire, and Jack does also*.

In acting as required by the joint commitment to feel remorse as a body it may well be appropriate for us collectively to apologize, and to attempt in other ways to appease our victims to repair the damage we have done.

Such an apology might be made in concert if the perpetrators are few in number: as when Jack says "We're sorry" and Jim echoes him with "Yeah, very sorry". In a larger group it is likely to be made by a representative who is authorized to speak for the group in this and perhaps other ways.<sup>45</sup>

### *iii. The responses of others*

There is one more question I want to touch on before closing: the appropriate responses of others, including our victims, to our blameworthy actions. The question on which I focus is that of punishment or, more broadly, responses intended negatively to impact the guilty group on account of its action.<sup>46</sup>

Often at least, if we are to suffer on account of our wrongdoing, then so are you---yet you may be free of moral taint in the matter. Perhaps you did the best you could to prevent our action from taking place, joining in public protests against it and so on.<sup>47</sup> Perhaps you were ignorant of what was happening, and in the circumstances your ignorance was not culpable.

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<sup>45</sup> For an examination of group "speech acts" generally see Hughes (1964); also Meijers (2007). There is extensive discussion of collective apologies in Smith (2008).

<sup>46</sup> I take punishment proper to meet certain conditions that may not be met in all cases where a punitive reaction is envisaged. See Gilbert (2006b: ch. 1). There are interesting questions relating to punishment proper that will not be addressed here.

<sup>47</sup> Such personal or sub-group protests may not count as action contrary to the joint commitment or commitments that lie at the foundation of the group; even if they did, they would not necessarily remove one from the group itself. See Gilbert (1996).

Considerable caution, then, is morally required of those who consider engaging in punitive behavior in relation to a given case of collective guilt. Indeed, a focus on those individuals who in a given case bear significant personal guilt, as is common in practice, may be the best course morally speaking.

Sometimes it may be that measures that adversely affect us all are justifiable. In that case every effort should be taken to protect those who bear little or no guilt.

It is often pointed out that many are likely to bear at least some personal guilt when their group is involved in a terrible wrong.<sup>48</sup> For instance, they did not speak out when they could have. They did all they could “not to know” what was happening.

This is surely true, and everyone needs to be aware how small steps taken by many “ordinary men” and women can have significant consequences. What each one of them has to blame himself for is likely, though, to pale in comparison with the delicts of their leaders or others with a greater ability to influence events.

In any case, once we are at the individual level of things, it is each individual’s story that counts. And though *our* story is one and the same – insofar as we did this terrible thing – *your* story and *my* story may be quite different.<sup>49</sup>

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<sup>48</sup> Jaspers (1947) offers a highly nuanced discussion of the ways in which individuals can contribute in one way or another to a group’s wrongdoing.

<sup>49</sup> Cf. Jaspers, *op. cit.* This essay is a lightly revised version of an invited presentation at a symposium on collective responsibility held at the APA Eastern Division meetings, New York, 30 December 2009. I thank my co-symposiasts C. Kutz and Nick Smith (commentator), and members of the audience for discussion. I am grateful to Frank Stewart for comments on a draft of that presentation.

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