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COLLECTIVE RESPONSIBILITY

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ABSTRACT. The basic bearer of responsibility is individuals, because that is all there is – nothing else can literally be the bearer of full responsibility. Claims about group responsibility therefore need analysis. This would be impossible if all actions must be understood as ones that could be performed whether or not anyone else exists. Individuals often act by virtue of membership in certain groups; often such membership bears a causal role in our behavior, and sometimes people act deliberately in order to promote the prospects of members of a given group. Nevertheless, it is rational to award proportionally to individual contributions to those actions and individual shares in the production of the consequences of those actions.

KEY WORDS: ascription, collective, freedom of association, group rights, individual, indivisibility, irreducibility, membership, ownership, participation, responsibility, voluntariness

1. INTRODUCTION

Issues about collective responsibilities and collective rights continue to be important in today's political circumstances, as well as interesting in the abstract. I have previously addressed the main elements of the question of rights; since the main points of that paper still seem to me to give the right basic account of the matter, I begin by summarizing those results here.¹ I then turn to the subject of collective responsibility, arguing that it is a dangerous device, generating insoluble problems and entailing the mistreatment of individual people.

2. ELEMENTS OF GROUP ACTION THEORY

2.1. *Individuals Are Fundamental*

To begin with, there is what is presumably a metaphysical issue about the being of groups. Some may think this not only a real issue, but one that is relevant to politics and morals. I do not. If it is a real issue, it is an issue

¹ Jan Narveson, "Collectives Rights?," *Canadian Journal of Law and Jurisprudence* IV (1991), pp. 329–345.



in the philosophy of science, or pure metaphysics, but not morals. The question for morals is always and fundamentally cast in individual terms: what is this, that, or the other person to do? If we think that there are things which groups should do, those claims will say nothing to anyone unless there is some way of understanding that individuals, such as members of that group or persons affected by its behavior, have duties or rights or some other moral status in relation to it.

2.2. But Group Membership Is Often Relevant

When group rights are affirmed or denied, then, the issue is this: Does someone, by virtue of belonging to that group, have a certain right, or a right-related duty, which he would not otherwise have had? If it is claimed that he does, then why? What is it about this group that has that normative implication? The fact that the fundamental subjects of moral directives are individuals does not in the least preclude the relevance of group membership. After all, to be subject to any sort of moral requirement is to fall within the scope of some level of generalization, and any generalization determines a group, namely those possessing the properties by virtue of which that generalization addresses them. If all *G*s are to do *x*, then my being a *G* is what makes that rule applicable to me; and to be a *G* is to be a member of the group or class of *G*s.

2.3. Moral Predicates over Groups Must Imply Moral Requirements for Individuals

Similarly, when groups are said to be responsible for this or that, the implication has to be that we may blame (or praise) members of the group, insofar as they are members, for the action(s) in question. Anti-Semites treat persons whom they suppose to be Jews in certain adverse ways, on the ground that, being Jewish, they are responsible for certain evils they claim the Jews brought about. Claims of that kind are always weakened or refuted by finding cases in which individuals belonging to that group did not in fact do the things in question. Those who make such claims are often resistant to such evidence: they are, in a word, prejudiced. But the point is that there is nothing at all to be said for their claims if they cannot support them by individual examples in the end.

2.4. Group Rights and Duties Have Implications for Insiders and Outsiders

Claims about group rights imply claims about not only what persons outside the group may do to insiders, but also what insiders may do to

each other. If a certain group is claimed to have the right to perpetuate some group practice, the question arises whether they may require fellow members of the group to do so. And that raises the question whether we outsiders may protect those insiders from their fellows who make efforts to compel them to engage in those practices if they do not wish to. It is difficult to resist the conclusion that we may. If *B*'s actions toward *C* are wrong, and *A* is in a position to shield *C* from them, or to prevent *B* from performing them, then in general *A* may do so. (Some think that *A* then has a duty to do so; this raises a major question, to which I think the answer is nevertheless that *A* has only the right, not the duty, to do this.)

2.5. *Voluntariness of Membership is Relevant but Complex*

Finally: it is crucial to this subject to appreciate the distinctions among groups in point of voluntariness. The principle of free association will protect any voluntary group wanting to perform any inherently harmless activity. But many groups are not free associations. We may especially distinguish four kinds of groups here.

- (a) The first kind is the fully voluntary association: only those wishing to enter belong, and whoever wishes to leave is free to leave.
- (b) The second kind is involuntary in entrance, but voluntary in exit: people may be born into it, but can leave voluntarily.
- (c) The third kind is the opposite: voluntary in entrance, but involuntary in exit, so that once you're in, the group has you for life.
- (d) Finally, there is the type which is voluntary in neither respect: we cannot choose to cease to be white, say. The same was once true in regard to sex, and it is sometimes argued that it still is, persons undergoing sex changes never fully making it into solid membership in the opposite sex. Whatever we say about that, Political Liberalism holds that fully involuntary groups have no special rights over their members. Your fellow white females, say, may not impose any requirements on you that you do not accept on your own volition. Even family membership imposes no duties that the rest of society may properly enforce.

But of course people may and often do identify, to greater or lesser degree, with various groups, whether voluntary or otherwise. Some are very conscious of their color, others try to ignore this aspect of their personhood, and sometimes succeed. Whichever, people have a perfect right either to make much or little of these connections.

The same is true, in principle, of group responsibility. Did the *F*s oppress the *G*s in times past, or is it claimed that they do so at present?

Well, but here is Ms. F_1 , who has never mistreated a G in her entire life. She, we must insist, need not share the blame. Here again, the matter of evidence is crucial. A group can only be said to “oppress” another group if many individuals in it characteristically, or at least significantly often, mistreat members of the other group – e.g., by hacking them to pieces, as with the Tutsi/Hutu massacre. And individuals in that group who do nothing of the sort, and perhaps exert themselves to prevent other members from so acting, or try to shield the oppressed from their actions, simply are not guilty, and may not properly be thought to be so. This is as fundamental a point as there can be in this matter. No group can claim the authority to penalize individuals who have done nothing relevantly describable as oppressive or aggressive to others, and this for the reason that there is no intelligible way to attribute victimhood to any group in the absence of overt individually violent (or otherwise wrongful) acts by members of other groups against members of it. *Underlying individualism is the only rational meta-theory for collective responsibility.*

3. TWO KINDS OF ACTIONS IN GROUPS

A further point of a methodological kind is essential in these discussions, for it seems likely that talk about the alleged irreducibility of group actions to individual actions has been muddled by confusion with a quite different issue. The issue is this: is the group action in question “reducible” to individual action in the specific sense that the predicate describing this action, which many people in the group in question do, of a type such that each individual’s action could take place even if none of the rest of the group existed at all or, say, were entirely out of touch with each other? For example, suppose that fifty people lift their right hand at time t . So far as logic goes, this is something any one of that group could have done at t , whether or not there were others at all, or whether the group were of a very different size than it is. Raising one’s hand is, so far as it goes, an action with no group implications of any kind. On the other hand, though, if I strike out, in the sense in which that is a term in any standard game of baseball, then that is something I cannot do unless there are exactly 17 others involved, viz., enough to make up, together with myself, the number required to make it true that my action is the one that is normally designated by the description “struck out.” Obviously, striking out is definable in some other ball games as well, but in all cases, the claim that one has done so entails that there is some kind of game with rules enabling us to apply the term.

There are innumerable examples of both types. The case of team sports, of course, is an easy one. More interesting and difficult cases will certainly come into view. The sorts of relations among various people that are required in order for a given group-related action to take place can be complicated indeed. Moreover, the issues become immensely more difficult when we distinguish between act-descriptions that, as with team sports, entail that various other people are engaged in various actions related to the one in question, and act-descriptions that, though they strictly speaking do not entail such things, yet would not in fact apply were it not for the behavior of various others. That is why the various social sciences are possible and able to be interesting. It may well be that Jones, or Mbutuli, do as they do importantly because of various relations to others which those individuals are not even indirectly aware of.

I make this last point simply to emphasize that the individualism embraced above does not in the least require that groups have no important, or even materially essential, bearing on our actions. They surely do, and it is plausible to suggest that they do for every human being who engages in known actions at all. For all that, however, every group action involves the doings of various things by individuals who, however much they may be reacting to the behavior of others, decide to do what they do, and could in principle decide otherwise – though, granted, the range of alternatives that will occur to them is seriously affected by their relation to groups. The issue of whether to perform the particular actions that the individual in question performs is, in short, a logically live issue, however much he or she may be thought to be a cog in a machine or a cell in a larger organism. Group organisms are not related to their constituent individual members in the way that mushroom cells are to mushrooms, in short.

4. TAKING IRREDUCIBILITY SERIOUSLY

Thus I think that we must reject, firmly, theses about “collective responsibility” entailing that collectives are irreducibly responsible for their acts. Consider, for instance, genocide of one group by another, as in the Tutsis and the Hutus, or the Nazis and the Jews. Is it in any interesting way true that responsibility for either of these is irreducibly collective? Is it true that the act in question is collective in that sense? No. Genocide involves thousands or millions of individual murders. The fact that all of the victims belonged to one group, *G*, and all the killers to another, *F*, does not mean that the genocide is irreducible.

In making this point, I have in mind an argument for the contrary view, advanced by a recent writer,² who proposes as an example of a group act not reducible to acts of its members a hockey game. Individual players make goals or prevent them, and so on, yet the game can only be won by the team. We must agree with the latter, of course. In like manner, World War II is an example: it was declared by certain collective entities, Germany, England, and so on, and it was fought among those nations, and not among particular individuals or subgroups within them. But that is because war is a gamelike notion, in that institutions and their formative rules are part of the notion as frequently, and I think usually, used. Nevertheless, genocide is not like war, or it is more like the informal notion of “gang warfare” or “mob rule.” No group “declares genocide”: even if someone in the government of *F* orders *F*’s army to get on it and kill all those people, nevertheless it has not “declared genocide.” It has, rather, initiated a series of individual actions which amount, given their numbers and character, to genocide. The actors act with certain common motivations, and it will be an extremely important question to what extent, if any, those motivations tend to aggravate or alleviate the heinousness of their acts. But on any reasonable view, the answer will surely be variable from one individual to another. Some will have done much more than others.

What about wars? Even though wars are fought between nations, which are collectives, yet individual leaders must do things – give orders, say – that make it true that a nation is at war, and individual soldiers, sailors, or other military personnel must fight it, else there is no war. And again, some do more than others. The sense in which some state is “guilty” in a war is important, but if it is true it can only be because the war was wrongful on its side, or that various violations of the rules of just war occurred. If the latter is so, individual people did it, and individual leaders ordered them, and to hold up a shadowy “collective” as being the true responsible agent is to deflect responsibility from the only entities that can genuinely have it, namely “. . . if the collective’s act is not coherently reducible to the acts of the individuals that made the collective act possible it makes no sense to suddenly view the act as reducible in distributing the punishment. As such, the punishment must be borne equally by all members of the collective in virtue of their membership in the collective.”

² Robin Gildert, “Acknowledging Genocide – a Retributivist Account of Collective Moral Responsibility,” presented at the meetings of Concerned Philosophers for Peace, McMaster University, Ontario, October 29, 2000. Mr. Gildert kindly supplied me with the text of this paper upon request. The paper will be in a collection published by Rudopi Press, forthcoming.

Here an inference is made that not only does not follow, but really subverts the premise of the analysis. If the guilt is strictly collective, then you cannot punish anyone in the collective for it, equally or otherwise; irreducibility precludes this. In punishing this man, that woman, this other man, this child, and so on, all equally, we would be behaving as if each of those individuals was equally guilty. But if the action for which they are being punished is that of an irreducible collective, then that is false. You cannot reduce the irreducible – that is the whole point. Irreducibility means that you cannot reduce, rather than that reduction must be carried through in a particular way.

And that is what is wrong with collective responsibility. Precisely because it will not reduce, it precludes you from getting at anybody – all you can do is wave flags and write poems. But in fact, it was this person's grandfather who was brutally murdered by that soldier and his buddies, this other person's sister who was raped and tossed down a well, these people over here who were herded into a gas chamber, by these particular soldiers. Only individual agents can do such things – this grandfather and that sister were not murdered by an irreducible entity. And neither was anyone else who was in any way harmed. But absent such harms, there is no genocide.

A profound problem looms, then, for the proponent of irreducible collective responsibility. The aforementioned writer sees this:

If the evil is indivisible such as genocide then they must be held accountable as a collective . . . whenever a collective is punished it is ultimately cashed out in terms of individual punishments. As such, we need to be very careful that a person is not punished unjustly, or does not receive more punishment than is deserved. However, if it's the case that a collective's act is not divisible but is rather a whole, then the punishment visited on the collective should be such a whole, or at least distributed evenly among the collective's members. But if such is the case then there's the problem of equitable distribution. In many instances it appears that it simply isn't possible to have such an equal distribution.

But this, I think, understates the case. For given irreducibility, you can infer no individual responsibility at all, whether equal or otherwise. If no individual did this thing, no individual is responsible for it and so no individual can be punished for it. The author perhaps surmises that every individual German is responsible for the rise of Nazism. To arrive at this conclusion, of course, we would have to say that those who did nothing to resist the Nazis, even though they also did nothing to support them, are in fact guilty of something (failing to resist evil, presumably), and we ought to regard that as problematic. But even there, we have to point out, some did in fact resist; some did much more than others, even to the point of sacrificing their lives. Some who did not go to the polls and vote against Adolf Hitler can be criticized: had enough of them voted, and voted against, Hitler would not have had his plurality. And so on. But there again,

we are talking about individual actions and nonactions that are variable. There is no reasonable support for an attribution of equal responsibility to all Germans, and indeed, common sense as well as modest acquaintance with the facts goes overwhelmingly against any such attribution. The point is, though, that the hypothesis of irreducibility deprives us of any rational means of distributing blame to individuals.

Surely it should be the case that the Nazi in the bakery does not receive the same punishment as the Nazi in the death camp . . . [so] we must pay close attention to the distribution of the punishment. But if it is the individuals that are punished . . . then we should simply look towards individuals and forget about the collective. . . . the individual that took the lives of many should be punished more severely than the person that baked bread. But if a collective's crime is not divisible then the members of a collective should be punished equally. Thus, these two should receive the same punishment. It would appear then that my intuitions have led me into a contradiction.³

But the author thinks there is a good reply to that:

Thankfully, however, this contradiction is easily dealt with. I stated at the outset of this essay that there are things that individuals can do and that there are things collectives can do. I would argue that we not conflate these two things. In the case of the death camp worker I would argue that this person is responsible for two crimes. The first deals solely with what that person could have accomplished on an individual level. Thus, if that person murdered then that person is to be held responsible for that murder. But there is a deeper and separate crime at work here, namely, genocide. As such, that person should be held responsible for that crime as well. As a result, the death camp worker does receive the greater punishment.⁴ However, that greater punishment does not stem from the person's particular role in the genocide. In regards to the genocide, both people receive the same. Instead, the death camp worker is punished more severely to account for the individual crimes that person committed as well as the genocide.

But this, it seems to me, will not do. The trouble is that there is no more reason for distributing responsibility equally than for distributing it differently. If we take irreducibility seriously, we are debarred from making any inference to individuals from strictly collective guilt. The best we can do is to see what each individual in fact did or did not do, and dish out praise and blame appropriately.

³ Gildert, "Acknowledging Genocide – a Retributivist Account of Collective Moral Responsibility" (forthcoming).

⁴ Footnote by Gildert, "Acknowledging Genocide – a Retributivist Account of Collective Moral Responsibility": "I would think that the death camp worker receiving the greater punishment correlates with the death camp victim's moral worth being upheld both for that person being the recipient of unjust treatment in the camp and for that person's worth as a member of a certain collective being denigrated in the genocide. I would also say that if there's a person that escaped from Germany before the war and never saw a camp then that person's worth as a human being would be upheld with the German collective being held responsible for the genocide."

To do that, indeed, we desperately need some rational view about how much to blame someone who does nothing to prevent things like genocide, for that will be a critical case. Now, most of us will agree that if it is very easy for someone to save another's life, and he is aware of that fact, yet does nothing, then he deserves some blame. But very few have gone so far as to propose that he is guilty of murder, and it is fairly obvious that he is not. He is guilty of what we might call indecency, or callousness, or something of the sort, and those are indeed blameworthy things, vices. But that is very far from the sort of thing that gets you strung up along with the more vicious among the Nazi leaders. And more to the point, it is surely obvious that the possibility of doing anything helpful to stem the Nazi tide varied enormously from one German to another. The plausibility of ascribing equal responsibility to all Germans, if we are allowed to consider the facts of individual cases, is zero. And the same would surely be true also of individual Hutus, and so on.

The author in question says, in a footnote,

I am adamant that the genocide is something both separate and above the murders themselves and thus not reducible to the acts in the death camps alone. As a result, I am forced to view the acts of those that worked to support the camps (say supplied food to the SS) or those that worked to support the camp's supporters as integral as the acts in the camps themselves.⁵

This is an instance of a problem familiar to all who labor in the vineyards of just war theory. Who is really innocent, given that everyone who produces anything may in some way be sustaining the war effort? It was on that basis, after all, that cities were bombed indiscriminately. But this does nothing at all to solve the basic problem of a holistic view. We do indeed need to find some rational way to apportion responsibility of that kind, but there is no reason to think it cannot be done at all. Just war theorists point out that activities to sustain life are, after all, essential to human survival anywhere, and since it is not the sheer existence of the enemy that we quarrel with, but rather certain fairly specific horrible deeds he commits, we have a basis for distinguishing those who feed people, including feeding hungry soldiers, from those who pull the triggers; and for that matter, and above all, between those who participate in war *qua* war, more or less within the confines of just war theory, and those who go out of their way to murder whole populations of innocent people as a deliberate part of national policy.

⁵ Gildert, "Acknowledging Genocide – a Retributivist Account of Collective Moral Responsibility" (forthcoming).

5. COPING WITH PARTICIPATION IN COLLECTIVE ACTION

Having rejected the resort to irreducible collectivity, what are we to do in the face of state and other group action? One obvious suggestion, amending the proposal set out in the previous quotations, is that when some major evil such as genocide is said to be committed by some large collectivity such as the German state, each individual German is, as it were, under a sort of moral cloud, a presumption that he or she probably or possibly had something to do with it. As with all such presumptions, this one is rebuttable, and responsibility will vary all over the map. It is an out-and-out misuse of this sort of presumption to go straight from it to unqualified blame of individual Germans, equally or otherwise. In similar manner, it is absolutely wrong to blame individual Muslims for acts of terror committed by some Muslim fanatics.

We also need, of course, to address as soberly as we can the sociological and cultural roots of such horrors. It is not rational to think that "it could not happen here." Evils of all sorts are common enough everywhere, and evils of this sort grow from a fairly common human soil. The better we can understand how these forces acted on individual Germans and specific institutions, the better a position we are in to avoid emulating them. It can happen here if we are not on the lookout, and so we had better be.

For a major example, it is very clear that most German participants in the evils of the holocaust did so under orders from superiors, and that those superiors had extreme powers, typically that of life and death, over those subordinates. Taking the hard line that this does not matter is very difficult to do. Most of us are wimps: most of us will respond to authority by doing things we would rather not do, and many will respond to it even when the authorities order us to do great evils to other people.⁶ It is not psychologically realistic to hold that this makes no difference. When *A* murders *B* because *C* has given *A* his choice between that and being murdered himself, we cannot simply ignore that.

What we can do, and did do in the case of Nuremberg, is to hold *C* very much more responsible than *A*. Nothing is more important than the attitudes of leaders. And underlying those attitudes, very often, is a philosophical theory of collective virtue, collective spirit, collective significance, that purports to authorize the doing of great evils by individuals. Palestinian suicide bombers, members of a Polish village who helped their Nazi conquerors by participating in the murder of hundreds of their fellow citizens who had the misfortune to be Jewish, and any number of other

⁶ For what has become the locus classicus of investigations into this, see Stanley Milgram, *Obedience to Authority* (New York: Harper & Row, 1969).

cases need to be analyzed with a view to finding the crucial points at which we can respond effectively to control such things.

6. RELATING TO COLLECTIVES

If someone identifies with some large group, such as an ethnic or racial one, he identifies with a large number of people whom he does not know. He may have little idea with which particular other individuals he is identifying, so that, for example, it would be easy for him to make mistakes in many cases: to his surprise, that man over there is not a fellow Ukrainian, and this one is not a fellow black but an actor cleverly made up to look like one; and so on. It can also be true that our agent identifies in virtue of characteristics about which he is none too clear.

The same will be true of nonmembers trying to identify people with particular collectives. At the time of writing, for example, many people of middle-Eastern descent are being wrongly identified as terrorists or sympathizers with terrorists. Sikhs, for example, who have little liking for Islam but who wear turbans and are, at least to undiscerning westerners, physically rather like Punjabis and Pakistanis, are verbally and otherwise assaulted by people who group them psychologically with what they take to be terrorist-related groups. Identifying with an irreducible collective in this sense is perfectly possible, and familiar. Indeed, most identifications with collectives will inevitably be like that. Insofar as this is one of the kinds of facts that feed into the idea of irreducibility, then, fair enough. Groups certainly do not consist of individuals known personally to the other members.

Moreover, sometimes people will perform certain actions because they are members of that group. This is so in two ways. First, many of our unconsciously performed actions will have the character they do because of our membership in certain groups: linguistic accents, for example, or culinary habits, are strongly influenced by ethnic or sociological origin. Second, and more interesting for present purposes, people will sometimes perform conscious and deliberate actions of such kinds. Their reason for doing *x*, and not just the cause of their doing *x*, is that they identify with a certain group. In the first sort of case, we can reasonably lay responsibility for the action on the group. But most of the time, the question of "responsibility" will not even arise. If Jones speaks with a drawl, because he hails from Alabama, no one will think that deliberate choice by Jones is responsible – but no one will care, either. But when the behavior in question is conscious and deliberate, the situation is different. Is the collective to be held responsible for that individual's behavior, too? No, in general.

The individual remains responsible for his behavior; it was he who decided to perform this action for that reason, and he who gets blamed for it if blame there is to be, or praised if praise is in order.

Typical ascriptions of responsibility to groups have a problem that any supporter of the thesis of irreducible collective responsibility will have to live with, somehow: namely, that it is usually, and probably always, true that some individuals in the group not only refrained from any of the horrible actions in question, but went out of their way to try to prevent their fellows from performing them. Those who wish to hold the group irreducibly responsible will then be laying blame on someone who is not only innocent, but possibly praiseworthy in the extreme. The Germans who resisted as best they could the Nazi juggernaut are to be praised, and certainly not blamed for the Nazis' actions.

After World War II, the Nuremberg Trials famously brought before the court many Nazi leaders. Some of these were acquitted, some convicted, and among those convicted, some were hanged, some received major penalties, some lesser. This is exactly as it should have been, but makes little sense if collective responsibility were in question. There can be no sense in ascribing to Heinrich Himmler, say, the crime of genocide. But there is plenty of sense in ascribing to him any number of individual crimes, including that of supporting evil policies to the utmost. I do not mean here to assert that these trials were legally permissible, though I incline toward that view. My point is only that if they were, they went about it the right way: by trying to identify responsible individuals, and treating them in accord with the seriousness of their individual crimes.

It is perfectly true that those individuals could not have committed some of the particular crimes of which they were guilty were it not for various collective involvements. The Nazi soldiers who murdered a hundred or so Canadian soldiers after the Normandy landings could not have committed the crime of violating the rules of war if they were not at war. Nor is it at all likely that the individuals who pulled the triggers would have done so, with intent to kill the particular individuals who were in fact killed by them, if the killers had not been acting as participants in a war. Still, it remains that some individuals, in particular, were guilty of doing so – not, say, the entire German army or the Nazi government as such. The latter, it is true, was highly unified and concentrated, so that identifying a very small group of individuals as “the” Nazi government is fairly plausible. In many other cases, of course, it would not be so. Discernment and sensitivity to differences is always necessary – again, in contrast to the sort of disposition inevitably engendered by loose talk of collective action.

7. RESPONSIBILITY FOR MEMBERSHIP?

Suppose that individual *A* is in fact a member of a certain group, *G*, a group whose leadership formulates and executes evil policies, *P*. *A* himself does not participate in the carrying out of those policies, and perhaps even disapproves of them. Still, may we hold *A* in some way responsible for *P*? May we properly hold *A* in at least some moral disapprobation?

Let's take two currently relevant cases in point: the American people, and Palestinians. Many reasonable criticisms of American foreign policy, especially in the Middle East, have been launched over the past several decades, and some of them accuse the American government, with considerable plausibility, of many evils, including propping up evil regimes and supporting what amount to acts of terrorism in some of those countries. The terrorists who commandeered airliners and crashed them into the World Trade Center with great loss of life and disruption of innocent activities of all sorts were claimed by some to have been in effect targeting non-innocents, since the victims were all (except, of course, for the many foreigners in the Trade Center towers) taxpayers. In turn many Americans want to hold Palestinians responsible for the terrorist acts, even though at the time of writing it is not known definitely just which groups did the deed.

Are either of these attributions reasonable? A complication, of course, is that membership in a nation state is not exactly "voluntary." Most American citizens were born there and grew up there, and did not choose to do so; likewise with most citizens of most national states in the world. Likewise, almost all practitioners of the major religions were born into families who professed those religions; and all members of ethnic or racial groups had no choice about that. To hold the latter responsible for the acts of governments, or of groups claiming to act on their behalfs is, I insist, wrong. The same goes for blaming ordinary Americans, and for a similar reason. But distinctions can be made, for the general pattern of reasoning is not wrong; it is merely misapplied. If someone voluntarily joins a certain group that is known, by the joiner, to be bent on evil, and he joins it sincerely, then we must presume that that person shares in the attitudes that motivate the evils in question. At the extreme, of course, guilt would be entailed: someone who joins the class of murderers is a murderer, and thus guilty. But someone who joins a group that is devoted to murder, whether or not he himself engages in any murders, is morally culpable.

How culpable? Suppose, for example, that the individual in question participates in a training camp in which he learns how to assassinate people, plant explosives that will kill them, and so on. Suppose that in joining this group he has every intention, at some point in the future, of

engaging in those very acts. If we could know that he has done this, must we wait until he actually kills some people before we act? Could we not engage in some form of preventive action? Might it be, at the extreme, killing the person in question? This is not a purely hypothetical issue. In wartime, for example, participants have no hesitation in bombing the army camps of the enemy, even though the soldiers-in-training have not yet fired a shot at them. In the case of terrorist training camps, there is often an explicit self-description as being involved in a “war,” perhaps a “holy” one as may be, but a war all the same. Surely the difference in degree is extremely significant. But on the other hand, it is also plausible that those who willingly identify with institutions and groups that intend evil share in the responsibility, and the relevant moral obloquy, that the group’s actions and professions entail. The relevant variable, as we see, is again one that reduces the collective aspect to an individual one. Insofar as we identify with groups intent on evil, we show that we have that intent, and it is that intent that licenses the disapprobation we then deserve. It remains that in the case of national membership, or even ethnic membership when group action allegedly on behalf of the ethnic group is engaged in, we must single out for exception those who object, especially if they object firmly and publicly, to the actions being carried out by their supposed leaders.

8. AN IMPORTANT SPECIAL CASE: COLLECTIVE OWNERSHIP

I want to turn now to what, I shall argue, is a special case of the same general phenomenon, of appealing to collective mythology to justify what would otherwise be regarded as evils: the doctrine that the earth “belongs to mankind” as a whole – the thesis of collective ownership of natural resources. Of course, many tribes have claimed collective ownership over smallish portions of the earth – American native peoples, for example. When such ownership is asserted, the effect of it is to debar individual members of the collective in question from acting on their own to use those bits of the earth in ways they think would be improvements on the tribe’s. “We own this area, not you; you can use it only on the terms approved by the long-standing tradition of the tribe [or whatever]; you will have to do as your tribe tells you while you are on this sacred [or whatever] ground.” Such is the rubric under which this or that tribesman is disallowed from doing anything different, including things that would, at least in his own view of the matter, be much superior to the previously done things. Indeed, he may even think it would be much superior for the whole tribe. But unless he can convince them, or their leaders, of his view, he can do nothing. Probably in this more than anything else lies the secret

of “primitive communism,” the under-achieving syndrome that Karl Marx attributes to early man as his initial economic system.

A subtler way of making what amounts to the same kind of claim is illustrated by a recent, and very acute, writer, who holds, on the one hand, that

only one foundational right, the right to equal negative freedom, can generate a set of rights that satisfies the compossibility condition . . .” [viz., the condition that the entire set of rights, held by all rightholders, be mutually consistent, or “compossible”] – but then says that this right issues in two claims: “rights to self-ownership and to an equal share of the value of natural resources.”⁷

Now, the right of self-ownership, as Hillel Steiner agrees, is equivalent to a right of general liberty of the familiar libertarian stripe, in which our actions are bounded by the bodies and activities of others. But what about the alleged right to an equal share of natural resources? This is said to be a negative right. And yet, negative rights entail only that others refrain from intervening; they differ from positive rights precisely in that they do not entail a right to help, to provide others with something, to exert efforts on others’ behalfs. Now the claim that we have a right to an equal share of the “value” of natural resources runs into the problem that the value of natural resources is what you can get for them in free exchange with others, and that is always and necessarily a function of what various others have done. If the “value of natural resources” in aggregate goes up, it is because of the labors of the many people who have found better ways of using them. This supposed right to an equal share of the value of resources is therefore a right to the labors of others, contrary to the initial idea.

Steiner suggests that “landowners thereby owe, to each other person, an equal slice of the current site value of their property: that is, the gross value of that property minus the value of whatever labor-embodied improvements they and their predecessors may have made to it.”⁸ The trouble with that idea, though, is that there is no such thing as the value of the property minus the value imparted to it by improvements; or, to put it another way, that that value is zero. The only way any land has any value at all is by somebody doing something with or to it. There is nothing left after all such are removed. And so the original idea comes to nothing. But notice that its proponents think it justifies a tax on all persons who own anything, which in the end would be a tax on all persons’ incomes.

⁷ These quotations are from Hillel Steiner, “Territorial Justice,” in Margaret Moore (ed.), *National Self-Determination and Secession* (New York: Oxford University Press, 1998), pp. 63–64.

⁸ Steiner, “Territorial Justice,” p. 67.

Steiner's argument is important because he professes to deny the rights of collectives. All rights, he says, are individual; "all legitimate group claims must be aggregations of – must be reducible without remainder to – the legitimate claims of individual persons."⁹ But if the rights of individual persons are inferred simply from their membership in the collective whole of humankind, this reduction will not help. If you assert that everyone is entitled to a fraction, $1/n$, of the earth's resources, where n is the population of the whole of humankind, then that is what has been done. Collectivity has been smuggled into the individualism so boldly, and reasonably, asserted at the outset.

When collective ownership of the whole earth is asserted by thinkers claiming to be speaking for a higher collective, that of the whole of humankind, what is the effect of this rhetoric? The answer is clear. If X is owned by a group, G , then G has the power to decide what happens to X , and in particular which individuals proposing to do something with it are to get the green light and which not. If the theorist begins by proclaiming an "equal right" to X , this makes little difference, since the alleged equality in question will, absolutely, require interpretation and enforcement. Few individuals will voluntarily surrender what they claim to own, by processes of work and negotiation with others over many years. Force will be necessary to effect the redistribution supposedly called for by the right in question. This requires that G act, make decisions. And there is no way for it to do that without an organization, such that somehow this person and that person are the ones who speak for the group, perhaps with a vote taken first or perhaps something else. Whatever the procedure, if G owns X , then who will do what with X depends on the political structure of G – in absolute contrast to the familiar methods by which individuals proceed in a social context. When Ms. A wants to do such-and-such, she considers who, if anyone, will be appreciably affected by her proposed actions, she clears it with them, and she goes to it. There is no need to ask the whole of mankind, because the whole of mankind simply is not in on the deal. But asserting a right to an equal share of the value of all natural resources, or anything of the sort, will put them "in on the deal," inevitably and remorselessly.

We should note that that is always true. The "whole of mankind" is a group extended in time as well as space. And while it is all but impossible for any small number of persons to do anything that literally affects all of humanity at a given time, it is not only "all but" impossible, but in fact absolutely impossible for anyone to do anything that will affect all of humanity down through all the ages – unless we count complete extermination (and even that will be thought a good by some, to be sure). It is, of

⁹ Steiner, "Territorial Justice", p. 65.

course, for this reason absolutely impossible to speak for “all of humanity,” most of whom, with any luck, have not even been born yet. Those who purport so to speak, therefore, cannot be doing what local leaders claiming to speak for the Mohawks, or the citizens of Kitchener, Ontario, can claim without total incredibility to be doing. Leaders of such groups can, at least, ask a good many of their fellows what they want, and get answers, more or less. They will virtually never get a uniform answer from all, of course, and so the credibility in question is far below 1.0. It is probably not often above 0.3 or so. But if their credibility is low, that of the spokesman for all humanity would seem to be somewhere around nil.

Now, if this is read in one natural way, it would be the death of rational social philosophy. For it would appear to imply that it is, absolutely, impossible to proclaim any sort of principle whatever as being in the interest of humanity at large – as being for the Common Good, where the group whose common good is in question is not just this or that dozen or hundred million, but literally everyone. Yet that is what moralists (including the present writer) purport to do.

But there is a different kind of reaction to this. Those who claim to speak for all of humankind do so on behalf of policies and initiatives that impose on individual people. And because the only entities we know of that can not only literally have interests, but can make their own wishes known, can deliberate about how to pursue them, and can articulately enlist the aid of others in those pursuits are individual people, the reason why the preceding pessimistic-sounding conclusions are so overwhelmingly plausible is clear: people, being people, are different. What all of humanity has in common is that each person, each human, is the possessor of a particular set of interests and capabilities, and an actor in a particular set of circumstances, which is different from that of each and every other such actor. Because we know this, we also have a pretty clear path to tread when it comes to discussing policies and principles with portent for all. We must somehow look at everything from the point of view of every individual. We must do that without making assumptions about the particular character of everybody’s interests, for the overlap among all is virtually at zero. Even something so obvious as the need for food and drink is only applicable to those who want to live, and not all do. But beyond such rudimentary things, divergence is the rule, and that rule is absolute and universal. When some of us say that the music of Beethoven has universal appeal, we cannot mean that everybody likes it, for we know they do not. When we assert the greatness of such things, we must do so in the face of *de facto* divergence of a quite overwhelming degree.

Because of this, claims to the collective ownership of the earth come to nothing. Such claims, as we have seen, can only mean that the use of the earth must be decided politically, not by particular people doing their particular things – that is to say, by their being particular people, as we all inevitably are. And the politics in question? What could it be like?

9. TWO KINDS OF POLITICS

At this point, we should make a distinction. For it can plausibly be said that fundamental and general principles about such things are inevitably political, political by definition. Very well, let us say that. But when we do, note that nothing follows in the way of appeal to, say, democracy or fascism or any of the familiar sorts of political systems. All that is being said when this is said to be “inevitably political” is that the project is to come up with a general principle for the whole *polis*, which in this case is the whole of humanity. But there are many possible candidates for such principles, and which is to be given the nod? It is at this point that we can propose the irrelevance, the absolute poverty, of all of the sorts of principles that we can call “political” in the narrow sense – not the sense in which all such principles are by definition political, but the sense in which they involve legislatures, kings, congresses, constitutions, supreme courts, and the like. For all such proposals, there is a definitive refutation: you name it, and we will find an indefinitely large number of persons who are, simply, being done down by it, in order to elevate somebody else. That is the inevitable shape of politics in this “narrower” sense.

Yet it stares us in the face that we do not need to do things that way, and moreover, we mostly do not – fortunately. “Fortunately,” for the reasons that John Locke notes about the proposal to take seriously the idea that it is humanity collectively that “owns the earth”: if we do, we shall all starve to death. All of mankind cannot be consulted about anything whatever, and any attempt to make such consultation literally would take, effectively, forever – until well after the starvation in question has occurred. There is, absolutely, no reasonable alternative to allowing individual people to get on with it despite absence of such authorization from the multitude.

Now that is as much as to say that the idea of collective ownership of the earth is, really, a myth, a dish of romantic political nonsense. And like almost all romantic myths when they are politicized, the results of taking it seriously are inevitably evil. Some general story of the Lockean stripe is all there is, because it is all there can be. Individual people pick fruit from individual trees, dig up particular patches of soil, kill particular deer, grow particular pigs, and the rest of it – up to and including inventing the digital

computer and putting on productions of Wagner's Ring of the Nibelungs. That is how mankind is fed, and clothed, and entertained, because there is no other way. To "collectivize" agriculture is not, because it cannot be, to cause the plants to grow in some other way; it is, instead, to force people to work differently: to work under the direction of others who need pay no attention to the worker's interests, and to disconnect those workers from the incentives and disincentives that have always impelled people to work. It is not surprising that it does not work very well, but it is important to appreciate what it is and that it cannot be what it appears to pretend to be.

The structure of social relationships stemming from this obvious existential fact is straightforward: I do my thing, you do yours, and it is only where those turn out to be incompatible that we have a problem to solve. Moreover, the solution is also pretty straightforward: who gets there first is to be respected. Those who "come later," either by being born later or by moving into the area from elsewhere, are to refrain from just taking what is already being used by someone else, but instead are to negotiate, finding mutually agreeable ways to make use of the particular bits of the world that are in question. In a word, the universal, necessary solution to the question of natural resources is private ownership and free association – the denial of politics in the narrow sense, with its interventionist legislatures, bureaucracies, and police.

Politics in the broad sense, of course, can be understood as asserting that very principle, and indeed, most of the common law, most tort proceedings, assert and are based on it. The question, "Whose is it?" is to be settled by finding out who is actually there, who got there first and put the land, or whatever, to use, what those who did so specified as to the disposition of their property upon their own demise, and so on. All of these give rise to problems, of course, and some of those problems may be near-impossible of solution. However, the difficulty of this kind of procedure is trivial by comparison with the difficulty of any social-ownership assertion.

Assertions of collective ownership of resources mean, in a word, war, on two fronts: first, against the members of that very collective, by those claiming to be leaders of it, and second, against the other collectives who make contrary assertions. When such collectives come into confrontation with each other, as they inevitably will, the basis of their appeal will be, first, ancient history, which is shrouded in mists, and second, the group's official mythology, as expounded in the Sacred Writings. But of course, Group *A*'s sacred writings are incompatible with Group *B*'s. And as both of them regard their respective writings as sacred, it is certain that the groups cannot reach agreement by discussing the cognitive merits of their respect sacred writings. In the nature of the case, those writings have no

cognitive merits – nothing that persons outside the group can point to and say, “There, you see – that is plainly false!” with any hope of making it stick or even being listened to.

This leaves us only history, and history is certainly, on the face of it, relevant. Only history can tell us who invaded whom, if the charge is – as it usually is – that one group is a victim of past acts by others. And that history will have defects. If it is very ancient history, it will be quite disputable in assorted ways. Evidence will be lacking, or contradictory, or too obscure to enable any progress to be made. Moreover, since the invasion, there will have been intermarriage, and subsequent invasion by others. For that matter, the group claiming to be wronged – say, contemporary Israel – will be found, even by inspecting its own sacred writings, to have been a lot of bloody invaders anyway, only their bloodiness will have been covered by orders from Jehovah who, it is said, “gave” this land to them in the first place. And at that point, history turns into mythology under our very eyes.

Depending heavily on collective historical actions will accordingly be almost certain to lead to nothing but further dissension. By contrast, if we allow only individual claims to ownership, based on definite transactions with others, or occupancy that can be definitely confirmed for long enough to make claims based on the remote past too obscure to be relied on, we can have genuine resolution of disputes about who owes what. We can have each individual make his choices, or retroactively confirm unchosen but gladly embraced identifications with whatever groups she wishes to identify with, disallowing only those groups that vow death and destruction to others. That is as much as to affirm the principle of freedom of association as the sole relevant principle for assessing collective actions of all kinds. This is the fully liberal theory of the matter, and I do not see how it can be rationally improved on.

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