

# Collective responsibility and the state

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This article considers the question of whether and to what degree citizens are responsible collectively for the actions of their state. In contrast to current accounts of collective responsibility, which focus on causality or affect as means for transmitting responsibility, the article develops an alternative account, the ‘authorized state’ model. This model, drawn from core intuitions of the social contract tradition, sees collective responsibility as being transmitted through the state as the agent or representative of its citizens. Having developed this model as an ideal type, the article then assesses under what circumstances the model is most applicable. The article finally applies the model to the US war in Iraq to assess the collective responsibility of US citizens for the outcomes of that war.

**Keywords:** responsibility; collective responsibility; state; citizens; Thomas Hobbes; social contract; representation; authorization; punishment; social connection; war; Iraq

## Introduction

The decision of the United States to invade Iraq in 2003 imposed significant costs not only on the United States but also, and far more dramatically, on the people of Iraq. Since the US invasion began, at least 100,000 (and possibly far more) Iraqis have died, and practically every individual in Iraq has lost an immediate relative to the violence of the war and its aftermath. In addition, at least 200,000 people have suffered chronic health problems directly caused by the war; the country’s infrastructure has been wrecked; electricity and power failures have been widespread; oil production has been stalled; environmental costs have been severe – and of course, there have been massive human rights violations, many perpetrated directly by US forces. It is impossible to specify precisely which of the many ills that the Iraqis have suffered since the invasion began are directly attributable to the war; and how much of the chaos, disorder, and vulnerability they are now suffering might have been visited upon them anyway, whether through the internal toppling of Saddam Hussein or by some other turn of events. But I

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think we can at least say with confidence that the decision of the United States to invade Iraq has contributed at least a sizable fraction, and very possibly the vast majority, of the suffering the Iraqi people have recently endured.

To an impartial observer, these facts might suggest that the citizens of the United States together bear a significant responsibility for trying to remedy the misfortunes their nation-state has brought about in Iraq. However, this view is not widely held, either among the nation's political leadership or among the populace as a whole. The leader (until recently) of one of the major parties in the US (President Bush) bemoaned the failure of the Iraqi people to voice sufficient appreciation for America's intervention in Iraq, while the leaders of the other major party (Democratic congressional leaders and presidential candidates) have urged rapid withdrawal of US forces from the region, with little emphasis on any ongoing military or financial responsibilities the American people might have toward Iraq. Public opinion largely mirrors this mindset. A recent *Los Angeles Times* poll disclosed that only 39% of American citizens agree that the US 'has a moral obligation to help pay for the reconstruction of Iraq', while 55% disagree. And unlike most questions about the war, this question does not divide sharply along partisan lines: 42% of Democrats agree with the claim, while 49% disagree.<sup>1</sup>

This situation raises an important question that has been a persistent theme, in one form or another, in Western political thought. That question is: what moral responsibilities do a state's citizens bear for those actions that the state undertakes in their name and on their behalf? I begin from my own moral intuition that the mindset of both leaders and (many) citizens in the United States is incorrect, and that Americans *do* have a significant degree of moral responsibility for what has happened in Iraq – even those Americans who disapproved the war, and perhaps even those who struggled to prevent it. The basis for my intuition is a belief that as a citizen of the United States I am responsible specifically for what my state does. In the following paper, I will therefore try to test that intuition by exploring the hypothesis that with respect to a significant portion of political action (including specifically the largest part of its international action), it is the *state* that serves as the primary mode for acquiring and transmitting collective responsibility, and that consequently *state action* is capable of creating a special kind of moral responsibility for citizens, more or less independent of their direct causal role in helping to bring about the action. This argument runs

<sup>1</sup> *Los Angeles Times*/Bloomberg Poll, released on January 17, 2007.

contrary to many of the most influential accounts of collective responsibility (and indeed of moral responsibility more generally), but I will try to provide arguments to call at least a part of that consensus into question.<sup>2</sup>

I will proceed as follows. In the first section, I specify what contemporary philosophers and political philosophers usually mean when they talk about responsibility, and how most contemporary theorists suppose collective responsibility is usually acquired and transmitted.<sup>3</sup> In the following two sections, I sketch an alternative model of how collective responsibility may be acquired by the citizens of modern democratic states, drawing on certain aspects of the social contract tradition, and in particular Thomas Hobbes' theory of the representative function of the state. Having described this alternative *authorized state* view, I then assess the conditions under which that model will be more or less applicable, focusing on how the authorized state view might respond to three important objections. Finally, I return to the subject of the war in Iraq, considering what implications this alternative view has for the responsibilities of US citizens for the present and future of Iraq.

## Moral responsibility

### *Types of moral responsibility*

What kinds of responsibility are we concerned with when we talk about moral responsibility? There are two main connotations of the term, which I will distinguish as *attributive responsibility* and *assignment responsibility*.<sup>4</sup> The attributive conception of responsibility helps us decide to whom we should attribute (retrospectively) praise or blame for a particular state of affairs. Frequently, attributive responsibility is interchangeable with the

<sup>2</sup> For examples, see Feinberg (1968), McGary (1986), Pettit (2001), Runciman (2003a, b), and Gilbert (2006b).

<sup>3</sup> Although I briefly address the issue of legal responsibility in the paper's fifth section, I make no attempt to explore at length the many issues in international law, which are connected to my argument here – primarily because most of them are well beyond my own field of specialization. For important scholarship in this area, see particularly Bass (2001), Fletcher (2002), Nollkaemper (2003), Milanovic (2006), and especially Crawford (2006). It is worth noting that I do not have in view at all in this paper what international lawyers call 'state responsibility,' that is, the legal liability that states themselves may accrue for the harms they may cause.

<sup>4</sup> These are terms of my own devising, though the basic archetypes can be found throughout the analytical literature on collective responsibility. One account that has particularly helped my own understanding is Williams (1994, Ch. 3), esp. at p. 55 and *passim*. I have discovered that Robert Goodin uses the terms 'task-responsibility' and 'blame-responsibility' to denote a distinction similar to the one I draw here, in Goodin (1995, Ch. 7).

concept of causal responsibility – one acquires attributive responsibility for a state of affairs by causing (or permitting) it to exist (or continue). Alternately, we sometimes feel that those who have not, strictly speaking, caused a state of affairs should nevertheless be *held* responsible as if they had, such that we are willing to attribute moral responsibility to them on the basis of negligence, strict liability, or some similar criterion.<sup>5</sup> In any event, attributive responsibility is backward-looking or retrospective: it focuses mainly on such questions as who deserves credit or blame for what has occurred or developed.<sup>6</sup>

The assignment conception of responsibility, by contrast, is forward-looking or prospective: it asks not who is to blame for a state of affairs but rather who should bear the burden of caring for it. Having assignment responsibility means that a state of affairs is in your charge, or up to you, that it is your duty or obligation or role to deal with it. In this sense, responsibilities are very like moral duties as that term is popularly used in contemporary philosophical ethics, but admit of somewhat broader application since they are compatible with consequentialist as well as deontological systems of thought (Goodin, 1995: Ch. 5).<sup>7</sup> In this paper, I will discuss both attributive responsibility and assignment responsibility, but I will principally be concerned with moral responsibility understood as assignment responsibility.

It is of course possible to have both attributive and assignment responsibility for the same state of affairs – indeed, we should expect that this will typically be the case. Nevertheless, practically all those who have written on responsibility agree that assignment responsibility cannot simply be derived from attributive responsibility in any straightforward sense. There are some cases in which, though individual *x* is to blame, it is instead up to individual *y* to clean up *x*'s mess: as for example where *x* lacks some relevant necessary capacity (where *x* is a child, it may be up to her parent *y* to make things right). Likewise, while questions of capability are clearly relevant to assignment responsibility, there will be plenty of

<sup>5</sup> On the potential independence of responsibility from direct causality, see Kutz (2000).

<sup>6</sup> Much of the best recent work on what I call attributive responsibility is by Margaret Gilbert, in Gilbert (1997, 2002a, b, 2006b). Though I may differ with Gilbert regarding its relevance to questions of assignment responsibility (discussed below), I find myself in agreement with the general thrust of her account as it applies to attributive responsibility.

<sup>7</sup> The notion will be intelligible to both systems, but each will interpret it slightly differently. For consequentialists, responsibilities will be outcomes which it is morally obligatory for a given agent to pursue, but will not dictate any specific means to achieve those outcomes; for deontologists, responsibilities will also be morally obligatory ends, but with the added proviso that they will be pursued only through morally permissible means, and without omitting any morally required actions.

cases where those questions are not sufficient to assign all responsibilities, as when  $x$  and  $y$  are both capable, but  $x$  is to blame for the situation, or where both are capable but cleaning up is  $y$ 's well-remunerated job. At least in many of these cases, therefore, we will want to introduce considerations about the past as well as about the future into our deliberations.<sup>8</sup>

So typically, there will be at least some connection between our assessment of attributive responsibility and assignment responsibility in a given situation – and this connection is part of what enables us to distinguish both personal and collective responsibility from the more general duties associated with humanity and benevolence alone. In this regard, Robert Goodin (1995: Ch. 16) invokes a traditional distinction between *general* moral duties or responsibilities, and *special* moral duties or responsibilities.<sup>9</sup> The former are those duties we have toward all humanity universally; the latter are those we hold toward specific persons due to specific features of our social connection to them. Assignment responsibility, in the sense I will be using here, refers only to special moral responsibilities. For, in contrast to a general moral imperative, an assignment responsibility will typically be a moral imperative derived specifically from one's actions or from action-related features of one's situation.

### *How is collective responsibility assigned?*

How is responsibility attributed or assigned to collectives or groups?<sup>10</sup> Contemporary theoretical accounts of moral responsibility, when they take up the problem of collectives, have tended to offer one of three alternative answers to this question, each identifying a relevant form of connection between some collective and the state of affairs under consideration.<sup>11</sup> One version assigns responsibility on the basis of a claim about *causation*: a group acquires responsibility for an action or outcome

<sup>8</sup> See further Goodin (1995: Ch. 6).

<sup>9</sup> Goodin does not add 'or responsibilities' to his discussion of general vs. specific duties, but given the way he uses the term 'responsibilities' elsewhere I think this best makes sense of the position he takes. Importantly, this form of connection need not be limited to our fellow citizens, as Goodin argues: any form of social connection that is significant enough to engage our responsibilities will suffice.

<sup>10</sup> Collective responsibility stands somewhat apart from the broader philosophical literature on responsibility, in part because it does not focus on the standard preoccupations of free will and determinism. Many of the most important recent philosophical treatments of responsibility more generally are collected in Fischer and Ravizza (1993). Among the most important articles on collective responsibility more specifically are assembled in May and Hoffman (1991). Regarding collective responsibility in a specifically international context, Erskine (2003) is a useful collection.

<sup>11</sup> On the various types of connection and their moral significance, see further Miller (2001).

to the extent that they themselves caused that action or outcome to happen (whether directly or indirectly). For example, if a group of well-trained warriors decide together, on their own authority, to go out and invade a neighboring country, they are morally responsible for that action and its consequences.

The causal mechanism can of course be more complex. To take an easy case as an example, if in a direct democracy authorization by the electorate is a necessary and sufficient condition to provide for the invasion of a neighboring country, and should the electorate choose of their own free and informed will to endorse a call for invasion, then we can say, at least of those citizens who voted for the war, that they collectively are morally responsible for that action and its consequences. However, though this account resonates with our core intuitions about moral responsibility, it is also a very hard account to square with the mechanisms of modern democratic life. In contemporary representative democracies, citizens rarely, if ever, have the opportunity to affect such policy choices directly. If direct causation is required to assign responsibility for actions and outcomes, then the complex mechanisms of modern representative government will leave a large share of moral responsibility for state action assigned to no one in particular.

Perhaps because of these difficulties, many contemporary moral theorists have focused instead on assigning responsibility by means of *association*. The crudest form of this associative conception of responsibility occurs when responsibility is assigned by means of *identity*: those who belong to a certain national, ethnic, or religious group are assigned responsibility for those actions and outcomes caused by their fellow nationals, ethnics, or co-religionists. The most extreme versions of this mode of assigning responsibility are notorious, and indeed it is these identity-based methods that for much of the twentieth century gave the whole idea of ‘collective responsibility’ a bad name.<sup>12</sup> This notion has not by any means disappeared: the attacks by Al Qaeda and other terrorist organizations have implicitly justified their targeting of American, European, Israeli, and other civilians by reference to those citizens’ national identity, in much the same way that Western forces have detained and tortured many civilians based not on hard evidence but rather on their status as Arabs or Muslims. What seems unfair about these assignments of responsibility by association is that they incorporate no element of voluntary connection. Identity is to a considerable extent involuntary; so too are the associations which an

<sup>12</sup> Among the most influential considerations of this long-debated topic, see Jaspers (1986) and Arendt (1987), as well as many of the articles in May and Hoffman (1991).

identity may carry. Yet we feel it is not right to attach much responsibility to someone – particularly, to attach any attributive responsibility to them – unless they have in some way *done* something to acquire it.

It is probably in response to this weakness of simple identity-based attributions of responsibility that several contemporary theorists have sought to give an account of responsibility mediated not through identity simply but rather through a more active and consensual form of association. Since few forces in our world exert more causal influence than the nation-state, it should not be surprising that the most interesting accounts of responsibility through association have been accounts of *national* responsibility.<sup>13</sup> Farid Abdel-Nour, in his article ‘National Responsibility’, argues that national responsibility is distributed principally by means of feelings of national pride. Abdel-Nour argues, ‘An individual’s pride in the achievements of her nation connects her imaginatively to the actions of those who brought them about, and ‘in this way (and only in this way) can she be meaningfully implicated in the cause of distant outcomes by virtue of her national identity alone’.<sup>14</sup> Thus, to the degree that I take pride in the actions of my government, I acquire responsibility for them; moreover, perhaps by implication, to the degree that I do not feel pride or even feel shame at those actions, I evade responsibility for them when they are blamable.

There is something to be said in favor of this view. In particular, I think it helps to expand (in ways that are ordinarily counter-intuitive to us) our sense of the many kinds of actions, attitudes, and relationships that can incur collective moral and political responsibility.<sup>15</sup> But Abdel-Nour’s account also specifies the mechanism by which collective responsibility is acquired in such a way that the liability of citizens for the actions of their states is sharply limited. For while identity *simpliciter* as a mechanism for acquiring responsibility affords too little room for the role of voluntary assent, Abdel-Nour’s account of national responsibility seems to assign too *much* importance to voluntariness.

On Abdel-Nour’s account, it is attitudes such as pride and emotional assent that help to identify those who hold them with the actions of their nation. Since responsibility is transmitted through identification and emotion, a voluntary rejection of that identification and emotion may be sufficient to detach oneself from the responsibilities associated with these

<sup>13</sup> Two important accounts are Abdel-Nour (2003), discussed in greater detail below, and Miller (2004). Miller explicitly distinguishes his account of national responsibility from a state-centered account of responsibility such as that offered in the present essay, at pp. 243–244.

<sup>14</sup> Abdel-Nour (2003: 695).

<sup>15</sup> A related account that moves in the same direction is May (1996).

attitudes.<sup>16</sup> ‘National responsibility is actively incurred by individuals with every proud thought and every proud statement they make about the achievements of their nation’, Abdel-Nour argues, but he goes on to assert that this ‘is also the limit of their national responsibility, which only extends to the actions that have historically brought about the objects of their national pride’.<sup>17</sup> Abdel-Nour later reiterates that a citizen acquires collective responsibility for the actions of her nation-state ‘by means of her national identity alone’ and that whether she bears present responsibility for such past atrocities as slavery or genocide ‘will depend entirely upon her objects of national pride and the relationship between the actions that brought them about, on the one hand, and the horrors in question on the other’.<sup>18</sup>

I do not want to deny that the phenomenon Abdel-Nour describes as national responsibility exists or that it can, in many cases, be morally significant. But by tying national responsibility so closely to feelings of pride and emotional identification, Abdel-Nour significantly limits the potential reach of responsibility for the actions of nation-states. Ultimately, Abdel-Nour’s view, like that of several other contemporary theorists, is an *affect-based* model of collective responsibility.<sup>19</sup> But the particular problem with the affect-based view in this context is its suggestion that divesting oneself of pride and emotional identification with the achievement’s of one’s nation-state might be sufficient to relieve oneself of responsibility for the consequences of its actions.<sup>20</sup> Such a view might lead us to conclude prematurely that collective responsibility is assignable *only* to those whose consent and indeed commitment to national projects had been firmly secured. At the level of individual ethics, such a view would, in many cases, seem to encourage political quietism, as good people might seek to avoid associating too closely with the affairs of their national communities for fear of incurring unwanted moral responsibilities for the policies those communities pursue. At the larger level of normative theory, an account that derives responsibility for state action solely from its citizens’ affective attachments and voluntary

<sup>16</sup> See also May (1996), together with a critique in Gilbert (1997).

<sup>17</sup> Abdel-Nour (2003: 703). Italics in original.

<sup>18</sup> Abdel-Nour (2003: 712).

<sup>19</sup> Though I have focused on Abdel-Nour’s account because of its focus on the national-level decisions with which I am concerned in this paper, an equally prominent affect-based account can be found in May (1996: Chs. 2 and 8) (though for May the affect-based account does not encompass the full range of ways of acquiring collective responsibility).

<sup>20</sup> I do not think, incidentally, that Abdel-Nour commits himself irrevocably to *applying* such limits in assigning responsibility, but I do suggest that his argument leaves this conclusion available to those who would like to adopt it.



endorsements risks leaving a great deal of moral responsibility assigned to no one in particular. For surely there are many actions taken by states which many of its citizens have not endorsed, but which nevertheless are taken – or at least claim to be taken – in their name, through means supplied by them, for ends that purport to be their own collective interests and purposes. If states can act on this basis without committing its citizens to responsibility for state actions, the modern nation-state can effectively become a very efficient responsibility-laundering machine: taking actions in the world with the gravest consequences for which there is simply no one available to take responsibility.

Among recent theories of collective responsibility, the general approach best suited to address these deficiencies of the causation- and affect-based approaches is a version of the *social connection* model defended by Iris Marion Young. On Young's account, we should understand collective responsibility as being acquired and transmitted most often not as a result of direct causality or through affective identification but rather through our active – though not necessarily *causal* – participation in a chain of social connections that helps to create or sustain the negative outcome in question.<sup>21</sup> The social connection model, Young explains, 'says that all agents who contribute by their actions to the structural processes that produce injustice have responsibilities to remedy these injustices'.<sup>22</sup> Young's social connection model aims to identify the full range of people who may bear some degree of (both attributive and assignment) responsibility for a state of affairs, but is forward-looking in its focus on how to ensure that an essentially shared assignment responsibility for remedying the situation is discharged as fully as possible by means of various forms of collective action.

The social connection model constitutes a significant improvement over either the causation model or the affective identification model. Ascribing collective responsibility through social connection makes responsibility more widely available than it would be under a strict causation model. At the same time, the social connection model also makes responsibility farther reaching and less easily evadable than it would be under the affective identification model – for now, in order to evade being caught up in collective responsibility, individuals must make not only internal changes to their feelings but also substantial external changes to their behavior as well.

However, Young herself expresses skepticism about the validity of ascribing responsibility by means of 'nation-state membership', on the grounds that 'political communities have evolved in contingent and

<sup>21</sup> Young (2006).

<sup>22</sup> Young (2006: 102–103).

arbitrary ways that are more connected to power than to moral right'.<sup>23</sup> This argument rightly asserts that there are many important ways to acquire responsibility apart from state membership (illustrated by Young's particular case of concern, the responsibility of consumers for international trade practices they help to support). This however does not show that state membership is not a form of social connection in Young's sense, only that we should be skeptical about attempts to make state membership the exclusive focus of our analysis of responsibility-laden social connections. Young's own criteria, however, point to compelling reasons why the state must constitute a key mode of responsibility transmission:

Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects. Even though we cannot trace the outcome we may regret to our own particular actions in a direct causal chain, we bear responsibility because we are part of the process.<sup>24</sup>

This, I want to argue, aptly describes the way in which many citizens are involved with the activities of their states; consequently, the social connection model may apply equally well to state membership in addition to other forms of social connection.

The authorized state account asserts that there are different types of social connections we have with one another, and that it stands to reason that the parameters of responsibility will vary from type to type. In this paper, I will be adopting a modified version of the social connection model as an overall approach, but then going on to explore one particular type of connection – the kind of connection that citizens have through their states to other individuals affected by their states' actions. Assuming that this is one widespread form of social connection, I will then go on to ask what kind of connection authorized state representation really is, and consequently what kind of collective responsibility we would expect to see in cases where that is the dominant mode of social connection.

## **The authorized state model**

### *Essential features*

If the nation is not the only means by which we acquire collective responsibility, what alternatives are available? The idea I want to pursue

<sup>23</sup> Young (2006: 104–105).

<sup>24</sup> Young (2006: 119).

here is that there is another morally significant form of association within the national community, apart from that provided by citizens' cognitive assent or affective identification with the community as they imagine it. If we return to the powerful and extensive form of moral association discussed above, the nation-state, I suggest that with respect to certain problems, we should perhaps detach our attention from the nation side of the equation and refocus it on its companion concept, the state. In the next three sections, therefore, I want to sketch out an alternative account of collective responsibility grounded in the state's role as a representative or agent of its citizens. This alternative account will propose that an *authorized state* model of collective responsibility, as opposed to the identity-centric or affect-centric models, best describes how collective responsibility is acquired in some (though explicitly not in all) circumstances, including particularly (but not exclusively limited to) the state's actions in the international arena.

We can begin by supposing that in a case in which all these factors – the citizens' general authorization of the state's powers, their affective endorsement of its specific actions in a given instance, and the causal indispensability of their support in bringing those actions into effect – were in place, the grounds for assigning responsibility to citizens collectively for the state's actions would be clear and indeed over-determined. In this ideal-type situation, at least, they would certainly be responsible, for all the potentially relevant conditions – causality, affective identification, and authorization – would obtain. The question then is: under what circumstances would a general authorization of the state alone be sufficient to assign responsibility to citizens, regardless of their causal role in or affective identification with the policy in question? We can certainly imagine cases where, causality and state authorization obtaining, affect might not be necessary to assign responsibility: for example, in the case of a very lazy citizen population, which could easily prevent a harmful policy but fails to, even though they do not approve the policy. Similarly, we can, with little difficulty, imagine cases where, affect and state authorization obtaining, causality might be dispensable in assigning responsibility: for example, in the case of a jingoistic citizenry who supported a government's wrongful war warmly, even though the government would certainly have undertaken it without their approval. So neither causality nor affect is a necessary condition for assigning responsibility. The question is: when is state authorization alone a *sufficient* condition?

The answer is to be found in the implicit logic of the authorized state model, which points to the peculiar ends and means associated with the state as grounds for connecting its actions with its citizens in a chain of shared responsibility. I will say more about these peculiar ends and means

below, but to anticipate: the state claims to pursue certain necessary social functions (such as protection and provision of public goods) through powerful and effective means (such as violence and coercion exercised under unitary control), and claims further that its citizens authorize it to pursue such functions by such means. So where these conditions obtain – where the state *does* pursue such functions through such means – it is there that the authorized state model of collective responsibility will best apply.<sup>25</sup>

That is the basic intuition behind the authorized state account, which I will unpack in greater detail below. However, for expository purposes, I want to limit my initial sketch of this alternative authorized state model to the easiest and most plausible case, and therefore I propose that we begin by assuming three favorable conditions that apply to many but by no means to all political circumstances. First, I propose here to restrict my analysis in the first instance to the responsibilities of citizens of *democratic* states whose authorization of their state is essentially consensual. (If the theory seems plausible in that circumstance, we can then consider how far it may or may not generalize to subjects of non-democratic states.) Second, I want to consider initially those cases in which citizens witness and judge their state's actions through a public process that is reasonably *fair* and *open*. (Again, if the theory seems agreeable in that circumstance, we may then ask to what extent deception and manipulation might tend to mitigate citizen responsibility for state action.) And third, I wish for the moment to keep entirely separate the question of *punishment* or indeed of any coercive means of enforcing the responsibility we might attribute or assign to citizens through state action. (Once again, if the argument framed this way holds up in broad form, we may then ask how far we wish to permit those to whom remedial action is due to employ force or coercion to punish or otherwise recover what is owed to them.)

### *Authorization and the social contract*

What then does it mean to say that we can acquire collective responsibility for our state's action because the state acts as our representative? To

<sup>25</sup> In talking about the state in this way, I am implicitly adopting the view that it is appropriate to describe the state as a 'real' actor rather than as merely a kind of figure or fiction. In international relations theory, this view of the state has been promoted by Wendt (1999) and subsequently defended in Wendt (2004); important critiques of Wendt's position include Jackson (2004) and Wight (2004). With Wendt as well as with Goodin (1995: Ch. 2), Pettit (2001: Ch. 5), and Erskine (2001), I believe the state's real status as an agent enables it to acquire moral responsibility in a meaningful sense; but in contrast to Runciman (2003a, b), I do not think its status as a real agent makes it morally independent of or insulated from the transmission of responsibilities to its citizens (a question Wendt does not address). For a parallel argument involving corporations rather than states as 'real' persons, see French (1984).

answer this question, our best resource will be the body of thought which most thoroughly tries to specify the normative dimensions of the relationship between citizens and their state: the social contract tradition. From Thomas Hobbes to John Rawls and beyond, the social contract tradition is a rich and varied source of thinking about the relationship between citizens and their state, and the notion of the social contract itself is powerfully intuitive in the modern world. The concept also has notorious analytical difficulties, especially with regard to the crucial issues of authorization and consent.<sup>26</sup> The most successful attempts to overcome these difficulties have therefore offered a more modest, bare-bones account of the contract itself; one that downplays the literal grounding of authorization in consent, and instead interprets citizen authorization in terms of the indispensability of state functions.

In what follows, I will rely on one such contemporary account, that of George Klosko, which grounds state authority not in voluntarism or literal consent, but rather in our shared need for the state as a background condition for living acceptably commodious lives.<sup>27</sup> In the modern world, the state has become the indispensable mechanism for providing its subjects with, at a minimum, the following: collective self-defense, law enforcement, economic coordination, and basic social services (including education, welfare, health, etc.). Since only the state is capable of providing such goods as protection from harm, rule enforcement, and provision of key public goods, anyone who has signed on to the project of living the sorts of lives that require those goods may be seen from a normative point of view as authorizing the existence of the state that alone makes that project feasible. The fact that citizens typically feel entitled, as a matter of right, to enjoy such goods, provides at least some evidence of the reality that the state acts as their agent to procure these goods for them.<sup>28</sup>

Klosko does not extend his argument to incorporate the idea of *authorization*, but I think this extension can reasonably be justified as compatible

<sup>26</sup> For the classic articulation, see Hume (1985). As I will argue further below, these difficulties apply more compellingly to the problem of political *obligation*, which is concerned with how to justify citizen obedience, than it does to the problems associated with citizen *responsibility* for state action.

<sup>27</sup> Klosko (2005), esp. Ch. 2. Fishkin (1996), Part III, similarly seems to hold that it is possible to derive legitimate political obligation without producing actual, specific consent. For an account similar to Klosko's that also manages to avoid some of the problems of the traditional social contract model, see Copp (1999).

<sup>28</sup> We can also describe this type of undertaking as an instance of what Gilbert (2002a) calls a 'plural subject' created by the pursuit of a joint intention (p. 125). Gilbert (2006b) addresses its application to groups that seem to meet the criteria of modern states at pp. 103, 111–112.

with his basic argument.<sup>29</sup> In doing so, it is important to recognize explicitly that the question of state authorization is analytically distinct from the question of consent (though it is of course related to it). The problem of consent is concerned with the origin of the moral connection that binds individuals to their state, while the question of authorization is concerned instead with the consequences of that connection. It is about *what* citizens authorize their state to do – do they authorize it to conduct wars, for example? – not how they do the authorizing. Authorization of the state in this sense is compatible with a variety of different answers to the problem of consent, including models such as Klosko's that purport to establish state legitimacy without reference to 'consent' in the ordinary sense at all.<sup>30</sup> My argument here is that authorizing the state to act as our agent (whether via consent or by means of a more subtle mechanism like Klosko's argument from need) tends to establish a principal/agent relationship between citizens and their states, one that commits us to *prima facie* obligations to take responsibility for the consequences of its actions.<sup>31</sup>

In addition to authorizing the state in general, it also seems logical to extend the argument to assert that citizens are responsible not only for the existence of their state generally but also, to an extent, for the consequences of the form of their state (to the extent that its having that form is a necessary condition of it serving the purposes its citizens pursue). For example, if the state's effective functioning seems to require a unitary executive with military authority, certain morally pregnant consequences will follow from that fact (for example, that the state is capable of getting its citizens into a war which may be controversial among them). If so,

<sup>29</sup> Klosko discusses 'authority' in the sense of a legitimate source of political obligation, but not 'authorization' in the sense implying moral responsibility as postulated by the authorized state view. On authority see further Klosko (2005: 21–24, 51–57).

<sup>30</sup> In Gilbert (2006a), Gilbert herself argues for a model that includes certain elements of social contract theory while eschewing other more extreme 'actual contract' versions of the theory. There are two important differences between my argument and Gilbert's work on this score. First, in most cases Gilbert is concerned with questions of attributive responsibility, in contrast to my focus here on assignment responsibility. Second, where she does address questions of obligation and duty, she generally has in view broad duties of general obedience to the state, which I argue (below) are more vulnerable to the standard objections to tacit consent theory than are claims of duty arising from the actions of the state as the representative and agent of its citizens.

<sup>31</sup> The principal/agent analogy invites comparison with the relationship between corporations and their shareholders. Under many legal systems, shareholders have limited liability for the harms caused by their corporate agents, up to the size of their investment but no further. This limitation of their liability is of course a legal fiction that says nothing directly about their degree of *moral* responsibility. On the origin of the limited liability concept, see Micklethwait and Woolridge (2003). For a seminal exploration of the moral responsibilities of corporations generally, see French (1984).

I will eventually be arguing, it is certainly plausible that certain moral responsibilities may attach themselves to those consequences.

### *The state*

What precisely do we mean by ‘the state’ in this context? I want to offer a two-part description, the first part based on the well-known functional definition of Max Weber, the second on a recent etymologically based insight unearthed by Quentin Skinner. Weber famously defined the state as that agency which exercised a monopoly on the legitimate use of violence or coercion within a given territory (Weber, 1946: 77–78).<sup>32</sup> This part of the description helps to explain why the state might be an indispensable mode of social connection in terms of distributing moral responsibility for collective action. The state is a peculiar form of social connection through which we exercise our collective capacity for the always morally hazardous activity of violence and coercion; consequently, at least in those instances where a violent or coercive collective action is an issue, we will want an account specifically of the set of moral understandings that forms the background condition enabling this sort of action to proceed. On the authorized state model, this implies that we (that is, the citizens) authorize the state to exercise force on our behalf, in pursuit of our shared purposes; that this will include, at the extreme, even such acts as conducting wars; and that this sort of authorization is granted to the state as a general power, rather than licensed to it on a specific, case-by-case basis.

It is also important to clarify an ambiguity in Weber’s definition, namely, what precisely is meant by the restriction of the state’s claimed monopoly within a given territory. This could mean that the state claims a monopoly on violence and coercion exercised over the people within the territory; but this restriction would be odd, because it is clearly also central to the state’s functioning that it be able to exercise violence against others outside the territory when necessary for the security of those within. So we might reformulate Weber’s definition to assert that a state holds a monopoly on the legitimate use of force (a) *over* the people within a particular territory and also (b) *on behalf of* the people within a particular territory.

If this Weberian definition fixes the function of the state, however, it is important also to distinguish its location (figuratively speaking) as well. Skinner’s account identifies the emergence in the seventeenth century (and specifically in Hobbes’s political theory) of the idea of a state that is intermediate between, and distinct from, either the rulers on the one hand

<sup>32</sup> For detailed analysis of how violence and coercion are central to the concept of the state, see further Geuss (2001: Ch. 1).

or the ruled on the other.<sup>33</sup> The state is not simply the people – it is an institution independent of the people, established by them (in some sense or other) to do things on their behalf.<sup>34</sup> But if the state is not simply the people, it is equally not simply the government – that is, the persons in government at any particular moment in time (what the British call a government and what Americans call an administration).<sup>35</sup> This is an important distinction for our purposes, because it points out that the claim of the authorized state model is not that the *government* at any particular moment in time represents all its citizens' wishes – clearly that will not be true in any majoritarian politics in a pluralistic society – but rather that the *state* over time represents its citizens' interests and purposes.<sup>36</sup> Consequently, there are a variety of actions we can meaningfully attribute to a state – for example, undertaking a war – where we can also point to the government as the *cause* of the state's actions without diminishing the force of the claim.<sup>37</sup> It may be true that the Bush Administration *caused* the United States to go to war in Iraq, and that without that administration's choices we would not have gone to war. But it is no more meaningful to say as a consequence that the United States did *not* go to war with Iraq than it is to say that the murderer of King Duncan was not Macbeth but rather Macbeth's id. If true, it is trivial. It is not just that the Bush Administration works for the United States; it is that the Bush Administration *is* the United States at that moment, so far as work is concerned.

Before proceeding, let me dispense with two possible objections to the authorized state model of collective responsibility. First of all, some political observers tend to assume that it is meaningless to talk about states as moral actors at all. For example, as Toni Erskine points out, in the study of international relations, states are universally assumed to be the standard-issue 'agents' whose behavior must be explained; at the same time, however, their *moral* agency is just as standardly denied.<sup>38</sup> But as Erskine and Robert Goodin both argue, there are plentiful reasons to

<sup>33</sup> Skinner develops this account in a pair of essays: 'From the State of Princes to the Person of the State', and 'Hobbes and the Purely Artificial Person of the State', in Skinner (2002), vols. 2 and 3, respectively.

<sup>34</sup> For developments of this point, see Runciman (1997), Wendt (1999), and Pettit (2001: Ch. 5).

<sup>35</sup> See Wendt (1999: 217), along with Gilbert (1989: 274–288).

<sup>36</sup> This is certainly the way Hobbes and Rousseau conceive of the distinction, and while it is not quite Locke's view it would also not be foreign to him – he employs the term 'society' to mean that timeless associative bond which Hobbes calls a state.

<sup>37</sup> On the distinction between states and citizens on the one hand and states and government agents (particularly, soldiers) on the other, see the helpful discussion in Kutz (2005), esp. at pp. 159–166, as well as Walzer (1977: Chs. 18 and 19).

<sup>38</sup> Erskine (2001).



challenge this view. The state possesses most of the qualities we normally associate with moral agency, such as a capacity for deliberation and unitary action and a more-or-less stable identity over time. Goodin indeed argues persuasively that ‘the state is a moral agent, in all the respects that morally matter’.<sup>39</sup> I will not argue the point further here, but simply take the coherence of describing the state as in some sense a moral agent for granted as an assumption of the authorized state model.

Secondly, let me acknowledge that the relation between authorization and consent is not at all straightforward and obviously problematic for the authorized state model, and I will engage with some of these problems in more detail below. For reasons of scope, however, I will not in this essay try to argue against those who want to claim that there is *no* sense in which we as citizens authorize the state, and will concede that if that claim is true there are of course no circumstances in which the authorized state model, as I have described it, applies. Instead, I will adopt the hypothesis that the notion of citizen authorization of state action is at least meaningful, and instead try to determine more precisely in what circumstances it would be applicable, and to what degree.

## Authorization

### *Hobbes on representation and authorization*

Despite its emphasis on the normative dimensions of the relationship between states and citizens, the social contract tradition as a whole gives scant attention to the problem of citizens’ moral responsibility for state action. Among the canonical texts of the tradition, the only extended treatment of the subject is to be found in one chapter of Hobbes’ *Leviathan*.<sup>40</sup> Despite this overall inattention to the problem, however, Hobbes is certainly not the only social contract theorist who adopts and operates from a citizen-authorized state model of the polity: that is essentially true of the account of the state found in all the classic social contract theorists.<sup>41</sup> Instead, what is unique about Hobbes’ account of representation is its willingness to address directly the issue which all the other theories seem anxious to ignore: namely, the extent to which citizens, in authorizing the state, also acquire ownership of the state’s actions as their agent.

<sup>39</sup> Goodin (1995), Ch. 2 and at p. 35.

<sup>40</sup> Chapter 16, ‘Of Representation’. Although Locke (1988) argues extensively for our responsibility for others’ welfare, esp. in Chs. 2 and 5, this responsibility is grounded in human nature and divine command, and does not appear to be augmented in any noticeable way by the establishment of the state.

<sup>41</sup> On the development of this tradition on this point, see Tuck (1999: Ch. 7).

Hobbes' account of state representation explicitly claims not only that citizens authorize the state to act on their behalf but also that this makes them responsible for what the state does.<sup>42</sup> By 'the state' – Hobbes actually uses the term 'Commonwealth' most frequently, but tells us in the Preface to *Leviathan* that this is synonymous with the idea of the 'State' – Hobbes means an enduring institution of common life intermediate between the people on the one hand and the current administrators of the government on the other.<sup>43</sup> The people so represented are to be understood, Hobbes tells us, as 'many Authors, of every thing their Representative saith, or doth in their name; Every man giving their common Representer, Authority from himself in particular; and owning all the actions the Representer doth', provided the representative does not exceed the legitimate extent of its commission.<sup>44</sup>

How does the state act as a representative? What does it represent? According to Hobbes' argument, states rightly act for citizens – in their place and on their behalf – when they exercise on a representative basis the *rights* those citizens themselves possess. For Hobbes, the social contract is at its root best understood as a transfer of rights from those who naturally possess them to an artificial sovereign/state agency that exercises those rights on their behalf. The subjects therefore come to 'own' the actions of their representative because they are the owners of the rights by which the actions of the representative are performed.

... As the Right of possession, is called Dominion; so the Right of doing any Action, is called AUTHORITY [and sometimes warrant]. So that by Authority, is always understood a Right of doing any act: and *done by Authority*, done by Commission, or Licence from him whose right it is.<sup>45</sup>

So on Hobbes' account, whatever responsibility for the sovereign's actions the subjects possess results in some way from the fact that the sovereign acts on the basis of their rights, or, as Hobbes also defines them, their 'blameless liberties'.<sup>46</sup> So states can only *rightly* take actions which its citizens collectively possess the *right* to take. For Hobbes, this is the ultimate rationale for responsibility mediated through state representation. Since citizens create the

<sup>42</sup> For a careful and insightful study of Hobbes's account of representation, see the classic study in Pitkin (1967).

<sup>43</sup> Hobbes (1991), Preface, p. 9. Skinner calls this a 'doubly impersonal' concept of the state: the commonwealth is neither the governors nor the governed, but a permanently instituted 'artificial person' that the people create to unite their powers together.

<sup>44</sup> Hobbes (1991: Ch. 16, p. 114).

<sup>45</sup> Hobbes (1991: Ch. 16, p. 112). I bracket 'and sometimes warrant' since it is not uniformly included in all editions of *Leviathan*.

<sup>46</sup> Hobbes (1994: i.14.6, p. 79).

state to exercise on their behalf a set of rights that the citizens *own*, they necessarily come to *own* also the actions that the state takes on their behalf (that is, on the basis of their purported rights).

At first glance, there might appear to be an unwelcome tension here: for an increased emphasis on the importance of *authorization* for incurring moral responsibility might seemingly tend to weaken the grip of the kinds of *involuntary* aspects of collective responsibility we have so far been stressing. But this is misleading, because the form of representation Hobbes has in mind to deal with all the most important questions – that of the state – relies on a far more lenient standard of legitimacy in questions of authorization than we are used to thinking about, especially in political contexts. Central to Hobbes' argument is the claim that either brute force and the immediate threat of death, on the one hand, or the strategic knowledge that such force and death are almost inevitable eventual consequences of one's situation, on the other, are fully sufficient bases for motivating legitimate authorization, at least in the case of the state.

Up to a point, therefore, Hobbes' justification for the authorized state model mirrors the rationale for the state offered by Klosko. It is not necessary for the state's claim to represent us that it can show that we have authorized its every action individually and specifically; indeed, establishing 'consent' may not be necessary in any direct sense to ground responsibility for its acts. Rather, Hobbes (like Klosko) claims that the state can properly claim to be authorized by its citizens because those citizens *need* their state like they need no other form of social connection.<sup>47</sup> The peace and stability which the state alone can provide is the necessary precondition of all our other activities, and thus its authority to rule over us and act for us ought to take precedence (at least when it chooses to assert it) over almost any rival moral claim. This, Hobbes thinks, creates a powerful presumptive claim on the state's part that when it acts in the name of its citizens, it does so legitimately: on their behalf, for their benefit, on the basis of their rights, and with their ultimate authorization.

This insight from Hobbes' account of the social contract, then, is the core intuition that lies at the heart of the authorized state account. Hobbes' notion that the state is the authorized representative of its citizens remains central to the subsequent development of the social contract

<sup>47</sup> Though Hobbes resembles Klosko in grounding obligation in the *need* for state functions rather than in free consent, Hobbes never surrenders the claim that consent exists and also justifies obligation. Hobbes claims that subjects technically *do* consent to the sovereign's rule and that, even more technically, their consent is 'free' according to the 'proper signification' of the term. See further Quentin Skinner, 'Hobbes on the Proper Signification of Liberty', in Skinner (2002, vol. 3).

tradition, down to our contemporary intuitions about the role and legitimacy of the state. We can follow Hobbes this far, therefore, without feeling obligated as a consequence to adopt the rest of Hobbes' controversial account of moral life.<sup>48</sup> Indeed, it is important for the argument to follow that we explicitly reject much of that account, since taken on its own terms, the extravagant moral permissions Hobbes' system affords to those in the state of nature (which Hobbes says includes the actions of sovereigns with respect to other states) would tend to undermine any strong account of moral responsibility for state action.

Fortunately there are ample normative grounds for rejecting much of the remainder of Hobbes' theory. As most of the leading social contract theorists who followed Hobbes (e.g., Locke, Rousseau, etc.) noted, even if Hobbes has not exaggerated the perilous position of the individual in the state of nature, the position in which the social man finds himself *after* the establishment of the social contract is not truly analogous to the dangers of his pre-social existence. If so, then Hobbes is incorrect to advance his much broader claims about the dire necessities of the world and the broad moral permissions those necessities entail; consequently he is also incorrect to argue that the state (like the natural men it comes to represent) rightly acts without any meaningful moral limits.<sup>49</sup> Nevertheless, Hobbes' account (like Klosko's) rightly emphasizes that *to the extent* that the state is authorized by its citizens, that authorization can be grounded in certain objective features of those citizens' social and strategic situation, rather than in any specific instances of their consent to particular actions or even their explicit consent to its agency generally. It is this claim that is crucial to the authorized state account.

### *Authority and the authorized state*

In addressing the idea of 'authority' in social contract theory, contemporary philosophy has tended to focus almost exclusively on its implications for the problem of political obligation.<sup>50</sup> The problem thus framed tries to explain to a subject who might question her state's authority why she should do what the sovereign commands rather than what she herself wishes.<sup>51</sup> But this focus on obedience is not at all the

<sup>48</sup> I provide my own extended critique of this move by Hobbes in Parrish (2007: Ch. 4).

<sup>49</sup> See further Parrish (2007: 177–181).

<sup>50</sup> See Walzer (1970), Simmons (1979), Kavka (1986), Dunn (2002), Klosko (2005), and Gilbert (2006a).

<sup>51</sup> Klosko (2005: Ch. 2), for example, defines authority solely in terms of obligation (i.e., authorization to command) rather than what I have been calling the authorized state (i.e., authorization to act on behalf of).

exclusive problem raised by the concept of authorization as we encounter it for example in Hobbes' theory. As Hobbes recognized, from a different perspective the concept of authority itself just as significantly implies citizen ownership of state action.<sup>52</sup>

Indeed, once one begins to think about it in this way, responsibility and obligation seem almost to imply one another. For how can a state have the moral right to command or to rule if it does not also possess the right to commit its citizens morally to certain responsibilities? If a state has any right to act externally on its citizens' behalf, surely it also has a right to act externally in ways that commit its citizens as principals. Furthermore, even if consent is insufficient to ground full-blown obligation, it may still conceivably be sufficient to ground moral responsibility for citizens. Perhaps one cannot infer from my minimal acceptance of a state that I will obey *whatever* it commands, but one still might be able to infer that I think of it as my present agent – and that I will be willing to stand by what it does in my name. For all its problems, therefore, the argument from tacit consent becomes noticeably less weak when applied collectively to questions of responsibility rather than individually to questions of political obligation. To ground political obligation, we need to show that each of our various actions-in-concert imply our individual consent to obey the state's every command, which is tenuous. But to ground collective responsibility for state action in something like tacit consent, we need to maintain only that the citizens collectively have acted in concert in such a way as to recognize the state as their agent in pursuit of public purposes – a more plausible proposition (though not without its difficulties).

Still, the issue of consent remains problematic for social contract theory, and I will not attempt to resolve at any great length the various problems it raises here.<sup>53</sup> Instead I acknowledge the problematic aspects of consent, and merely point out that they are no more (or less) a problem for the authorized state model of collective responsibility than they are for the concept of the state as a whole. If we can generate enough of consent, or something resembling it, to get the notion of an authorized state off the ground at all, why should it be any more difficult to draw the inference that a state that truly was authorized by its citizens would be capable of generating at least an occasional case of moral responsibility through the association? And if it is not able to generate moral responsibility in this fashion, the moral ties between citizens and their states must be very weak indeed.

<sup>52</sup> On this, see further Fishkin (1996), Part III.

<sup>53</sup> For a brief but incisive rehearsal of the most important ones, see Geuss (2001: Ch. 1, 57–68).

The authorized state model, therefore, provides an alternative way of thinking about citizen responsibility for state action that makes the assignment of collective responsibility potentially applicable to a broader range of actors, and also less easily evadable by those who might wish to avoid it. We now need to turn our attention to the question of how on the authorized state account we are to understand the *kind* of responsibility that state action creates for citizens. It is difficult to accept that the authorized state account can provide us with good reasons for connecting *attributive* moral responsibility for state action to individual citizens. In a strong sense, the most serious forms of moral criticism – attributing praise or blame – can only be justified when individuals have played *some* role in bringing about the action in question, whether through voluntary action or negligence. Whether we have attributive responsibility for a state policy that has harmed others will therefore turn substantially on what our attitude was toward the policy, and what action we took to promote it (or did not take, or took ineffectively, to defeat it) – in much the same way as the causal and affective identification accounts of collective responsibility suggest. But assignment responsibility is another matter. We can easily acquire a significant degree of assignment responsibility through the actions the state takes as our agent on our behalf. And this assignment responsibility is a special, as opposed to general, instance of responsibility – it is not the same as our general obligations of benevolence and care as human beings, but rather constitutes a specific form of responsibility occasioned by our relationship as principals of the agency which is the state.

The authorized state account commits us to the view that, rather than our causal relationship to or voluntary endorsement of state policies, it is instead our complex but deeply rooted moral relationship with our nation-states that grounds many forms of collective responsibility; in particular responsibility for most state action in the international arena. This commitment makes the authorized state account especially well suited to analyze the operations of modern representative democracies, in which what is at most a very minimal layer of consent seems in practice to count as a sufficient basis for authorizing state action, even while citizens play no discernible causal role in the actual formation of policy decisions. As a matter of causality, there is little that any citizen can effectively do to, for example, stop a war.

This fact has led some commentators – even those operating within the same broad conceptual framework as Hobbes regarding representation – to conclude that the state cannot in fact transmit responsibility for its actions to the citizens it represents, because the burden of that responsibility is such that no individual would be able or willing to bear it.

So David Runciman, for example, argues that the state's moral agency is distinct from that of the individuals who compose it because 'no individual or group could possibly take onto themselves the entire burden of the state', in particular 'the fiscal burden of the state's debt, or the moral burden of the state's acts of violence'.<sup>54</sup> (Anyone who did, he adds, 'would go bankrupt or mad, or perhaps be bankrupt or mad already'.)<sup>55</sup> Instead, Runciman argues, in cases of large-scale state actions such as a decision to go to war, we attribute or assign 'liability' to the state *rather than* to the people it represents. 'No collection of individuals can be liable for the actions of the state, no matter how those liabilities are distributed'.<sup>56</sup> This is because in the end, 'it is states that go to war, *not peoples*, and it is the existence of the state that allows peoples to know when they are at war, when the war is over, and whether they have won'.<sup>57</sup>

Viewed from the perspective of the authorized state theory of collective responsibility, Runciman's argument correctly identifies the morally significant fact that the state, rather than the nation proper, is the mechanism by which (to continue the example) both the decision to go to war is taken and the waging of war itself is executed. It would only follow from this fact that states *rather than* peoples held exclusive responsibility for war if states were morally unconnected to the peoples they represent. And of course according to the authorized state theory they are not. Instead, states represent individuals, not only because they assert that they act on their behalf but also because they really do exercise certain generalized powers on those individuals' behalf.

### Extent and limits of the model

This then, in broad outline, is the account of citizens' collective responsibility for state action under the authorized state model. We must now ask: under what circumstances will it be a good account of how we acquire collective responsibility, and under what circumstances will it be a bad one? We can best address this by returning to the set of potential problems suggested by the three simplifying assumptions we adopted in the second section. Those assumptions were: (1) that the states in question had some degree of legitimacy in claiming to represent their citizens;

<sup>54</sup> Runciman (2003a: 28). Runciman takes essentially the same position in Runciman (2003b). For his valuable account of the development of the concept of the state, see Runciman (1997).

<sup>55</sup> Runciman (2003a: 28).

<sup>56</sup> Runciman (2003a: 34).

<sup>57</sup> Runciman (2003a: 34). Emphasis added.

(2) that the citizens were not deceived or manipulated unduly; and (3) that we were in no way concerned with questions of punishment or other forms of coercive enforcement of the responsibilities we were considering, but only with their existence as moral phenomena. I now want to consider what happens when we relax these three simplifying assumptions: that is, what happens to collective responsibility for state action in cases where the underlying representative relationship is in some way illegitimate or dysfunctional, or in cases in which we may want to prescribe some specific punishment or coercion to enforce citizen responsibility. Let me now address each of these issues in turn.

### *Non-democratic states*

The authorized state account of collective responsibility maintains that citizens can acquire collective responsibility for the actions of their nation-states, not only by means of the causal role they play in choosing and implementing its policies, nor also by means of their affective responses to those policies, but simply by means of their relationship as the (ultimately) authorizing principals of the entity that selects and enacts those policies, namely the state. This kind of view seems to open the door to assigning collective responsibility to the subjects of *non-democratic* states more easily than perhaps our intuitions would suggest, since it is those subjects' status of involuntary association and causal irrelevance to the policy process that seems to afford them a persuasive claim to be excused from collective responsibility for their states' actions. After all, the authorized state account rests in part on the insight that with respect to their causal role in the selection of policies, the citizens of democratic states are not so very different after all from the subjects of non-democratic states. Both sets of individuals are marginalized with respect to the actions taken in their name; it is only a matter of how far to the margins individuals are pushed.

In addressing this point, I should reiterate that the authorized state account of collective responsibility does not claim that the causal role that individuals play in a policy process or the attitudes and preferences they have about those policies are *irrelevant* to questions about their collective responsibility. On the contrary, it asserts that such roles and attitudes will also prove to be significant factors in assigning collective responsibility for state action. Those who help to implement a policy, and those who approve and support it, are by those actions and attitudes further implicated in responsibility for the consequences that follow; likewise, those who do not know about, disapprove of, or resist a policy can by those actions partly mitigate their degree of responsibility for the ensuing



consequences. The point is not that causality and affective response are insignificant parts of assigning responsibility, but rather that they do not constitute the complete scheme by which moral responsibility may be incurred.

For this same reason, we can say of the subjects of non-democratic states that their responsibility for their states' actions is likely to be significantly mitigated by their lack of voice within their community.<sup>58</sup> Non-democratic citizens face at least two problems that democratic citizens generally do not: (1) closed or dysfunctional public spheres that effectively deny voice to citizens; and (2) greatly increased risks of retaliation and punishment for opposing government policies. In non-democratic states where these conditions exist (and to some extent also in 'democratic' states where they do), citizen responsibility for state action is likely to be reduced accordingly.<sup>59</sup> Indeed, we may be able to go even further and adopt as a general guiding maxim: *the more voice, the more responsibility*.<sup>60</sup>

This does not mean, however, that subjects of non-democratic regimes have no moral responsibility whatsoever for the things their state does in their name. For, as we previously noted, there is an extent to which all individuals in the modern world need a state.<sup>61</sup> With regard to international action, for example, there is a real sense in which all people need armed defense in a dangerous world, and consequently also need a military to represent their security interests. But this fact carries with it certain moral risks, risks that are shared with and to some extent similar to those that apply to democratic citizens. Consequently, to the extent that the state is engaged in doing those things that all states do on behalf of their citizens, which any state *would* do on behalf of its citizens, then even citizens of non-democratic states remain responsible for the outcomes.<sup>62</sup> But as a state's actions go beyond this threshold into other, more voluntary, spheres of policy choice – for example, adopting a pattern of military aggression or of internal oppression – the moral responsibilities of non-democratic subjects diminish accordingly.

<sup>58</sup> Miller (2004: 260–263), addresses this issue in greater detail from the context of a national-associative account of responsibility, and reaches a similar conclusion on this specific issue.

<sup>59</sup> See further Narveson (2002) for a related argument.

<sup>60</sup> See further Hoffman (1981: 90–91), Crawford (2007: 203–206), and Lang (2007: 244–245).

<sup>61</sup> On the connection of this idea to collective responsibility, see Arendt (1987).

<sup>62</sup> For this reason, citizens of so-called 'failed states' may have similarly diminished collective responsibility for their state's actions, since it will often fail to provide even those core background conditions of a commodious life in which the authorized state account grounds their moral attachment to the state.

Why then does the same excuse not avail itself to citizens of democratic regimes when they disagree with the policy choices of their government? I think the answer (on the authorized state account of collective responsibility) will be that, however they might disapprove of the outcomes, democratic citizens collectively do continue to have a proprietary role and voice in their national government. We might consider an analogy between the relationship an employee has to their company, on the one hand, and the relationship a shareholder has to their company, on the other. Citizens of non-democratic regimes are like employees: they have an association with their company, and it may even do things on their behalf for which they acquire some degree of responsibility. But they are not shareholders, and therefore they do not *own* the company and its actions in quite the same way. Shareholders, by contrast, can certainly fail to convince their company to make the choices they would prefer, but it remains their company, their representative, that subsequently acts. Of course it is easier for shareholders to divest from ownership in a company than it is for citizens to divest from their nation; but this is merely a measure of the greater complexity of the underlying ownership relationship in question. The kind of responsibility involved remains the same.

### *Manipulated citizenries*

Next, how should we think about democratic citizenries when their public discourse – the process by which they relate to their government and its policy choices – is corrupted by some significant form of deception or manipulation?<sup>63</sup> We may want to begin addressing this question by asking ourselves why we should consider factors like deception and manipulation at all. Why suppose that a fair and open politics has any bearing on the question of collective responsibility for state action? After all, the authorized state account of collective responsibility maintains that citizens' causal role in producing policies – in particular, their consent to those policies – is *not* the primary source of the moral responsibilities for the consequences of their states' actions. If their responsibility is not grounded in consent, how can the fact that their awareness of policy choices that has been subject to deception and manipulation be relevant to the degree of responsibility they incur?

Once again, it is important to note that the authorized state account of collective responsibility does not claim that citizens' attitudes toward

<sup>63</sup> For important theoretical accounts of the scope and problems of deception and manipulation in political life, see in particular Goodin (1980), esp. Chs. 1 and 2, and Green-span (2003). On their specific application to the problems of responsibility, see Connolly (1993: Ch. 3) and Fischer (2004).

policies, participation in policy processes, and consent to policies is irrelevant to questions of responsibility, but rather that citizen attitudes toward policy choices will usually not eliminate their responsibilities, only mitigate them. For this reason, a public that is maneuvered by means of deception and manipulation into undertaking an unjustified war, for example, may nevertheless retain a significant degree of responsibility for the consequences that ensue. Even if they were manipulated into acquiescing in state action, it is nevertheless their state that acts in the world, representing their rights as the basis for its action. This is especially the case when, as often occurs in representative democracies, it is a small group of elites who does the deceiving and manipulating in question. Since one important component of assignment responsibility includes possessing the available resources for taking the appropriate action, it will frequently be the case that the most blamable perpetrators of a collectively underwritten wrong are the least capable of rectifying the damage they have done – and then it may fall to other responsible parties to shoulder their fair share of the resulting burden (before it falls to humanity more generally).

Still, in such circumstances, deception and manipulation must serve as an important mitigating factor in assigning collective responsibility. As a general matter, we might even formulate the following principle: all things being equal, *the more the manipulation, the less the responsibility*.<sup>64</sup> However, it is important to qualify this last claim with the observation that frequently citizens bear considerable responsibility (in the attributive sense) for *creating* the context in which deception and manipulation are able to be effective. Daniel Boorstin, in his influential book *The Image*, eloquently argues that the increasingly manipulable world of modern democratic public discourse is largely a ‘world of our own making’ and an act of ‘national self-hypnosis’.<sup>65</sup> Through our ‘extravagant expectations’, Boorstin claims, *we* ‘have used our wealth, our literacy, our technology, and our progress, to create the thicket of unreality which stands between us and the facts of life’; and therefore, he concludes, ‘each of us individually provides the market and the demand for the illusions which flood our experience’.<sup>66</sup>

This view has its own potential pitfalls, of course, not the least of which is the temptation to engage in ‘blaming the victim’, in this case, the manipulated public. Nevertheless, there is an important difference between this and the standard cases of ‘blaming the victim’, because in a

<sup>64</sup> Again, see Hoffman (1981: 90–91), Crawford (2007), and Lang (2007) for related arguments.

<sup>65</sup> Boorstin (1992: 3).

<sup>66</sup> Boorstin (1992: 3).

national community the public collectively – and only the public – truly sets the conditions that determine how easy it is for its leaders to manipulate it. An inattentive, easily distracted public, which habitually acquires its information through superficial and sensationalist media, collectively bears much of the blame for any deception or manipulation that results from these receptive conditions that they help to facilitate and maintain. Just as a principal rightly may be blamed for not performing due diligence in supervising its agent, so too citizens must show due diligence in observing and discussing the actions of their state, or else assume responsibility for the consequences that result from their negligence.

### *Punishment and coercion*

Finally, we should consider to what extent it is appropriate to enforce our assignment of collective responsibility to citizens of other states by means of collective punishment or coercion. If citizens can *acquire* responsibility collectively, can they not also be *held* responsible collectively by other states? The authorized state account might tend to suggest that they can, which is borne out by our approval of some practices, such as reasonable war reparations, that rely on the idea that citizens can be held collectively responsible for the actions their state takes on their behalf.

Nevertheless, it is important to qualify this conclusion heavily, as it is the primary aspect of the idea of collective responsibility that is liable to significant abuse. States themselves can of course be held liable directly through the imposition of reparations, for example, or even criminally responsible, as Anthony Lang persuasively argues; moreover, recent innovations in international law make it possible to assess and impose such responsibilities on states.<sup>67</sup> But ever since the precedent established by the Nuremberg trials, there has rightly been a significant hesitancy about extending punishment beyond specific identifiable actors in war crimes to the realm of ordinary citizens.<sup>68</sup> Part of what inspires this hesitancy is a sense that punishment *per se* is inextricably bound up with questions of *attributive* responsibility in a way that is not true of questions of assignment responsibility. The dominant rationales for punishment (deterrence, retribution, moral education) all require a specific attribution of responsibility (usually causal) to distinguish justice from mere compulsion.<sup>69</sup> Where such attributive responsibility cannot be specifically established – and the

<sup>67</sup> I have in mind the ‘Draft Articles on the Responsibility of States for Internationally Wrongful Acts’. On this topic, see also Crawford (2007), Lang (2007), and Lang (2008).

<sup>68</sup> On this aspect of the Nuremberg trials (and much else), see Bass (2001: Ch. 5).

<sup>69</sup> For a helpful philosophical overview of these and related rationales, see Honderich (2006).

authorized state account says nothing about citizens' attributive responsibility for state action – punishment and coercion will not be appropriate, though of course assignment responsibility may well be.<sup>70</sup>

While it may possibly be legitimate to assess some forms of collective responsibility by force, there are good reasons for imposing significant limitations on this impulse. One reason concerns the problem of self-interest. So long as we are dealing with non-coercive means of enforcing responsibility, we are essentially concerned with instances of individual judgment – either our external judgments regarding the conduct and obligations of others, or our internal judgments about our own conduct and obligations. Once coercion and punishment enter the picture, however, we have moved onto a new playing field with a corresponding new set of incentives. To the extent that we can coerce others into fulfilling their putative responsibilities, we have an incentive to add to their responsibilities so as to diminish our own. We may naturally be motivated to construe others' responsibilities in such a way as to promote our own benefit, and to skew our own internal and external judgments accordingly. For this reason, we will be safest imposing at least a presumption against punishment or coercion as a mode for addressing instances of collective responsibility.

In addition, there may be some categories of punishment or coercive action that it is desirable to rule out altogether, when applied to individuals, as inconsistent with the greatest utility, respect for persons, or some similar normative principle. The prohibition against killing non-combatants in traditional just war theory is an example of this kind of categorical restriction on collective punishment.<sup>71</sup> This prohibition does not rest on questions of responsibility at all, since violence administered in war is not conceived of as punishment of any form. Rather, in just war theory, violence is permitted solely because soldiers constitute (reasonably) imminent dangers of life and limb to those who oppose them.<sup>72</sup> On this logic, Osama bin Laden cannot use arguments about collective responsibility to justify attacks on American civilians because, whatever sort of complaint he might conceivably have against them, he cannot legitimately have a *violent* complaint against them: their status as non-combatants effectively rules this out.<sup>73</sup>

<sup>70</sup> See further Lang (2007: 247–249).

<sup>71</sup> On this point, see Brandt (1972) and Walzer (1977), esp. Chs. 3 and 9. Such prohibitions need not be limited to killing; the practice of hostage taking, for example, might be forbidden on similar grounds. Crawford (2007) also argues this point at pp. 205–206.

<sup>72</sup> See Walzer (1977: Ch. 9).

<sup>73</sup> See Walzer (2004: Ch. 4), for a critique of the terrorists' argument. An additional problem with their argument involves their lack of proper *authority* as required by just war theory. On this point, see Walzer (1977: Chs. 2 and 4), as well as Lang (2008: Ch. 2).

This does not mean that it will never be appropriate to enforce assignment responsibilities, even those acquired through association or social connection rather than causation, by means of punishment or coercion. In such cases, we must also take into account the urgency of the claim of right or need being asserted, on the one hand, and the clarity of the mechanism that underlies the responsibility, on the other. But even in the clearest such cases, we should exercise caution in enforcing collective responsibility through punishment or coercion rather than through external judgment and internal acceptance of the rightful claims of others. In particular, we should as a general rule be much slower to permit coercive enforcement of responsibility when we are unable to make out a clear and compelling case of attributive responsibility, or where responsibility is acquired by means of association or social connection rather than direct causation.

### Collective responsibility, the state, and Iraq

Throughout the course of the war in Iraq, the United States has wrongly killed, conquered, maimed, and tortured thousands of human beings, many entirely innocent of any harm or provocation. (This will be an easy claim to accept if one believes, as I do, that the war was unjust in its cause as well as in its conduct; but with respect to the war's conduct, it should be a plausible claim even for those who believe that the war's fundamental conception was morally justified, either as an act of pre-emptive self-defense or as an act of humanitarian intervention.)<sup>74</sup> Moreover, if the authorized state account of collective responsibility I have been describing is substantially correct, it follows that the United States government has done these things *on our behalf* as citizens, in a way that redounds to our individual burden and (perhaps) blame.<sup>75</sup>

What I now want to consider is the following question: given that this was a wrong of rather lofty proportions, how should we think about the moral responsibility of US citizens for these actions of their state? The authorized state account of collective responsibility would claim that they bear a considerable and largely inescapable burden of responsibility for this action just because (1) it was *their* state that acted; (2) because it acted (or claimed to be acting) *for them*; and (3) because the state's claim to act on their behalf bears a kind of *prima facie* plausibility that entitles it

<sup>74</sup> Crawford (2007) ably addresses similar issues in Iraq with specific attention to problems of *ius in bello* (just methods of warfare).

<sup>75</sup> For a detailed consideration of the contours of this responsibility specifically in the case of Iraq, see Feldman (2004).

to act as our agent in a morally real sense in all but the most extreme and obviously bogus claims of authorization.<sup>76</sup> For according to this strong account of collective responsibility, we bear a *prima facie* responsibility for what our state does when it exercises the authority we have entrusted to it, which includes the authority to interpret what our rights (including our rights to self-defense) reasonably require. Three further consequences follow: (1) that the citizens collectively assume assignment responsibility for rectifying the harms their state has caused, including being (morally) liable for damages and reparations; (2) that citizens individually bear some degree of personal assignment responsibility for discharging their collective duties (though the degree of this responsibility may differ from person to person); and (3) even those who opposed the policy nevertheless bear a significant (though more mitigated) degree of assignment responsibility for what the state did in our name.<sup>77</sup>

We can contrast this authorized state view with that of the association-based account of collective responsibility to show the comparatively greater extent of the former view's reach. If the state is both the leading vehicle for national collective action and the unique legitimate vehicle for violent action, then collective responsibility for many collective actions (and certainly for acts of collective violence) will typically be transmitted through the state and *not* through other rival forms of association. Consequently, I should feel little guilt, shame, or responsibility for such acts grounded simply or solely on the basis of shared identity (with, for example, those who share my language or ethnicity or even mere humanity).<sup>78</sup> If my fellow human beings choose to kill hundreds of innocent civilians in a bombing, then no matter how cosmopolitan my larger moral sentiments may be, I will feel (and have) no real responsibility grounded merely in the fact that we share the same number of chromosomes. If the perpetrators are my fellow nationals (as in the Oklahoma City bombing case), I may feel some sense of shame at our shared identity – but this will still be remote from any genuine feeling of assignment responsibility for the bombing (distinct from any assignment

<sup>76</sup> In stressing the idea of the state *acting*, I do not mean to exclude the possibility that citizens might also acquire responsibility through state inaction, or rather through acts of omission. For example, it may be appropriate for me as an American citizen to feel either guilt or assignment responsibility with regard to the Rwandan genocide, which the US might have helped to halt but chose not to.

<sup>77</sup> Contrast Gilbert (1997: 81–83); Pettit (2001: Ch. 5), and Runciman (2003a, b), all of which see citizens as individually insulated from these responsibilities by the irreducibility of the collective dimension of collective responsibility.

<sup>78</sup> See further Gilbert's distinction between aggregates and collectives in Gilbert (2006b: 95).

obligations that may derive from who the *victims* were). But on the authorized state account, I should feel (as indeed personally I do) a far greater and more potent implication when the United States invades another nation in an unjust war, or when its soldiers engage in torturing foreign soldiers or non-combatants. I feel this responsibility not because US soldiers are also *Americans* but rather because they are agents of the United States – *my state*.

Because on the authorized state account collective responsibility for war is ultimately grounded in the citizen/state relation, there is a dimension of that responsibility that consequently will *not* be directly dependent either on my attitude toward the policy or on my causal role in effecting it. Thus even if I opposed the unjust war, even if I criticized the torture policy, the soldiers and officials of the United States are nevertheless still to some degree my representatives or the representatives of my representatives, and as a consequence they still to some degree act, will I or no, in my name – and I am still responsible in some important way for their actions. It will thus not only be true that as a US citizen, I have greater responsibility for what happens to Iraq than a French citizen. It will also, and more interestingly, be the case that as a US citizen who *opposed the war* and sought to prevent it from beginning, I still carry a substantially greater degree of responsibility for what happens to Iraq than a French citizen who also opposed the war – and perhaps indeed even a greater degree of responsibility than a French citizen who did *not* oppose it.

If so, this implies that the root of this greater responsibility of US citizens for their nation's war is not grounded primarily in their greater control over the outcomes of the policy processes that led to the war. Of course, the effect any single individual can have on such policy processes in a representative democracy of the size and complexity of the United States is so negligible as to be essentially non-existent. Yet on the authorized state account, such individuals can acquire responsibilities collectively, and through that collective responsibility also individually, that are not rooted exclusively in either their control over or their consent to the policy outcomes that result from such processes.<sup>79</sup> Perhaps there is some limit to their ability to acquire responsibility in this way – perhaps

<sup>79</sup> It is perhaps worth noting in passing that this produces a moral result similar to the problem of the 'voter paradox' in rational choice theory. On the authorized state account, we can explain political responsibility for (some) outcomes regardless of the negligible causal contributions of particular individuals to those outcomes, much in the same way that we might explain why a citizen has a good (normative) reason to vote despite their (individually) negligible influence on the outcome.



out and out resistance to one's state, or truly exhausting every possible means of opposition to its policies, will suffice. (Indeed I think ultimately there must be some such limit, since otherwise moral responsibility would seem to be *entirely* unrelated to our actions and choices, which seems contrary to a key feature of the notion of responsibility itself.) But no step short of disassociating ourselves thoroughly and irrevocably with the state and its policies will, on this account, be sufficient to get us entirely clear of responsibility for its acts – and even this will only return us to our prior position of needing to perform the duties of benevolence attached to humanity generally.

The degree of individual moral responsibility envisioned by the authorized state account cuts against the grain of much contemporary theorizing about collective responsibility, which often seeks for a way to disentangle or insulate citizens from unwanted guilt derived from the collectives with which they associate.<sup>80</sup> But this prophylactic impulse – one of the deepest impulses of philosophy as a vocation from its ancient roots to the present – seems to me to miss the special moral problem associated with the state: namely, that to the degree that the state always has a plausible basis for claiming to act on our behalf, there may in many instances be *no* sure way to guarantee that citizens keep their hands completely clean of what their states do in their name. Thus, when our state undertakes an unjust war or permits the torturing of prisoners, there may be many available means for me as a citizen to mitigate my responsibility for my state's actions – but it will be vastly more difficult, on the authorized state account, to eliminate it entirely. That is yet another reason – if anyone needed another reason – why it is so important in politics, so *morally* important, to win. For it is only by winning certain political struggles that we can ensure that our state is not permitted to act in shameful ways in our name.<sup>81</sup>

<sup>80</sup> For examples, see Feinberg (1968), McGary (1986), and Gilbert (2006b). For a critique of such views, focused on attributive responsibility but close to the spirit of my own argument, see Räikkä (1997).

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