

# Individual and Group Accountability

*Saba Bazargan-Forward*

260 / Winter, 2023

## *Topic Description*

The purpose of this course is to explore accountability in the context of collectively committed wrongdoing. The accountability in question might attach solely to individuals. Or it might attach to the group *qua* group. Or it might attach to both. If accountability attaches to individuals first, we will want to know which individuals are accountable, and why. Do the accountable individuals need to have contributed to what they together do? Is each individual's accountability dependent on the degree to which that individual contributed? On what basis are the individuals inculpated? On the other hand, if accountability attaches to the group *qua* group first, then we will want to know how and why. Does group accountability require group agency? Can a group *qua* group qualify as an agent? If so, in virtue of what? And what implications does this have for the accountability of the individuals constituting the group?

How we address these questions will depend in part on whether the collectively committed harm comes from a cohesive, structured, cooperative enterprise (such as the harms resulting from warfare), or alternatively, from a set of individuals lacking any internal cohesion, the members of which have no particular intention to work together (such as the harms resulting from global warming). And what of collectives that remain unstructured, but which retain a sense of solidarity and identity? How do we make sense of accountability for the harms committed collectively in such cases? Though the topic of this course is on accountability for harms that have been collectively committed, we will also consider forward-looking obligations to avert or mitigate impending harms, where this can be only done collectively.

In addressing these issues, we will conduct a detailed examination of five thematically-related books. The first, by Christopher Kutz, develops a minimalistic account of individual accountability for collectively committed harms, with special attention to the harms that cooperations and businesses commit, with applications to both morality and law. On his account, individuals can end up accountable for a collectively caused harm even absent any causal contribution to that harm – suitably analyzed “participatory intentions” are enough.

The second book, by Tracy Lynn Isaacs, argues that we cannot make sense of individual accountability in paradigmatic instances of collectively committed wrongdoing without adverting to accountability at the collective level. In doing so, she makes sense of individual accountability by explicating the concepts of collective intention and collective intentional action, which in turn borrow from prior accounts of shared action that others, such as Margaret Gilbert and Michael Bratman have developed.

In the third book, by Chiara Lepora and Robert Goodin, they develop a far more conservative account of individual accountability for collectively committed harms. They argue that causal contribution is not only a necessary element for an individual to be inculpated in what others do, but moreover, that we can make sense of our existing practices as well as legal norms by analyzing them from a prospective standpoint, in which these norms and laws have the function of prohibiting conduct that risk contributions to wrongdoing.

The fourth book, by Saba Bazargan-Forward, takes a radically different approach. On his account, distinct aspects of human agency, normally wrapped up in a single person, can be ‘distributed’ practically across different people. We do this by forming promises, by making requests, by issuing demands, and by undertaking shared action. The resulting division of agential labor makes possible a distinctive way in which one person can be accountable for the actions of another. The result is an account that can help us make sense of individual moral accountability for cooperatively committed harms – but *not* for harms committed by unstructured collectives.

The last book, by Stephanie Collins, also focuses on cooperatively committed harms. But whereas Bazargan-Forward focuses on individuals qua individuals, Collins proceeds from a top-down approach by starting with a metaphysics of organizations as such, which helps us make sense of blameworthiness for what organizations do. She argues that organizations can experience moral self-awareness, and that members can be inculpated in the actions that organizations commit, by virtue of their constitutive and causal relationships to those actions. An upshot is that the degree to which an individual is inculpated will determine his or her share of the organization’s reparative burdens.

### ***Grading and the Structure of the Class***

The grading for this course will be based in part on a single term paper which will be due during finals week. At some point, I will meet with each of you individually to discuss the progress of your paper. In addition, each student will be required to present orally a detailed synopsis and commentary of at least two assigned readings (excepting those covering my work) over the course of the quarter. The synopsis should cover the entirety of the reading, though your commentary can be on the reading as a whole or just on a particular part of it. You should expect your presentation to last about 45 minutes. It will be followed by class discussion. The required reading will come from the following books:

1. Christopher Kutz. *Complicity: Ethics and Law for a Collective Age*. (2000)
2. Tracy Lynn Isaccs. *Moral Responsibility in Collective Contexts*. (2011)
3. Chiara Lepora and Robert Goodin. *On Complicity and Compromise*. (2013)
4. Saba Bazargan-Forward. *Authority, Cooperation, and Accountability*. (2022)
5. Stephanie Collins. *Organizations as Wrongdoers*. (2023)

I will include recommended background reading for each book. We won’t be explicitly covering the background readings. But reading them will facilitate a better comprehension of the material covered in each book.

### ***Schedule of Readings (tentative)***

#### **PART 1 – CHRISTOPHER KUTZ, *COMPLICITY: ETHICS AND LAW FOR A COLLECTIVE AGE*. (2000)**

Background reading:

Sanford Kadish, ‘Complicity, Cause, and Blame: A Study in the Interpretation of Doctrine’

- **APRIL 5**
  - Kutz, ch. 3 & 4
- **APRIL 12**
  - Kutz, ch. 5 & 6

**PART 2 – TRACY ISAACS, *MORAL RESPONSIBILITY IN COLLECTIVE CONTEXTS*. (2011)**

Background reading:

Michael Bratman, 'Shared Cooperative Activity'

Margaret Gilbert, 'Two Approaches to Shared Intention'

- **APRIL 19**
  - Isaacs, ch. 1, 2, 3
- **APRIL 26**
  - Isaacs, ch. 4, 5

**PART 3 – CHIARA LEPORA AND ROBERT GOODIN, *ON COMPLICITY AND COMPROMISE*. (2013)**

Background reading:

Christopher Kutz, 'Causeless Complicity'

- **MAY 3**
  - Lepora & Goodin, ch. 3, 4
- **MAY 10**
  - Lepora & Goodin, ch. 5, 6

**PART 4 – SABA BAZARGAN-FORWARD, *AUTHORITY, COOPERATION, AND ACCOUNTABILITY*. (2022)**

Background reading:

Saba Bazargan-Forward, *Authority, Cooperation, and Accountability*, Introduction

- **MAY 17**
  - Bazargan-Forward, ch. 1, 2
- **MAY 24**
  - Bazargan-Forward, ch. 3, 4

**PART 5 – STEPHANIE COLLINS, *ORGANIZATIONS AS WRONGDOERS*. (2023)**

Background reading:

Philip Pettit and Christian List, *Group Agency*, ch. 7

- **MAY 31**
  - Collins, ch. 4, 5
- **JUNE 7**
  - Collins, ch. 6, 7