

# Essays in Philosophy

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## Collective Responsibility and the Individual

1. Consider the recent Israeli assault on Gaza. On December 27, 2008, Israel attacked the Gaza Strip with heavy aerial bombardment, and then later with a ground attack, allegedly to stop rocket attacks launched by Hamas, the governing authority in Gaza. The attack lasted about three weeks and killed about 1400 Palestinians, many of them (if not most of them, depending on your source), civilians. Let's grant (what I don't actually believe<sup>1</sup>), that Israel's aim was to stop the rocket fire from Gaza that had been threatening its citizens. Assuming this aim, one would naturally look to just war theory to evaluate the moral propriety of bombing heavily populated areas in response to the threat. Indeed, in a recent article Avishai Margalit and Michael Walzer (2009) do just that. They conclude their article with this principle: "Conduct your war in the presence of noncombatants on the other side with the same care *as if* your citizens were the noncombatants" (22).

Now, I think their argument is unassailable. I also think it's clear that the bombing of Gaza, along with the strategic bombing of Germany and Japan during WWII, and most of the attacks that kill civilians in modern warfare, do not pass their test. I can't imagine any American or Israeli agreeing to the obliteration of one of their cities

or neighborhoods, or even that of a third party, in order to further the strategic interests - even quite legitimate ones - that were at stake in most of these cases. So why are so many people sanguine about the casualties of large numbers of non-combatants, despite the clear violation of just war principles involved; principles that many of those same people would endorse if asked?

Here I am perhaps speculating, but it seems to me that underlying the common acceptance of such tactics is the idea that our enemy is an entire people, a collective, and therefore all members of that collective are in some sense appropriate targets of violence or other retributive action. At any rate, I want to consider whether taking this stance is justifiable, and, if not, what implications rejecting it has for certain other common tactics of political action that I, along with many others, consider justifiable. In particular, since imposing economic sanctions to pressure a government unavoidably causes harms to the individual citizens of the nation in question, must one justify the harms so caused by appeal to a notion of collective responsibility?

2. There are a lot of different, and overlapping notions of collective responsibility in the literature, applied to a wide variety of situations.<sup>2</sup> Whether one is dealing with a club, a corporation, an ethnic group, or a nation clearly makes a difference. Theorists also differ concerning the nature of the relationship among individual members required in order for a genuine collective to exist, as well as the locus of the responsibility ascribed on the basis of the collective's actions. My concern here is with national

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<sup>1</sup>For arguments that Israeli aims were not primarily to protect its citizens, see Henry Siegman (2009).

collectives, in the sense of peoples, where what constitutes a people is often determined by the boundaries of a state but it needn't be. So in my sense Americans, the French, and the Chinese are peoples, but so are Palestinians, Jews, and Kurds (but not Catholics, or, probably, Muslims). I don't have anything like a theory of what makes a collection of individuals into a people, but some relevant features will come out as we proceed. For now I assume an intuitive grasp of what I have in mind.

As I said above, there are a lot of different views on the question of collective responsibility, and different parameters along which views differ. One parameter is the kind of relation required of individuals in order for them to constitute a genuine collective. On one end of the spectrum is what one might call the "biblical" view, captured in the passage, "for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me" (Exodus 20:5, *King James*). When God commands the Israelites to kill every Amalekite, or Simeon and Levi kill every male resident of the city of Shechem because its prince raped their sister, we see this notion at work. On this view, one is born into a collective and is responsible, to the point of liability to capital punishment, for that collective's actions. Nowadays we consider this morally repugnant, a kind of racism. I mention this conception of collective responsibility only to indicate that it constitutes one end of a spectrum linking individual responsibility to that of the collective.<sup>3</sup>

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<sup>2</sup>The collections in May and Hoffman (1991) and French and Wettstein (2006) cover the territory fairly well.

<sup>3</sup>Though few would explicitly avow this version of collective responsibility, I do think it exerts at least a subliminal influence on our thinking, especially in times of inter-group conflict,

In the current literature no one thinks mere birth alone is sufficient to make an individual a member of a particular collective. Rather, at least some feature under the person's control must be present. For some, collectives are formed out of "shared intentions," for others it's a "joint commitment," and yet for others it's a notion of "solidarity,"<sup>4</sup> The common core here is that collectives involve both identification as a member on the part of the individuals comprising it, as well as some sense of common purpose, a sense of working together for common goals and common welfare.

It seems to me that nations, or peoples, plausibly meet the criterion of commonality of purpose, interest, and identification that is the common core in the views just mentioned. While an entire people rarely, if ever, acts out of a shared intention in the way that, say, a gang robbing a bank does, or a basketball team executing a fast break does, the somewhat weaker requirements of solidarity, common interests, and joint commitment do seem to be met, at least in most cases. What is crucial, however, and what largely distinguishes this notion of a collective from what I called the "biblical" one, is that a person has the choice whether to identify, and thus belong, to any particular collective. Being born American, a Jew, or a Kurd doesn't automatically make one a member of the relevant collective. One can renounce one's American citizenship and refuse to consider oneself Jewish or Kurdish.<sup>5</sup>

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and perhaps this influence is at least partly responsible for the widespread acceptance of violence against civilians that persists to this day.

<sup>4</sup>For what constitutes a "shared intention," see Bratman (2006) and references cited there. Gilbert (2006) employs the notion of a "joint commitment," and Feinberg (1991) talks of "solidarity."

<sup>5</sup>Of course ability to separate from the collective is not the only difference between the biblical view and current conceptions. How much liability to harm is engendered by one's

Let's suppose we can treat nations/peoples as genuine collectives. There is still a gap from acknowledging the category of a collective in this way to attributing responsibility to a collective. For one thing, responsibility applies to actions, and one may quite reasonably balk at the idea that collectives act, as opposed to their individual members. Actions, as opposed to mere movements, are usually distinguished by their connection with prior intentions, as well as beliefs and desires. Does it make sense to attribute these sorts of states - intentional states - to collectives?

I think there are basically two ways to try to defend a notion of collective action: either attribute intentional states directly to collectives themselves, or introduce a secondary notion of action, applicable to collectives, that is derivative from the actions and intentional states of the individual members. Tollefsen (2002) argues for the first strategy, utilizing Dennett's (1971) view that attributions of intentional states are grounded by the utility of taking the "intentional stance" toward the subject in question - whether it be a person, a chess-playing computer, or, for that matter, a nation. I don't want to go this route because I don't accept Dennett's instrumentalist approach to attributions of intentional states. On my view there are significant internal conditions, having to do with the semantically evaluable functional states of the organism that provide the truth-makers for intentional attributions. Since these conditions are lacking in collectives, I don't want to say that collectives genuinely instantiate intentional states.

However, it still seems to me to make sense to talk of collective actions. When

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membership in a collective is also a difference. None of the current theorists believe that liability to violent punishment follows from membership in a collective, except perhaps in cases

people explicitly coordinate their actions so as to carry out an action none of them on their own performed - or, as often is the case, could have performed - it makes sense to say that the group in question acted. Of course the collective action is realized by the actions of the individual members, and it is only the members who instantiate the intentional states by virtue of which the group's movements constitute actions - which actions then go to constitute the collective action.<sup>6</sup>

Now quite tightly coordinated individual actions and intentions, as manifested, say, by a gang robbing a bank, or a basketball team executing a fast break, seem like clear cases of the sort of collective action in question. But I want to speak of nations acting, and clearly there isn't anything like the degree of coordination or universal involvement on the part of the individual members as in the cases of a gang or a bank. Still, so long as there is a universally (or nearly so) recognized authority structure, so that it makes sense for individual members to consider that representatives, or leaders, are acting on their behalf in their capacity as members of the collective, I find the notion of collective action quite plausible.<sup>7</sup>

In particular, when nations are constituted by states, with recognized governments, the idea that they act as nations seems ineliminable if we are to make sense of international relations, including international law. It is nations that invade,

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of genuine action in concert to achieve a sufficiently nefarious end; for example, conspiracy to murder. More on this below.

<sup>6</sup>I interpret Gilbert's (2006) view that by virtue of joint commitments a group can act as a "plural subject" along the same lines.

<sup>7</sup>Feinberg (1991), French (1991), and Gilbert (2006) all discuss ways that individuals can be implicated in the action of a collective when they fall short of the kind of tight connection displayed by the bank robbers or the basketball players.

defend against invasion, maintain or break diplomatic relations, and all the rest. When Nicaragua took the United States to the World Court over the latter's sponsoring of the Contra war against it, it was the actions of the United States, as a nation, that were the object of its suit.<sup>8</sup> If the United States had obeyed the ruling of the court, it would have been the government, as a representative of the people, that would have paid the required reparations. Here we have a fairly clear case of collective action along with collective responsibility.

When we are not dealing with nation-states, but peoples in the looser sense, obviously it is harder to determine when the requirements for collective action are met. I don't have anything very specific to say about this, except to note that, on my view, there is a continuum of cases along the parameters of degree of organization, percentage of individuals jointly committed, and degree of individuals' contributory actions, and the farther along this continuum one is the more applicable is the notion of collective action, and therefore also, collective responsibility.

What I do want to address, though, is how to understand the relation between collective responsibility, when it does apply, and the responsibility of the individuals comprising the collective. In particular, to what degree does a doctrine of collective responsibility justify retributive harms suffered by the individual members of a collective when the collective has acted wrongly? If we agree that bombing non-combatants cannot be justified in this way, how about lesser harms, like those involved in the imposition of economic sanctions? If it turns out that the notion of collective

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<sup>8</sup>See [http://en.wikipedia.org/wiki/Nicaragua\\_v.\\_United\\_States](http://en.wikipedia.org/wiki/Nicaragua_v._United_States)

responsibility can't do the work of justifying such actions, are there other principles that can play the requisite role, thus providing a moral justification for actions that target collectives?

3. Before addressing these particular questions, I want to explore another aspect of the issue of collective responsibility, one that will set us up to address these questions head on. Tollefsen (2006) usefully distinguishes between "shared responsibility" and genuinely "collective responsibility." She criticizes both May (1991) and Gilbert for understanding collective responsibility in a way that distributes it over the individuals in the collective, hence the term "shared." On her view, the responsibility attaches to the collective as a whole, as a unit. As it is the collective that acts, it is the collective that bears the responsibility for the action. She doesn't deny that individual responsibility may be implicated in the collective action due to the contributory actions of the individuals involved. Her point is that any such individual responsibility is additional, and not, as it were, the material out of which the collective responsibility is composed.

Tollefsen's insistence on the collective as the locus of responsibility makes good sense, I think, when applied to the issue with which she is concerned, namely the emotion of guilt. Her point is that an individual can feel genuine guilt, and rationally so, over the wrongful actions of a collective of which she is a member, even though she feels no guilt (and shouldn't) for anything she personally has done. For instance, as an American Jew I can feel guilt over the Israeli attack on Gaza, and the American support for it, even though I acted to oppose the attack and in no way contributed to it. I don't fault myself, let's assume (of course one always feels one could have done more, but



that's another matter). I do fault the collectives in question. And, what's more, I do so qua member of the collective; hence guilt, rather than indignation alone, is the proper emotion to feel.

One might wonder what force this kind of collective guilt felt by an individual has if it isn't taken by the individual to implicate her own moral worth. Well, I think it does have real import. If one rightfully feels collective guilt, then one also ought to feel a special sense of personal responsibility to do something to right the wrong in question, and to prevent similar wrongs from occurring in the future.<sup>9</sup> Tollefsen's notion of collective guilt makes sense of my feeling, as an American Jew, a special responsibility to work to end Israeli oppression of Palestinians, as well as, say, the U.S. occupations of Iraq and Afghanistan. I don't have to feel that I'm personally at fault for these outrages by the collectives in question - though I may be if I voted for the policies, or didn't protest when I could have - in order to feel that, as a member, I have a special responsibility to do something about them. Now, if I don't in fact act on that special responsibility, then personal fault does emerge; but that is, again, additional to the collective guilt already felt.

Notice, though, that even if we take the collective itself to be the responsible agent, as Tollefsen urges, and don't translate collective responsibility into shared responsibility, it is still clear that most of the action takes place on the level of the individual. This is what one would predict given the position articulated above about the derivative nature of collective action. What do I mean by all the action taking place at

the level of the individual? Well, first of all, as Tollefsen acknowledges, while collective guilt is guilt on behalf of a collective, it is still felt by individuals. The emotional content is collective, but the subject having the emotion is an individual.

But even more important, and what brings me to my main concern, is the fact that when retributive action is warranted in response to a collective wrong, the primary bearers of any harm inflicted are the individual members of the collective, not the collective itself. I don't want to deny that, just as collectives can be considered agents who act, it is possible that for certain purposes they can be said to have interests as well - interests that are not reducible to the interests of the individual members. Where there are interests there are possibilities of thwarting those interests, and therefore a notion of collective harm - as distinct from shared, or distributed harm - might make sense.

But even if a notion of collective harm can be defended, it is clear that whenever collectives suffer retribution for their wrongs the principal burden is felt by individuals. Whether it be paying reparations, suffering economic sanctions, or being bombed, it is the individual members of the collective who must pay in the end. Does participation in a collective warrant such treatment when the collective of which one is a member acts wrongly? Frankly, I don't see how it can. As far as I can tell, only an appeal to the biblical morality discussed above can justify this transfer of collective guilt to individual moral liability to retributive harm.

My worry here is captured quite well in the following two quotes from

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<sup>9</sup>This seems to be how May (1991) understands the import of what he calls, following

philosophers who defend the coherence of the notion of collective responsibility: first, Joel Feinberg (2006) writes

One would think that, where group fault is nondistributive, group liability must be so too, lest it fall vicariously on individual members who are faultless. But, for all unfavorable responses, group liability is inevitably distributive: what harms the group as a whole necessarily harms its members (73).

Along similar lines, Margaret Gilbert (2006) writes

The same goes [i.e. she hasn't dealt with this issue in the present paper] for a number of other moral concerns, including the question of how if at all non-members are morally permitted or required to respond to a given collective's blameworthiness. Suffice it to say that given the model of such blameworthiness presented here, any steps directed against a blameworthy collective must be taken with extreme caution, on pain of harming numerous individuals who have little or nothing to answer for in connection with that collective's action. That is not to say that no such steps can ever be taken. The moral propriety of any such steps, however, must always be carefully examined (114).

It is precisely the "moral propriety of such steps" that I want to examine.

Another way to put the point about the problem of distributed harm involves Keith Graham's (2006) distinction between "imposing" and "embracing" collective responsibility. The idea that as a member of a collective I can rightfully feel guilt over the collective's action grounds my personally *embracing* responsibility for the action,

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Jaspers (1947), "metaphysical guilt," or "moral taint."

and for addressing its consequences to the extent I can. But this does not automatically justify others in *imposing* burdens or harms on me by virtue of my membership in the collective. For this we need further justification, to which I now turn.

4. I want now to discuss the question of actions, such as economic sanctions, that are aimed at addressing wrongful collective actions, but have inevitable harmful consequences for the individual members of the collective. I supported the economic boycott of South Africa during the apartheid era, and I support the imposition of sanctions against Israel, and Israeli companies, in order to secure its withdrawal from the occupied territories and to pressure it to cease its violations of Palestinian civil, political, and human rights. However, I do not believe it's true that all South Africans were guilty of contributing to apartheid, nor do I think all Israelis are guilty either. Given the remarks above about the unjustifiability in most circumstances of imposing collective responsibility, how can such actions against collectives be justified?

In what follows I will explore the prospects for providing a combination social contract-utilitarian justification for imposing burdens on individuals who comprise a collective that acts wrongly. In particular, my focus will be on the justifiability of economic sanctions and boycotts as instruments of pressure on national groups. The kind of justificatory basis I will outline is individualistic; it does not rely on any of the claims about collective agents and actions discussed above. For, as emphasized at the end of section 3, I see no way to justify the imposition of burdens or harms on individuals purely by virtue of their connection to the relevant collective. If an individual is to suffer for an action, it must be justifiable to that individual either as retribution for

what that individual has done (or failed to do), or on utilitarian considerations that apply to all individuals. On pain of falling into the biblical conception of collective responsibility, I see no other way to proceed.

Let's assume that, at least for citizens of developed industrial states, that everyone's interest is served by the existence of a legal system that recognizes certain collectives as legal agents. When one such collective is deemed at fault in some way - say a judgment against a nation by the International Court of Justice - and required to make restitution, to what extent, if any, does this obligation morally devolve upon the individual persons constituting this collective? If we have an answer to this question, we might then be well on our way to providing an account of the moral basis for pressure tactics involving boycotts.

While I do think these two issues are connected, there are further distinctions to make here. To begin with, there is a longstanding issue in political philosophy - one might say it is *the* issue in political philosophy - concerning the moral basis for the authority of the state. Taking the autonomy of individual agents as *the*, or at least *a*, fundamental moral notion, the question immediately arises how the state, or its representatives, have the right to coerce individual citizens. Of course this is a very complex topic, but let me say that on this issue I favor some sort of social contract theory. Somehow, whether through a Rawlsian Original Position, or some more concrete idea of an implicit contract, citizens of a state, by virtue of their benefiting from the terms of cooperation constitutive of the state, acquire obligations to obey the laws of the state. (This is not to deny that morally exigent circumstances can legitimate civil

disobedience, or even violent resistance. But that's another matter.)

Suppose then that we grant that individuals, through their participation in the social contract, acquire individual obligations to obey the laws of the state. This means that when they break the law they incur liability to retribution. If we accept this much, then it doesn't seem much of a stretch to argue that part of what individuals agree to is to assume their share of the collective responsibility that the laws of their state - and, thereby, the treaties and agreements into which their state enters - assign to the organizations, including the state itself, of which they are members. Therefore, if the International Court of Justice, say, determines that the United States owes reparations to Nicaragua for the damage caused by the "contra" war, an individual taxpayer, though not a party to the evil deeds in question, still bears her share of this financial responsibility. This can be thought of as a kind of collective responsibility if one wants to apply the term here, but it is really a matter of the individual responsibility a citizen bears through her participation in the social contract founding the state.

While I think these social contract considerations move us some way toward accounting for whatever collective responsibility there is, I don't think they suffice. For one thing, some accommodation must be made for the fact that most governments - our own, and other industrial democracies, included, but especially authoritarian governments - do not really keep their part of the social bargain, and hence there must be a corresponding diminution on ordinary citizens' responsibility for the actions of their governments. For instance, in several countries of South America during the 1970's and early 1980's, the governments in power were brutal military regimes. Aside from

their repressive policies, they also ran up enormous debts to international banks, debts that were inherited by the democratic regimes that replaced them after the generals were deposed.<sup>10</sup> I think there is a strong case to be made that, morally speaking, the populations of these countries, already impoverished and devastated by the years of junta rule, were not responsible to pay these debts. Now this is an extreme case, and arguably no social contract applied here. But it seems to me that even in less extreme cases, indeed in democracies like ours, the government is sufficiently independent of the control of the vast majority of its citizens that it's not clear they really share, by virtue of social contract considerations alone, in the responsibility for its actions. Some other basis for boycotts and reparation payments must be found.

I think there are two such bases, and they both admit of degrees of responsibility. First, among the citizens of a nation - whether it be democratic or authoritarian - some benefit more from the policies of the government than others, and some have the opportunity to exert more influence over its policies than others. Usually these two factors coincide. It seems plausible that the degree of one's individual responsibility for a policy carried out by another agent is correlated with both how much one benefits from it and how much influence one has over it. In a democracy, with freedom of speech, individual citizens can exercise their rights to protest actions of their government they deem immoral. If they don't choose to exercise that right, or fail to make the right moral judgment concerning the policy which they could have protested, it's plausible that they bear some personal responsibility for the policy. It's also

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<sup>10</sup> For a detailed account of what happened in these countries, see Klein (2007).

plausible that the more they benefit from the immoral policy, and don't protest it, or act to impede it, the more responsibility they bear.<sup>11</sup>

Thus reparation payments and boycotts should be formulated in ways that the burden incurred by them falls as much as possible on those who both benefited, or continue to benefit most from the immoral actions, and are (or were) best in a position to do something about it. Given the situation of Palestinians in Gaza, it is hard to hold most of them at all responsible for whatever wrongful actions taken by Hamas militants and leaders, while Jewish citizens of Israel have more means and freedom to oppose their government's policy. But my point is that even with respect to Israeli citizens there are distinctions to be made, and justice requires attempting to frame pressure tactics in a way that respects the principle just articulated. It may only make sense to pressure or punish those who benefit most (such as arms dealers) and can do the most about it.

So far I've come up with two ways that what is on the surface a kind of collective retribution is really a matter of individual responsibility: social contract considerations and benefit/ability to influence considerations. The ability to influence consideration as applied to a citizen with respect to the actions of her government is related to the responsibility we would naturally ascribe to a parent who knowingly allows their child to play with a gun. (In fact, the analogy is all too close I'm afraid.) Now, a basic constraint on retributive justice is proportionality. The punishment should fit the crime. I contend that the kind of individual responsibility for criminal actions by a government borne by

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<sup>11</sup>The idea that one's share in collective responsibility is proportional to how much one benefits from the collective's actions as well as how much influence one is able to exert is emphasized by both Feinberg (1991) and McGary (1991), though they differ on specifics.



ordinary citizens almost never justifies violent or drastic economic sanctions (such as those imposed on Iraq by the United Nations, mostly because of United States pressure, in the 1990's). Some degree of discomfort seems appropriate - and I can't say precisely how much of course - but death or maiming by bombing, whether from the air or by suicide bombers, or economic sanctions that reduce people to starvation or severely degrade their standard of living, seems clearly disproportionate to the level of responsibility at issue here. Attention to proportionality, together with attention to degree of responsibility, I believe suffices to distinguish the immorality of the Israeli assault on Gaza, including the prior economic blockade, from the morally permissible use of targeted economic sanctions against Israel to pressure them to end their occupation of Palestinian land.

However, we're not done with this topic quite yet. There is still a problem. While social contract and benefit-and-ability-to-influence considerations do provide a basis for distinguishing cases like that of Gaza and Israel, they aren't quite enough to provide a general justification for economic sanctions, or any other sort of boycott.<sup>12</sup> Sanctions are a somewhat blunt instrument. It is obviously foolish to believe that one can fashion a sanctions regime that harms every individual member of the targeted group only to the extent of their individual responsibility. There is just no way of knowing that the amount of discomfort experienced by each and every individual affected by one's pressure tactic

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<sup>12</sup> I have in mind here academic and cultural boycotts. Some people have quite specific objections to boycotts of this sort that don't have to do with the question of collective punishment, but more to do with the value of free speech. Since that's another topic entirely, I will ignore it in what follows.

against a nation or a large business is what they deserve and no more. Let us call that portion of the disutility caused by a tactic like economic sanctions, whether by affecting totally innocent individuals or by affecting appropriate individuals but by too much, the degree of “innocent victimization.” It seems to me that any policy of sanctions and/or boycotts will cause a certain amount of innocent victimization. If so, it looks like the kind of considerations developed above can’t serve to justify it.

If we acknowledge that any action against a collective like economic sanctions will entail some amount of innocent victimization, and nevertheless believe that such tactics are both justifiable, and even necessary, maybe one can justify such actions by squeezing a little more out of the social contract idea. Here’s the way you might look at it. Part of the social contract, the one that covers global issues, is that one allows oneself to be victimized (in this technical sense) in return for the right to victimize others, all for the overall common good. I’m actually sympathetic to working this out along Rawlsian, “original position” lines, though I’m in no position to do that now. But even if one could make such an argument, one would first have to make the utilitarian case that it really was for the overall common good. So therefore I’m inclined to just rely at this point - when accounting for innocent victimization by economic sanctions - on the utilitarian considerations alone.

Here’s the idea. No matter how strict a Kantian one is (okay, not Kant himself), one has to acknowledge always the possibility of rights and rules being swamped by utilitarian considerations. It’s a pretty secure principle that one should never torture innocent babies, but describe a scenario where billions of lives depend on it, who

wouldn't say that the right thing to do is torture the baby? (Of course it's estimated utility that matters, so you have to be awfully sure. Let's just stipulate that you are.) Size matters when it comes to suffering, and there is always, or almost always, a level that can overpower other moral principles and rights. (I am not going to argue for this here, but I assume it's a widely shared basic intuition.) This is why I don't see how one can argue that terrorism, as a method of accomplishing a worthy goal, is absolutely never permissible. If the Jews could have saved themselves from the Holocaust by blowing up Hitler, but to do that they would have to take 100 children with him, does anyone think it's clear that they wouldn't have been right in doing so? Fortunately, I think it never in practice comes down to that, so I can feel pretty confident in, practically speaking, opposing terrorism universally. But those who self-righteously take that stand must be prepared to make the nitty-gritty case to those who argue that the harm being avoided by terrorist attacks is so significant that it justifies such attacks.<sup>13</sup>

Be that as it may, when dealing with the much more benign tactic of limited economic sanctions, I don't think the suffering bar is quite that high. So when the interest which the economic sanctions are meant to protect or enhance is significant enough, innocent victimization can be justified on utilitarian grounds. Of course, as with "double effect" (a different doctrine, but one that applies to cases of innocent victimization), all the right sorts of constraints need to be enforced (except the one about deliberate targeting, which applies only to double effect). One must do what one

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<sup>13</sup>Relevant to this is the doctrine of "dirty hands," the idea that what must do something that is still considered morally impermissible. For my purposes the distinction between having dirty hands and doing what, overall is the right thing, doesn't matter. See Walzer (1973).

can to minimize the level of innocent victimization, and there needs to be a compelling trade off from a utilitarian point of view. Notice, as mentioned above, utilitarian comparisons deal with *estimated* utilities, which is all we have to go on. So we need to be sure, when engaging in a policy of economic sanctions that entails a certain level of innocent victimization, both that the harm we're trying to avoid, or ameliorate, is extremely likely and very serious, and also that there is a sufficient ground for believing that the tactic will work to avoid or ameliorate that harm. The higher the level of innocent victimization, the higher the level of confidence about success one requires, all other things equal.<sup>14</sup>

In this section I've argued as follows. Strictly speaking, there is no imposed collective responsibility in the following sense: no individual morally deserves retribution for actions done by another merely by virtue of their membership in the same collective as the agent whose action incurs the blame in question. Some level of disutility is, however, permissible to cause to members of a collective both on the grounds that they bear some personal responsibility for the actions in question (for the social contract and benefit-and-ability-to-influence considerations described above), and also because there is a sufficiently compelling utilitarian calculation to "soak up," as it were, the residual suffering not covered by the personal responsibility; that is, the amount of suffering categorized as innocent victimization.

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<sup>14</sup> Again, this is one of the main arguments against terrorism, though not the only one.

Notice that the justification for retributive actions against collectives requires all the factors mentioned above: social contract considerations, benefit-and-ability-to-influence considerations, and pure utilitarian considerations. One might think that once one brings in the idea of allowing compelling utilitarian calculations to intrude, why bother with the rest? But just how compelling the utilitarian advantage has to be is determined not by the overall level of suffering imposed, but by the level of innocent victimization. The more responsible the parties, the less compelling the utilitarian consideration has to be. When it comes to people who actually order and carry out atrocities, innocent victimization is not an issue, and we don't have to worry about the utilitarian calculation.

5. In this paper I've argued that there is a legitimate notion of collective responsibility in the sense that collectives genuinely act and therefore can be held responsible for those actions. When they are held responsible, however, the consequences entailed fall on their individual members. While it is right for individual members to identify with the collective action, given that they freely associate themselves with the collective, and therefore to embrace a personal responsibility for compensating victims of wrongful collective actions and seeking to prevent further wrongs, membership in the collective per se does not justify others in imposing burdens or harms on individual members. For that we must appeal to principles that govern individual morality, such as social contract and utilitarian considerations. Using such principles, I believe, warrants the kinds of actions we need to regulate the behavior of national collectives, but without justifying the kinds of outrageous acts, such as the

bombing of Gaza, that appeal to the notion of collective responsibility can seem to legitimate.

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