

TERRORISM AND COLLECTIVE RESPONSIBILITY

1. OSAMA BIN LADEN, TERRORISM AND COLLECTIVE RESPONSIBILITY¹

Listening to George W. Bush and most of the world media, one gets the impression that terrorism is both easily identifiable and by definition morally unacceptable. In fact the definition of terrorism is problematic, and terrorism takes a number of not necessarily mutually exclusive forms, e.g. the state terrorism of Saddam Hussein or Pinochet, the anti-state terrorism of Hamas or the IRA, and the state sponsored terrorism of extremist Muslim groups by Gaddafi or extremist right wing groups or regimes by the USA in Latin America.

The terrorism practised by Osama bin Laden's al-Qaeda appears to be a species of non-state terrorism directed principally at non-muslim western states, especially the US, that are alleged to be attacking Islam. While bin Laden and al-Qaeda found a natural home and ally among the fundamentalist Islamist Taliban in Afghanistan, his organisation is global in character. For bin Laden has put together a loose coalition of extremist Islamist groups based in a variety of locations, including Egypt, Algeria, Afghanistan, Sudan and Pakistan. Peter Bergen refers to it as "Holy War Inc".² The global nature of this coalition is evidenced by such terrorist campaigns as that being waged in Algeria by the al-Qaeda linked Islamic Salvation Front (ISF) in which there have been over 100,000 victims of terrorism since 1992, as well as by the September 11th attacks on the World Trade Centre in New York and the Pentagon, and by the Bali bombing in which 200 people, including some 100 Australian tourists, were killed by terrorists almost certainly linked to al-Qaeda.

It is important to note, however, that the brand of Islam propounded by bin Laden has little in common with the more moderate forms of Islam to be found throughout the Muslim world in places such as Indonesia, India and, for that matter, the Middle East and North Africa.

For example, bin Laden is anti-democratic, opposed to the emancipation of women, and opposed to the modern secular state with its division between religious institutions and the state. So bin Laden is opposed to more secular Muslim governments such as those in Egypt, and even Iraq. And he is implacably opposed to pro-western Muslim governments such as Saudi Arabia, no matter how religiously conservative they are. Given all this, the prospects of bin Laden and his followers setting up a sustainable long term Islamic state, let alone an Islamic empire of the kind his pronouncements hearken back to, are not good. His role will in all probability remain that of a terrorist; a force for destabilisation only.

Moreover, the fact that al-Qaeda is opposed to democracy and the emancipation of women ensures that it does not have moral legitimacy, objectively speaking. And this says nothing of various other morally suspect features of extreme religious fundamentalism, whether it be Islamic, Christian or some other kind. Such features include a lack of respect for individual autonomy, and for truth, and an intolerance of ways of thinking and of living that are not one's own.

In short, al-Qaeda cannot reasonably claim to be speaking and acting on behalf of a majority of the Muslim world, and some of its main goals are morally objectionable. What of its methods?

The preparedness of his followers to commit suicide, and thereby supposedly achieve martyrdom, is an enormous advantage for a terrorist organisation. Moreover, this role is greatly facilitated not only by real and perceived injustices, and already existing national, ethnic and religious conflict, but also by global financial interdependence and modern technology, such as the global communication system and the new chemical and biological weapons of mass destruction that he has been seeking to develop. Perhaps al-Qaeda's success is not dependent on widespread political and popular support for its goals, although it is certainly reliant on disaffection, including with US policies. Rather its success might largely be a function of the psychological preparedness and logistical capacity to perpetrate acts of terror, coupled with the technological capacity to communicate those acts world-wide, and thereby wreak havoc in a globally economically interdependent world. Its methods have proved extraordinarily effective in relation to the goal of destabilisation. The terrorist group from the medieval past has identified the Achilles heel of the modern civilised world.

That said, its methods clearly involve the intentional killing of the innocent, and are not constrained by principles of the proportional use of force or minimally necessary force. Indeed, bin Laden's aim is to maximise the loss of human life. So bin Laden's methods are an affront to accepted moral principles governing the use of deadly force in conflict situations. It remains an open question whether this is so for *all* forms of terrorism.

The definition of terrorism is contested. However, I offer the following one. By definition, terrorism is a political or military strategy that:

1. Involves the intentional killing, maiming or otherwise seriously harming, or threatening to seriously harm, of civilians (and not merely combatants and their leaders);
2. Is a means of terrorising the members of some social, religious or political group in order to achieve political or military purposes;
3. Relies on the killings – or other serious harms inflicted – receiving a high degree of publicity, at least to the extent necessary to engender widespread fear in the target political, religious or social group.

Notice that on this definition civilians might or might not be innocent. Clearly *some* civilians are innocent, e.g. young children. Accordingly, indiscriminate uses of deadly force, such as bombing restaurants or napalming villages, are unjustifiable forms of terrorism because they kill innocent civilians.

However, not all non-combatant civilians are innocent. For example, civil servants directly involved in developing and implementing a policy of genocide – as was the case in Hitler's Germany – are not innocent.

Moreover, there are a number of additional salient points. Firstly, the notion of terrorism being used here is relativised to the specific conflict in question. So a person is innocent if they are not opposing the terrorists by, for example, perpetrating any alleged wrongdoing the terrorists are seeking to redress, or trying to kill or apprehend the terrorists. Secondly, the definition does not rule out the possibility that terrorist tactics might be directed at military personnel as well as civilians. However, it does rule out the possibility that terrorism might be directed exclusively at military personnel.

The September 11 attacks were performed in the name of moral righteousness by people prepared to give up their own lives, as well as the lives of those that they murdered. Osama bin Laden himself may well be principally driven by hatred and a desire for revenge, but he and like minded religious extremists have managed to mobilise moral sentiment, indeed moral outrage, to their cause, and they have done so on a significant scale. In this respect they are, of course, not unique among terrorist groups. Terrorist groups typically come into existence because of, and are sustained by, some real or imagined injustice.

Moreover, in order for Osama bin Laden and his group to mobilise moral sentiment they have had to overcome, at least in the minds of their followers, what might be regarded as commonly held principles of moral acceptability, including the principle according to which only those responsible for injustice or harm should be targeted. Yet the majority of those killed, and intended to be killed by the September 11 terrorists, were – according to commonly held principles of moral responsibility – innocent victims. They included not only civilians, but also children, visiting foreign nationals, and so on. This being so, what possible moral justification could be offered by the terrorists and their supporters?

One justification does not necessarily overthrow all moral principles, rather it simply appeals to the principle that the ends justify the means. It is not that those who are killed by terrorists deserve to die; indeed their death may well be a matter of regret to the terrorists. However, killing these innocent people is the only way to further the righteous cause, and the moral importance of that cause overrides the evil that consists in killing some innocents; or so the argument goes. This argument assumes that the end in question is not only a morally worth one, but also a very morally weighty end; something that is, as we have already noted, far from being the case in relation to al-Qaeda's goals. Moreover, any particular recourse to terrorism may in fact not realise the ends of the terrorists. Consider the failed terror tactics of the Red Brigade in the 1970's in Europe. As far as al-Qaeda's likelihood of realising its ultimate goals is concerned, as I have already indicated, the prospects are not good. Finally, even if terrorism does realise its ends, and they are good ends, it can still be maintained that the ends realised in some given situation do not in fact justify the particular means used.

No doubt the idea that the ends justify the means is a line of reasoning that has considerable weight with terrorists in general, and with bin Laden's al-Qaeda organisation, in particular. And doubtless there have been instances, such as in the French-Algerian colonial conflict and the British-Kenya colonial conflict, where terrorism in fact achieved its ends, whether or not achieving these ends did in fact justify the terrorist methods used. Perhaps in the case of Algeria it was a case in part of activists deploying terrorist tactics as a response to terror directed at themselves.

Certainly, bin Laden needs to rely *in part* on the ends-justify-the-means argument. If the ultimate ends of terrorism are not good ends then it is immoral. And if terrorism does not realise its ends then it seems both irrational and immoral. However, bin Laden himself no longer seems to rely *exclusively* on the argument. For bin Laden denies, at least implicitly, that so-called innocent victims of his terrorist attacks are in fact innocent. For example, on 22 February 1998 in announcing the formation of the World Islamic Front for Jihad against the Jews and the Crusaders he said:

"All those crimes and calamities are an explicit declaration by the Americans of war on Allah, His Prophet, and Muslims... Based upon this and in order to obey the Almighty, we hereby give Muslims the following judgment: The judgment to kill and fight Americans and their allies, whether civilians or military, is an obligation for every Muslim who is able to do so in any country."³

Accordingly, perhaps bin Laden believes that his brand of terrorism is both likely to realise its ends, and that it is morally acceptable by virtue of the guilt of its victims; it is essentially self-defence against terrorism. Is there any real or alleged basis for this latter belief?

Evidently, the justification for denying the innocence of US civilians is collectivist in character. The idea seems to be that certain collectives, namely Islam and the US or Islam and Communist Russia in Afghanistan – or perhaps Islam and Christianity or Islam and the Jews or even fundamentalist Islam and moderate Islam – are locked in struggle in the manner that two individual human agents might be.

Osama bin Laden and thousands of other Arab Muslims went to Afghanistan in the 1980's to join the Afghans in their fight against the godless communist invaders from Russia. According to bin Laden, Islam won a great victory against the Russian superpower. Thus he apparently thinks that he can repeat the same feat in relation to the US.

For Afghanistan provided a breeding ground for terrorism, fundamentalist Muslims from many countries came to fight the Afghanistan war, and then returned to their home countries, including Algeria, Egypt and the like, to wage terrorist campaigns against the governments in those countries.

Now bin Laden claims that Islam is fighting the US in order to defend itself against the threats to its existence posed by the US, and specifically its ongoing support of Israel, the US military bases in Saudi Arabia (the country in which are located the two most holy Islamic sites, Mecca and Medina) and US led invasion of Iraq.

Moreover, allegedly this attack upon Islam is a longstanding one, and the attackers have simply refused to listen to reasoned argument, but have instead subjected Islam to the considerable weight of western economic and military power. (Hence bin Laden's choice in the September 11 attacks of symbols of that power, namely the World Trade Centre and the Pentagon.) Given this collectivist conception, all US citizens (and citizens of their allies) can be regarded as a collective threat to Islam, and as being collectively guilty for the ongoing attacks on Islam. Accordingly, so the logic seems to run, there can be nothing wrong in killing US citizens, irrespective of whether they are combatants, or otherwise intentionally supporting US military actions.

What are we to make of this justification of terrorism by recourse to collective moral responsibility? Osama bin Laden's pronouncements are objectionable on a number of counts. For one thing, his account and analysis of US actions and policies are simplistic and in large part fallacious. For example, the US bases in Saudi Arabia were presumably established for the purpose of protecting the flow of oil, rather than to undermine Islam, and presumably the US invasion of Iraq was in large part motivated by a desire to remove the authoritarian dictator, Saddam Hussein, and the threat posed by his (alleged) possession, or probable future possession, of weapons of mass destruction.

Nor has the US waged war against Islam as such; although bin Laden has sought to present US support for Israel, the US led occupation of Iraq and war against the Taliban in Afghanistan, as war on Islam itself. On the other hand, given Israeli occupancy of Palestinian territory, including by way of the resettlement program, and Israeli bombing of civilian targets, including in Lebanon, US' support for Israel is at the very least questionable. Moreover, the US led

invasion of Iraq seems to have been ill conceived and may well have a bad outcome for the Iraqis and the region more generally. Nevertheless, whatever the rights and wrongs of specific US policies against particular Muslim states and communities, including the war against Iraq, the US cannot seriously be accused of engaging in a terrorist campaign against Islam as such.

Moreover, the US' alleged protagonist, namely Islam, seems far from the unitary agent referred to in bin Laden's pronouncements. Consider the Iran/Iraq war, or the role of Pakistan in destabilising Afghanistan. On the other hand, the US support for Israel in its war with Palestine, and for autocratic regimes, such as the Saudi regime, that repress ordinary Arab and Islamic people, and various other US policies, such as the invasion of Iraq, provide fertile ground for anti-US feeling in the Islamic world. Indeed, if the recent work of the well-known scholar Samuel Huntington is to be given any credence, bin Laden's conception of a Western versus Islamic confrontation are not entirely without foundation. Huntington's view is essentially collectivist in character. It is just that whereas bin Laden seems to think Islam is the object of the threat, Huntington thinks it is the source.

For another thing, bin Laden's pronouncements on the collective guilt of all Americans are facile, and evidently inconsistent with the Koran itself, e.g. on the issue of killing non-combatants.

Nor is bin Laden alone in holding some sort of collectivist conception of the moral conflict he is involved in. Saddam Hussein, for example, spoke in the same way.

The collectivist conception in question manifests a number of tendencies that need to be noted here. First, collective entities, such as states or ethnic or religious groups, are often assumed not only to have interests, but also to be necessarily and exclusively self-interested. Thus Islam must fight in order to preserve its identity and influence in certain regions of the world, and yet bin Laden seems at least implicitly to believe that Islam does not need to accommodate the interests or respect the rights of the non-Islamic world; perhaps he even believes that the interests and rights of the moderate Islamic world do not need to be respected. Perhaps this is because the non-Islamic world – and non fundamentalist Islamic world – are unworthy unbelievers, or some such. Second, these collective entities have, so to speak, hearts and minds of their own. They are in some sense agents, albeit supra-human

agents. The US is an agent seeking to attack and undermine Islam. It is not simply a matter of specific US government leaders having specific policies at particular times that might be contrary to Islamic interests. Third, these collective entities are moral agents, in the sense that they do good and evil, they can be held morally responsible and therefore praised and blamed.

Sometimes these tendencies come into conflict. For example, it is sometimes asserted that international relations, and waging war in particular, are outside any moral normative framework; it is simply a matter of power and the pursuit of national self-interest. This view has had a good deal of currency in foreign policy sectors of the US administration. But it is inconsistent with being morally outraged by terrorist attacks on US citizens, and seeking to convince the rest of the world that they also ought to be morally outraged. And the claim that waging war or pursuing a terrorist campaign is somehow a non-moral activity, is not typically assented to by those on the receiving end of the rights violations and other harms visited upon them. They know that the issues are profoundly moral in character.

Further, in so regarding groups of individual human beings in this collectivist light, or lights, it is arguable that certain untoward consequences follow, or at least are facilitated. For one thing, terrorists, and military organisations more generally, can more easily justify the killing of innocents. For innocent victims are typically at least members of the collective, the state or ethnic or religious group or whatever, that is the object of the terrorists' anger. Accordingly, they can be killed qua members of, say, the US citizenry. Indeed, in the case of many extremist fundamentalist Islamic groups, even moderate Muslims are not innocents; so they become legitimate targets. Moreover, the value of the lives of these individual innocent victims can be given a discount, and in the limiting case of genocide, can be regarded as having no value. Consider the Holocaust or the Rwandan genocide.

Nor is this tendency restricted to terrorist organisations. Consider the My Lai massacre. Again, policies of pursuing military tactics that involve killing innocent victims rather than risking lives of one's own combatants seem to partake of this logic. Consider the atomic bombs dropped on Hiroshima and Nagasaki, or the recent bombing by NATO in Kosovo rather than deploying ground troops. Apparently, the life of one of one's own country's combatants is worth many times that of an

innocent civilian who happens to be of another country with whom one is at war, or indeed of another ethnic group one is supposedly protecting. This inconsistent view was implicit in the policy of sanctions against Iraq, notwithstanding the fact that it was leading to the starvation and death of hundreds of thousands of Iraqi children – albeit through the refusal of Saddam Hussein to capitulate.

At this point it might be useful to explicitly distinguish my notion of collective *moral responsibility* from the above-mentioned strong collectivist conceptions – conceptions that manifest what might be termed the *morality of collective identity*.

According to the morality of collective identity the members of some oppressor or enemy group are guilty purely by virtue of membership of that national, racial, ethnic or religious group. So a white South African who opposed apartheid was nevertheless guilty in the eyes of extremist anti-apartheid groups simply by virtue of being white. All Americans are guilty of oppressing Muslims simply by virtue of being American citizens, according to some extremist al-Qaeda pronouncements.

The morality of collective identity determines the moral worth or guilt of a person not by what they choose to do or not do, but by virtue of what they cannot choose to be or not be, namely a member of some racial, ethnic, religious or national group.

As such, the morality of collective identity elevates the category of membership of racial, ethnic, and national groups above the category of human moral personhood; a person is first and foremost (say) a white or black or Jew, and only secondly a human being who is morally responsible for their actions.

In seeking to make sense of the notion of collective moral responsibility I am not endorsing the morality of collective ethnic, racial, national or religious identity; indeed I reject this notion.

So much for the collectivist features and tendencies implicit in the pronouncements, policies and actions of terrorists such as bin Laden, and to a much lesser extent in that of their protagonists, such as the US. What we now need to do is directly address the philosophical issue of collective responsibility and terrorism. Under what conditions, if any, can a group of so-called victims of terrorism be regarded as guilty by virtue of their collectively responsibility for the injustices that the terrorists in question are seeking to redress?

As it happens, there are a number of philosophical theories of collective responsibility that might be deployed to justify some acts of terrorism, though presumably not those perpetrated by Osama bin Laden and his followers. These include the theories of David Cooper⁴ and Peter French.⁵ A more moderate collectivist theoretical account, and one that explicitly addresses the issue of terrorism, is that offered by Burleigh Taylor Wilkins. According to Wilkins, under certain conditions terrorism is morally justifiable, and the key element of that justification is the collective, but not individual, guilt of the victims of terror.

Before turning directly to claims concerning the collective responsibility of ‘innocent’ victims, let me put forward the basic account of collective moral responsibility that I have developed in more detail elsewhere.⁶ For my intention is to make use of this account to clarify some of the central normative issues and claims regarding terrorism. As will become evident, I am opposed to collectivist accounts of collective moral responsibility, and will defend an individualist account. Moreover, I want to see how far such an individualist account can go in offering a moral justification for at least some limited forms of terrorism in certain contexts. It will turn out that the limited forms of ‘terrorism’ in question are not forms of terrorism by virtue of the fact that they involve the targeting of the innocent, properly understood; but rather by virtue of their targeting of morally culpable non-attackers. I do so against the following assumptions: (i) the terrorist tactics in question are in the service of very morally weighty goals; (ii) the tactics are likely to realise those goals; (iii) the terrorist group using them is in some sense a legitimate representative of the people on whose behalf they are deploying the tactics; (iv) there is no other alternative to these terrorist tactics; (v) the specific tactics are minimally necessary to attain the goals in question. I take it that in the case of al-Qaeda none of these conditions are met. Accordingly, the September 11 attack on the World Trade Centre, the October 12th Bali bombing and the like, are unjustified and inexcusable moral atrocities. However, it would not follow that there were not morally justified acts or campaigns of terrorism; it would not follow that *some* forms of terrorism were not morally justified under some conditions.

2. COLLECTIVE MORAL RESPONSIBILITY AS JOINT MORAL RESPONSIBILITY⁷

My suggestion is that collective moral responsibility can be regarded as a species of joint responsibility, or at least one central kind of collective moral responsibility can be so regarded.

Here we need to distinguish four senses of collective responsibility. In the first instance I will do so in relation to joint actions.

What is a joint action?⁸ Roughly speaking, two or more individuals perform a joint action if each of them intentionally performs an individual action, but does so in the true belief that in so doing they will jointly realise an end which each of them has. Having an end in this sense is a mental state in the head of one or more individuals, but it is neither a desire nor an intention. However, it is an end that is not realised by one individual acting alone. So I have called such ends collective ends. For example, the terrorists who hijacked American Airlines flight 11 and crashed the plane into the North Tower of the World Trade Centre in New York performed a joint action. At least one terrorist operated the controls of the plane, while another navigated, and the remaining terrorists, by violence and the threat of violence, prevented the cabin crew and passengers from intervening. Each performed a contributory action, or actions, in the service of the collective end of crashing the plane into the building and killing passengers, office workers and themselves.

Agents who perform a joint action are responsible for that action in the first sense of collective responsibility. Accordingly, to say that they are collectively responsible for the action is just to say that they performed the joint action. That is, they each had a collective end, each intentionally performed their contributory action, and each did so because each believed the other would perform his contributory action, and that therefore the collective end would be realised.

Here it is important to note that each agent is individually (naturally) responsible for performing his contributory action, and responsible by virtue of the fact that he intentionally performed this action, and the action was not intentionally performed by anyone else. Of course the other agents (or agent) *believe* that he is performing, or is going to perform, the contributory action in question. But mere possession of such a belief is not sufficient for the ascription of responsibility to *the believer* for performing the individual action in question. So what are

the agents *collectively* (naturally) responsible for? The agents are *collectively* (naturally) responsible for the realisation of the (collective) *end* which results from their contributory actions.

Further, on my account to say that they are collectively (naturally) responsible for the realisation of the collective end of a joint action is to say that they are *jointly* responsible for the realisation of that end. They are jointly responsible because: (a) each relied on the other to bring about the state of affairs aimed at by both (the collective end), and; (b) each performed their contributory action on condition, and only on condition, the other(s) performed theirs. Here condition (b) expresses the *interdependence* involved in joint action.

Again, if the occupants of an institutional role (or roles) have an institutionally determined obligation to perform some joint action then those individuals are collectively responsible for its performance, in our second sense of collectively responsibility. Consider the collective institutional responsibility of the members of the Fire Department of New York City to put out fires in high rise buildings in New York. Here there is a *joint* institutional obligation to realise the collective end of the joint action in question. In addition, there is a set of derived *individual* obligations; each of the participating individuals has an individual obligation to perform his/her contributory action. (The derivation of these individual obligations relies on the fact that if each performs his/her contributory action then it is probable that the collective end will be realised.)

The *joint* institutional obligation is a composite obligation consisting of the obligation each of us has to perform a certain specified action in order to realise that end. More precisely, I have the obligation to realise a collective end by means of doing some action, believing you to have performed some other action for that self-same end. The point about joint obligations is that they are not be discharged by one person acting alone.

Notice that typically agents involved in an institutional joint action will discharge their respective individual institutional obligations and their joint institutional obligation by the performance of one and the same set of individual actions. For example, if each of the members of an anti-terrorist task force performs his individual duties having as an end the locating of a terrorist cell then, given favourable conditions, the task force will locate the cell. But one can imagine an investigating

agent who recognises his individual institutional obligation, but not his jointly held obligation to realise the collective end in question. This investigator might have an overriding individual end to get himself promoted; but the head of the task force might be ahead of him in the queue of those to be promoted. So the investigator does not have locating the cell as a collective end. Accordingly, while he ensures that he discharges his individual obligation to (say) interview a particular suspect, the investigator is less assiduous than he might otherwise be because he wants the task force to fail to locate the cell.

There is a third putative sense of collective responsibility. This third sense of individual responsibility concerns those in authority. Here we need to distinguish two kinds of case. If the occupant of an institutional role has an institutionally determined right or obligation to order other agents to perform certain actions, and the actions in question are joint actions, then the occupant of the role is *individually* (institutionally) responsible for those joint actions performed by those other agents. This is our first kind of case; but it should be set aside, since it is not an instance of *collective* responsibility.

In the second kind of case it is of no consequence whether the actions performed by those under the direction of the person in authority were joint actions or not. Rather the issue concerns the actions of the ones in authority. In what sense are they collective? Suppose the members of the Cabinet of the UK government (consisting of the Prime Minister and his Cabinet Ministers) collectively decide to exercise their institutionally determined right to order the Royal Air Force to attack Afghanistan during peacetime. The air force does what it was ordered to do, and the Cabinet is collectively responsible for starting the war in some sense of collective responsibility. Moreover, depending on the precise nature of the institutional arrangement, it might be that the Prime Minister orders the commander of the Air Force to launch the attack, and does so as the representative of, or under instructions from, the Cabinet of which the Prime Minister is the head. If the decision is the Cabinet's to make, then there is full-blown collective responsibility. If the decision is the Prime Minister's to make, albeit acting on the advice of the Cabinet, or even subject to the veto of the Cabinet, then matters are more complex; the Prime Minister has individual responsibility, albeit individual responsibility that is tempered or constrained by a layer of collective responsibility.

There are a couple of things to keep in mind here. First, the notion of responsibility in question here is, at least in the first instance, institutional – as opposed to moral – responsibility.

Second, the ‘decisions’ of committees, as opposed to the individual decisions of the members of committees, need to be analysed in terms of the notion of a joint institutional mechanism that I have introduced elsewhere.⁹ So the ‘decision’ of the Cabinet – supposing it to be the Cabinet’s decision, and not simply the Prime Minister’s – can be analysed as follows. At one level each member of the Cabinet voted for or against the military attacking Afghanistan; and let us assume some voted in the affirmative, and others in the negative. But at another level each member of the Cabinet agreed to abide by the outcome of the vote; each voted having as a collective end that the outcome with a majority of the votes in its favour would be pursued. Accordingly, the members of the Cabinet were jointly institutionally responsible for the decision to order the military to attack Afghanistan. So the Cabinet was collectively institutionally responsible for starting the war against the Taliban; and the sense of collective responsibility in question is *joint* (institutional) responsibility.¹⁰

What of the fourth sense of collective responsibility, collective *moral* responsibility? Collective moral responsibility is a species of joint responsibility. Accordingly, each agent is individually morally responsible, but conditionally on the others being individually morally responsible; there is interdependence in respect of moral responsibility. This account of collective moral responsibility arises naturally out of the account of joint actions. It also parallels the account given of individual moral responsibility.

Thus we can the following claim about moral responsibility. If agents are collectively responsible for the realisation of an outcome, in the first or second or third senses of collective responsibility, and if the outcome is morally significant then – other things being equal – the agents are collectively morally responsible for that outcome, and can reasonably attract moral praise or blame, and (possibly) punishment or reward for bringing about the outcome.

Here we need to be more precise about what agents who perform morally significant joint actions are collectively morally responsible for. Other things being equal, each agent who intentionally performs a morally significant *individual* action has *individual* moral responsibility

for the action. So in the case of a morally significant joint action, each agent is *individually* morally responsible for performing *his contributory* action, and the *other* agents are *not* morally responsible for his individual contributory action. But, in addition, the contributing agents are *collectively* morally responsible for the outcome or *collective end* of their various contributory actions. To say that they are collectively morally responsible for bringing about this (collective) end is just to say that they are *jointly* morally responsible for it. So each agent is individually morally responsible for realising this (collective) end, but conditionally on the others being individually morally responsible for realising it as well. So in the World Trade Centre example, terrorist A might be individually morally responsible for navigating the plane, terrorist B individually morally responsible for piloting the plane into the building, and terrorists C, D and E for using and threatening to use violence to prevent the cabin crew and passengers from intervening. However, A, B, C, E and E are jointly morally responsible for the destroying the plane and building, and for killing the passengers and office workers.

Moreover, whatever the reason why each came to have the collective end in question, once each had come to have that collective end then there was interdependence of action. That is, each played his role in the attack only on condition the others played their role. So the full set of actions performed by the individual members of the terrorist group can be regarded as *the means* by which the collective end was realised; and each individual contributory action was a *part of* that means. Moreover, in virtue of interdependence, each individual action is an integral part of the means to the collective end. Accordingly, I conclude that all of the members of the terrorist group are jointly – and therefore collectively – morally responsible for the destruction of the building and the attendant loss of life. For each performed an action the service of that (collective) end, and each of these actions was an integral part of the means to that end.

Note the following residual points. First, it is not definitive of joint action that each perform his/her contributory action on the condition, and only on the condition, that *all* of the rest of the other perform theirs. Rather, it is sufficient that each perform his/her contributory action on the condition, and only on the condition, that *most* of the others perform theirs. So the interdependence involved in joint action is

not necessarily *complete* interdependence. Nevertheless, if the action of one agent (or more than one agent) is not interdependent with *any* of the actions of the other agents, then the action of that first agent (or agents) is not part of the joint action. So if one (or more) of the members of the group of terrorists in fact performed his action independently of the rest, and if the rest performed their actions independently of that one agent, then the action of the latter would not be part of the joint action. The action of the latter agent would not be part of the means to the *collective* end; and the agent could not be said to have had the destruction of the building and the loss of life as a *collective* end.

Second, in my view, if an action is a means to some end, and if the action is sufficient for the realisation of that end, then the agent who performed the action has (natural) responsibility for bringing about the end. So the fact that the outcome in question might be overdetermined by virtue of the existence of some second action performed by some second agent, does not remove the responsibility of the first agent for the outcome in question. Consider two assassins who work entirely independently. By coincidence each assassin fires a bullet at the President of the USA, and the two bullets lodge simultaneously in the brain of the President killing him instantly. Assume further that either one of the bullets would have been sufficient to kill the President. I take it that each of the assassins is guilty of murder, and each is guilty by virtue of having intentionally (and individually) shot the President dead.

We can conceive of two joint actions that are analogous to the assassin example. There are two independent actions, albeit two joint actions performed by the members of two separate groups, respectively; and each of these (joint) actions is sufficient for some outcome. I conclude that just as the two assassins are both morally responsible for the murder of the President, so are the members of both of the two groups morally responsible for the two envisaged joint actions. The only difference is that each of the assassins is *individually* responsible for the death of the President, whereas the members of the first group are *jointly* responsible for the outcome in question, as are the members of the second group.

Third, an agent has moral responsibility if his action was intentionally performed in order to realise a morally significant

collective end, and the action causally contributed to the end. The action does not have to be a necessary condition, or even a necessary part of a sufficient condition, for the realisation of the end.

Fourth, agents who intentionally make a causal contribution in order to realise a morally significant collective end, are not necessarily fully morally responsible for the end realised.

The second problem in relation to collective moral responsibility for actions arises in the context of the actions of large groups and organisations.

Consider the al-Qaeda terrorist organisation. The actions of the members of al-Qaeda are interdependent in virtue of the collective end viz. destroy, or at least badly damage, the World Trade Centre, and kill numerous passengers and office workers. Naturally, this interdependence is far more complex than simple cases of joint action, given the existence of an hierarchical organisation, and its more loosely structured extensions. Moreover, the contribution of each individual to the outcome is far more various, and in general quite insignificant, given the large numbers of people involved.

At this point the notion of, what I have elsewhere termed, a layered structure of joint actions needs to be introduced.¹¹ Suppose a number of ‘actions’ are performed in order to realise some collective end. Call the resulting joint action a *level two* joint action. Suppose, in addition, that each of the component individual ‘actions’ of this level two joint ‘action’, is itself – at least in part – a joint action with a second set of component individual actions. And suppose the member actions of this second set have the performance of this level two ‘action’ as their collective end. Call the joint action composed of the members of this second set of actions a *level one* joint action. An illustration of the notion of a layered structure of joint actions is in fact an army fighting a battle. At level one we have a number of joint actions. The pilots of (say) the US squadron of planes bomb a Taliban position in Afghanistan, and members of (say) the Northern Alliance move forward on the ground, killing Taliban combatants and taking the position. So there are two level one joint actions. Now, each of these two (level one) joint actions is itself describable as an *individual* action performed (respectively) by the different military groups, namely, the action of bombing the position, and the action of overrunning and occupying the position. However, each of these ‘individual’ actions is

part of a larger joint action directed to the collective end of winning the battle against the Taliban. For each of these individual attacks on the position is part of a larger plan coordinated by the US and Northern Alliance commands. So these ‘individual’ actions constitute a *level two* joint action directed to the collective end of winning the battle.

Accordingly, if all, or most, of the individual actions of the members of the US airforce squadron and of the Northern Alliance army were performed in accordance with collective ends, and the performance of each of the resulting level one joint actions were themselves performed in accordance with the collective end of winning the battle, then, at least in principle, we could ascribe joint moral responsibility for winning the battle to the individual pilots of the US air force and to the individual members of the Northern Alliance.

At any rate, we are now entitled to conclude that agents involved in complex cooperative enterprises can, *at least in principle*, be ascribed collective or *joint natural* responsibility for the outcomes aimed at by those enterprises, and in cases of morally significant enterprises, they can be ascribed collective or *joint moral* responsibility for those outcomes. This conclusion depends on the possibility of analysing these enterprises in terms of layered structures of joint action. Such structures involve: (a) a possibly indirect and minor causal contribution from each of the individuals jointly being ascribed responsibility; (b) each individual having an intention to perform his or her contributory (causally efficacious) action; and (c) each individual having as an ultimate end or goal the outcome causally produced by their jointly performed actions.

The upshot of the discussion in this section is that the undoubted existence of the phenomenon of collective moral responsibility for actions is entirely consistent with individualism in relation to moral responsibility. For an acceptable individualist account of collective moral responsibility is available.

3. COLLECTIVE OMISSIONS AND TERRORISM

I hold that terrorist groups fighting for a just cause might be morally entitled to target persons individually and/or collectively responsible for perpetrating the rights violations the terrorists are seeking to redress. However, according to the conception of collective moral responsibility that I favour the legitimate targets in question would be –

in the paradigm case – persons who had intentionally causally contributed to the rights violations in question. Here the assumption is that the intention is under the control of the agent in question.

There are various other theoretical or quasi-theoretical forms of individualism that I would find unacceptable. One such view rests on the claim of causal inter-relatedness. If we take harm as including both direct and indirect harm, then, for example, a US citizen who paid taxes that were used to train a pilot who bombed a Taliban stronghold might be held to be responsible for the deaths of the civilians killed. Clearly, moral responsibility cannot be ascribed merely on the basis of possibly very indirect, and entirely unforeseen, causal contributions. Moral responsibility implies agency, and agency implies intention, ends and the like. Permissive causal accounts of moral responsibility are as unpalatable as ones ascribing moral responsibility on the basis of membership of the group.

As things stand, the category of innocent victims would consist of all those who have not intentionally individually performed any rights violations and who have not intentionally contributed to rights violations, either as a member of a group and/or as the occupant of a role in the context of a layered structure of joint actions.

Here it is important to note that there might be a further category or categories of persons with diminished moral responsibility who nevertheless might be legitimate targets for terrorist groups engaged in justified armed struggles. Such persons with diminished responsibility might include ones who had lesser or subordinate roles in the rights violations, e.g. minor clerical staff at Nazi headquarters, or ones who should have known, but did not know, what the consequences of their actions would be, e.g. a person who provided information concerning the whereabouts of an African National Congress (ANC) member to the South African Police during the apartheid years.

However, the addition of such a category, or categories, of persons with diminished moral responsibility while it complicates the basic account in terms of individual intention and causal contribution, it does not constitute a significant theoretical addition to it. However, I now want to turn to a somewhat different category of persons who might be legitimate targets for terrorists, namely, culpable non-attackers. The inclusion of this category represents a considerable extension to the set

of legitimate targets, and it does constitute a significant theoretical addition.

By a culpable non-attacker I mean someone who intentionally refrains from undertaking some action that they are morally obliged to perform. In other words, a victim might be (at least in large part) innocent in respect of the actions that they have performed; however, they might not be innocent in respect of their inactions. They might be guilty of omissions; they might be culpable non-attackers.

There are two general reasons that a bystander might be considered to be guilty of an act of omission. Firstly, the wrong being done is of such a magnitude that someone ought to intervene, and as a bystander they are in a position to see what is going on, and to intervene. Secondly, they are not mere bystanders, but bystanders who are in effect benefiting from the wrong that is being done. Perhaps the US economy, and therefore US citizens, are benefiting from US government policy of propping up autocratic regimes in the Middle East, such as Saudi Arabia, in order to ensure the requisite continuing flow of reasonably cheap oil.

The fact that someone is benefiting from some wrongdoing, while not causally contributing to it, is not sufficient to ascribe to them any responsibility for the wrongdoing. Here we need to be careful, since there are cases where the fact that someone benefits from some wrongdoing *indirectly* causally contributes to the wrongdoing. For example, men who pay young women for sex may not be directly contributing to the situation whereby these young women are coerced into working as prostitutes. However, the fact remains that a causally necessary condition for the young women being thus coerced is the willingness of men to pay for their sexual services. Naturally, the men may falsely suppose that the young women voluntarily work as prostitutes.

At any rate, let us focus exclusively on culpable omissions.¹²

Assume that there are large numbers of people whose lives are at risk, and there are bystanders who could successfully intervene without significant risk or cost to themselves. Assume also that these bystanders are the only persons who could effect the rescue. Consider a scenario in which a boat at sea is sinking and hundreds of its passengers (who are refugees from war) are about to drown. Assume that there is a second large merchant vessel that could rescue the passengers, but its captain is

refusing to order it to do so; he despises the refugees. Would not a third party – say, the captain and crew of a small naval vessel – which is itself unable to effect the rescue, be morally entitled to use deadly force to enforce the moral right to be rescued, by (say) shooting the culpable captain – a civilian – in the course of attempting to commandeer the large vessel?

Now consider another kind of case. There is a destitute African person who is dying of HIV AIDS.¹³ Drugs are available which would enable him to live, however they are far too expensive for him. Moreover, let us assume that the drug could be produced cheaply, but that the company wants to guarantee exorbitantly high profits, and is therefore refusing to allow cheap production of the drug which would only guarantee reasonable profits. And let us further assume that everyone, including the government knows this. At any rate, he unsuccessfully pleads with the drug company's managers to provide him with the drugs. Next he seeks legal means, and even petitions the government. However, he lives in a lawless society governed by a corrupt and authoritarian regime, and all his efforts in this regard inevitably fail. He then considers trying to ask for money to pay for the drugs. However, all the members of his community are destitute, and in any case AIDS is ravaging the community; if anyone had enough money they would use it to buy drugs for themselves or AIDS stricken members of their family. As for members of the alternative community, while most are reasonably affluent and many are wealthy, they despise the poor and especially AIDS sufferers; they regard them as less than human, and AIDS as a fitting punishment for their sexual promiscuity. Moreover, the alternative community lives in a separate area in heavily fortified homes; it is an apartheid-style society. Theft is not an option. Accordingly, in desperation and with all other avenues closed, he goes to the pharmaceutical company demanding the drugs that will enable him to live. Predictably, he is yet again refused, on the grounds that he must pay for the highly priced drugs. However, this time he grabs the gun from the guard and threatens to kill one or more of the three company managers responsible for the high price. The managers refuse to hand over the drugs and the AIDS sufferer knows that this is his last and only chance to procure the life-saving drugs; self-evidently, he will never be admitted into this building again. The AIDS sufferer fires a warning shot but still his request for the drugs is denied. He then shoots

the first manager in the leg, but even this act of malicious wounding fails to move the managers. He is running out of bullets and also out of time; soon the police will arrive. Finally, he shoots one of the managers dead, doing so in order to instil such fear in the second and third manager that they will hand over the drugs. He gets the drugs, escapes and is cured of AIDS.

I believe that that the AIDS sufferer's action is morally justified, given this action was the only way to preserve this life, and given that the assistance required could have been provided at minimal cost to the drug company. For he had a positive right to be assisted, and the 'bystanders' – the manager of the drug company – was refraining from carrying out his duty to respect that right even though he could do so at minimal cost to himself. So the case is analogous to those involving negative rights, such as the right not to be killed, or the right not to have one's freedom interfered with. But for those who might still want to resist the claim that the AIDS sufferer's action was morally justified, let me gesture at additional moral considerations. For example we could assume that AIDS sufferer would distribute the stock of drugs he was seeking to procure in order to save the lives of tens, hundreds or thousands of AIDS sufferers in his community. Let us further assume that the pharmaceutical company had actually been given a monopoly in the country in question on the condition it would sell the drugs cheaply; however, it was paying off corrupt government officials to turn a blind eye to the high prices it was charging.

So deadly force can in principle be used to enforce some positive rights, including presumably rights to subsistence, as well as to enforce negative rights. Here I am assuming the usual principles of proportional and minimum force, and the principle of necessity.

Moreover, as is the case with negative rights, third parties – at least in principle – have rights, and indeed duties, to use deadly force to ensure that positive rights are respected.

This point is especially clear in the case of governments who intentionally refrain from respecting the positive rights, including subsistence rights, of their citizens. For governments have a clear institutional responsibility to provide for the well-being of their citizens. Accordingly, the moral responsibility based on need – and the fact that those in government could assist if they chose to – is buttressed by this institutional responsibility that they have voluntarily

taken on. Consider Saddam Hussein's refusal to distribute much needed food and medicine to his own citizens, albeit in the context of UN sponsored sanctions. The citizens, or third parties, are entitled to use deadly force against these governments. Perhaps such use of deadly force, including assassination, is to be regarded as terrorism on the grounds that the victims of terrorism are not themselves attackers. If so, then terrorism can be morally justified in some circumstances. However, the victims in this kind of scenario are not innocent; their acts of omission constitute intentionally violations of the positive rights of their citizens.

In the case of members of a group or institutional entity we need to focus on the collective role of bystanders. So the members of the group or institution are said to be collectively morally responsible for a collective omission. But here we need some theoretical account of collective responsibility for omissions. Elsewhere I have elaborated such an account.

According to that account, members of some group are collectively responsible for failing to intervene to halt or prevent some serious wrongdoing or wrongful state of affairs if: (1) the wrongdoing took place, or is taking place; (2) the members of the community intentionally refrained from intervening; (3) each or most of the members intervening having as an end the prevention of the wrongdoing probably would have prevented, or have a reasonable chance of halting, the wrongdoing; (4) each of the members of the community would have intentionally refrained from intervening – and intervening having as an end the prevention or termination of the wrongdoing – even if the others, or most of the others, had intervened with that end in mind; (5) the members of the community had a collective institutional responsibility to intervene. Note that on this account, if an agent would have intervened, but done so only because the others did, i.e. not because he had as an end the prevention or termination of the wrong, then the agent would still be morally responsible, jointly with the others, for failing to intervene (given conditions (1)-(3) and (5)).

Now there are additional theoretical complications that arise when the intervention in question has to be performed by representatives of a group or community, rather than by the members of the group or community themselves or by third parties who are mere bystanders.

Thus in democracies, the government has to enact policies to intervene; the citizens cannot themselves intervene as a community. Moreover, some organisation – authorised by the government – has to implement these policies, has to actually do the intervening. This being so, we need to help ourselves to the notion of a layered structure mentioned above.

In the light of this definition, it might well be the case that members of governments, such as the Iraqi government, who fail to meet their responsibilities to their own citizens, and South African officials in the days of apartheid who arguably had a pre-existing responsibility to assist destitute blacks in the ‘homelands’, are collectively morally responsible for omissions of a kind that might justify the use of deadly force to ensure that the rights to assistance in question are realised.

However, it might be argued that in the case of liberal democracies – as opposed to authoritarian regimes – the citizens themselves can at least in principle be held collectively morally responsible for the rights violations of their governments.¹⁴ The salient contemporary example here is the Israeli citizenry. Arguably, the Israeli government is responsible for violating the rights of Palestinians, including establishing Israeli settlements on Palestinian land, shooting dead stone-throwing youths during the Intifada (armed uprising), and so on. So let us assume that the Palestinians are morally entitled to used deadly force against the Israeli government and its armed forces. However, on the view that holds the citizens of a democracy morally responsible for the actions of its government, the citizens themselves might be regarded as legitimate targets. On this view, at least in principle, Israeli non-combatant citizens might well be legitimate targets for Palestinian gunmen. It is important to note that even on this view there will be innocent persons, e.g. children and members of the citizenry who actively opposed the policies of the government.

This move to include the citizenry of contemporary liberal democracies as legitimate targets is unwarranted, and an unacceptable extension of the category of legitimate targets even in the case of otherwise morally justified armed struggles. (I am not claiming that the PLO, for example, is in fact engaged in a morally justified armed struggle.) In the first place, in general in representative democracies citizens votes are cast for representatives not policies. (An exception here would be a democracy in which there were referenda on specific

policies, such as the decision to go to war.) Governments can and do implement policies that citizens as a whole may object to, e.g. evidently a majority of UK citizens now think the UK armed forces ought not to have invaded Iraq. In short, citizens do not have a clear and direct institutional responsibility for the specific policies of governments; rather the members of the government have a clear and direct responsibility for these policies. In the second place, the size of the citizenry of most contemporary democracies is such that each citizen must be held to have very considerably diminished responsibility for the election of the government; to cast one vote among millions is hardly sufficient to establish full moral responsibility for a particular government being in power.

NOTES

¹ An earlier version of the first section of this paper appeared under the title “Osama bin Laden, Terrorism and Collective Responsibility”, in: T. Coady and M. O’Keefe (ed.): *Terrorism and Justice*, Melbourne University Press, 2002.

² Bergen, *op.cit.*

³ Quoted in Bergen, *op.cit.*, p. 105.

⁴ David Cooper: “Collective Responsibility”, in: *Philosophy* XLIII July 1968.

⁵ Peter French: *Collective and Corporate Responsibility*, New York, 1984.

⁶ See, for example, Seumas Miller: “Collective Responsibility”, in: *Public Affairs Quarterly* vol.15 no.1 2001.

⁷ An earlier version of the material in this section appeared in “Terrorism and Collective Responsibility: A Response to Narveson and Rosenbaum”, in: *International Journal of Applied Philosophy* 2004.

⁸ See Seumas Miller: *Social Action: A Teleological Account*, Cambridge University Press, 2001, Chapter 2.

⁹ *ibid.*, Chapter 5.

¹⁰ This mode of analysis is also available to handle examples in which an institutional entity has a representative who makes an individual decision, but it is an individual decision which has the joint backing of the members of the institutional entity e.g. an industrial union’s representative in relation to wage negotiations with a company. It can also handle examples such as the firing squad in which only one real bullet is used, and it is not known which member is firing the real bullet and which merely blanks. The soldier with the real bullet is (albeit unknown to him) *individually* responsible for shooting the person dead. However, the members of the firing squad are *jointly* responsible for its being the case that the person has been shot dead.

¹¹ Seumas Miller: “Collective Responsibility, Armed Intervention and the Rwandan Genocide”, in: *International Journal of Applied Philosophy* vol.12 no.2 1998 and Seumas Miller: *Social Action*, *op.cit.*, Chapter 5.

¹² I am not claiming that being a beneficiary of wrongdoing never warrants retaliation on the part of those wronged.

¹³ This example is taken from my “Collective Responsibility and Terrorism: A Reply to Narveson and Rosenbaum”, *op.cit.*

¹⁴ See Igor Primoratz’ contribution to this volume.

