

DILARA BOĐA

ARMIES AS CORPORATE AGENTS: A NEW RESPONSE  
TO LAZAR'S RESPONSIBILITY DILEMMA

Bilkent University 2019

ARMIES AS CORPORATE AGENTS:  
A NEW RESPONSE TO LAZAR'S  
'RESPONSIBILITY DILEMMA'

A Master's Thesis

by  
DİLARA BOĐA

Department of Philosophy  
İhsan Doğramacı Bilkent University  
Ankara  
May 2019



To my family

ARMIES AS CORPORATE AGENTS: A NEW RESPONSE  
TO LAZAR'S RESPONSIBILITY DILEMMA'

The Graduate School of Economics and Social Sciences  
of  
İhsan Doğramacı Bilkent University

by

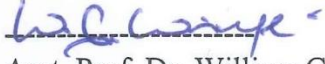
DİLARA BOĞA

In Partial Fulfillment of the Requirements for the Degree of  
MASTER OF ARTS IN PHILOSOPHY

THE DEPARTMENT OF  
PHILOSOPHY  
İHSAN DOĞRAMACI BİLKENT UNIVERSITY  
ANKARA

May 2019

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in Philosophy.



Asst. Prof. Dr. William Giles Wringe (Bilkent University)  
Supervisor

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in Philosophy.



Asst. Prof. Dr. Lars Vinx (Cambridge University)  
Examining Committee Member

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in Philosophy.



Assoc. Prof. Dr. Simon Wigley (Bilkent University)  
Examining Committee Member

Approval of the Graduate School of Economics and Social Sciences



Prof. Dr. Halime Demirkan  
Director

## ABSTRACT

### ARMIES AS CORPORATE AGENTS: A NEW RESPONSE TO LAZAR'S 'RESPONSIBILITY DILEMMA'

Boğa, Dilara

M.A., Department of Philosophy

Supervisor: Asst. Prof. Dr. William Giles Wringe

May 2019

The 'Responsibility Dilemma' is a significant issue for Just War Theory. The dilemma deals with the question of how to explain why non-combatants are not liable for lethal defensive harms despite being blameworthy. In this thesis, I suggest that we can overcome this dilemma by recognizing armies as corporate agents who bear liability. This explains why armies are liable, and why civilians are not. I also claim that there is a distinction between liability and blameworthiness.

Keywords: Ethics of War, Responsibility Dilemma, Seth Lazar, Collective Agency, Moral Liability

## ÖZET

### KURUMSAL FAİLLER OLARAK ORDULAR: LAZAR'IN 'SORUMLULUK İKİLEMİ'NE YENİ BİR YANIT

Boğa, Dilara

Yüksek Lisans, Felsefe Bölümü

Tez Danışmanı: Dr. Öğr. Üyesi William Giles Wringe

Mayıs 2019

Adil Savaş Teorisi için 'Sorumluluk İkilemi' önemli bir konudur. Bu ikilem, sivillerin neden suçlanabilir olmasına rağmen ölümcül savunma zararlarından yükümlü olmadıklarını açıklanmasıyla ilgilidir. Bu tezde, orduları sorumluluk taşıyan kurumsal failer olarak tanıdığımızda bu ikilemin üstesinden gelebileceğimizi öneriyorum. Bu, neden orduların yükümlü olduğunu ve sivillerin neden yükümlü olmadığını açıklıyor. Ayrıca, yükümlülük ve sorumlu tutulabilirlik arasında bir ayırım olduğunu iddia ediyorum.

Anahtar Kelimeler: Savaş Etiği, Sorumluluk İkilemi, Seth Lazar, Kolektif Faillik, Ahlaki Yükümlülük

## ACKNOWLEDGMENTS

I wholeheartedly thank my supervisor, Bill Wringe, for his support. I learned a lot from the conversations in our meetings. He lightened my way to philosophy.

I'm grateful to all of my friends. Without their friendship, every academic step I take would be harder. In particular, I want to thank Özlem Bulut for being my best friend. I cannot imagine how my life in Bilkent would be without her. I'm also thankful to Sera Abdulaziz for her sincere friendship and belief in me.

Thank you, my family. Rahime Boğa, Kemal Boğa and Buket Boğa. Mum, Dad, and Sister. I learned and still am learning from you every day. You taught me the importance of being a kind person before everything else. I'm incredibly grateful for your love and support. You have the patience to stand my philosophical questions starting from my childhood. I will be always thankful for that.

And thank you, Zach Gudmunsen, not only for your wisdom but for bringing another world into mine. I will always see the beauty in the ways we shifted to match our roads in this universe.



## TABLE OF CONTENTS

ABSTRACT .....	iii
ÖZET .....	iv
ACKNOWLEDGMENTS .....	1
INTRODUCTION .....	4
ARMIES AS CORPORATE MORAL AGENTS .....	7
2.1. Agency and Moral Agency .....	7
2.2. Collective Agents .....	8
2.3. Collective Moral Agents .....	10
2.3.1. Corporate Moral Agents .....	11
2.3.2. Why Hess's Account is Better Than French's Account.....	16
2.4. Armies as Corporate Moral Agents .....	17
2.5.1. Armies Have Beliefs and Desires .....	17
2.5.2. Armies Have Intentions Based on Their RPV Which is not the Individual RPV of Members .....	18
2.5.3. Armies Have Corporate Reactive Attitudes .....	20
A CRITIQUE OF THE 'RESPONSIBILITY DILEMMA' .....	22
3.1. Moral Equality of Combatants: Combatants as Legitimate Targets .....	22
3.2. Seth Lazar's 'Responsibility Dilemma' .....	24
3.3. Non-combatant Immunity .....	25
3.4. Saba Bazargan's Solution to Lazar's 'Responsibility Dilemma' .....	26
3.5. Lazar's Objections to Bazargan's Solution.....	27
3.6. Complicity and the Distinction between Liability and Blameworthiness.....	30
ARMIES AS THE BEARERS OF LIABILITY .....	32
4.1. Blameworthiness and Liability are not Coextensive.....	32
4.2. The Primary Subject of Liability is the Army: Assigning Liability for Lethal Defensive Harms .....	35
4.3. The Practice of Assigning Liability for Reparative Costs .....	37
4.4. Lazar's 'Political Community': Are States or Politicians Liable for Lethal Defensive Harms? .....	38
4.5. Possible problems: The Liability of Involuntary Combatants, Militias and Terrorist Groups .....	39
4.5.1. The Involuntary Combatants of the Army: Are They also Liable? .....	40
4.5.2 Militias .....	40

4.5.3. Terrorist Groups .....	41
4.6. Killing Non-combatants is not Effective to Destroy the Army and Win the War .....	42
CONCLUSION .....	45
REFERENCES .....	47

## CHAPTER 1

### INTRODUCTION

Just War Theory (JWT) discusses under which circumstances and how wars should be fought. The ‘Responsibility Dilemma’ is one of the most significant problems for JWT. Traditional Just War Theorists only explained the difference between killing combatants and non-combatants legally. The revisionist, moralised approach to JWT explained this difference by linking liability and blameworthiness rather than using legal terms. Solutions to the dilemma must explain why members of the military are liable for defensive lethal harms when civilians are not. The ‘Responsibility Dilemma’ is this: if the threshold of responsibility is high for liability, then civilians are not liable to be killed, in that case, many unjust combatants are also not liable; on the other hand, if the threshold of responsibility is low, then all unjust combatants are liable, and the same must go for many civilians, because many unjust combatants contribute ‘very little’ (Lazar, 2010). Within the dilemma, a combatant is blameworthy because of their responsibility for their contribution to the war, when they are blameworthy, they are liable to be killed; if this is true then many civilians who are blameworthy ought to also be liable. The dilemma assumes a connection between contribution and blameworthiness and leads Lazar to argue that JWT cannot explain how civilians can be blameworthy without being liable to be killed.

In this thesis, I propose a new solution to the ‘Responsibility Dilemma’. I shall argue that armies are corporate moral agents, a type of collective agent, and ought to be recognised as the primary bearers of liability. They bear liability for both lethal defensive harms and for reparative costs. The key assumption of the ‘Responsibility Dilemma’ is that only individuals can be held liable. I will show that when we consider the army as a collective agent, the dilemma is resolved, since the army can be liable collectively without being blameworthy. Accordingly, in order to assign blameworthiness to individuals, instead of depending on the level of their

contribution (as Lazar does), I depend on whether they are part of the army. Since combatants are members of an army, they are the only individual (or non-collective) agents who are liable for lethal defensive harms during the war; therefore, this explains why individual non-combatants are not liable.

So, a key part of my argument, as a new solution for the dilemma, is the consideration of armies as corporate moral agents. It will not only solve the 'Responsibility Dilemma' but it will also help us to give plausible and interesting explanations about liability and blameworthiness. Collective agency literature has been paying recent attention to the possibility of collective agents who have beliefs, desires and responsibility. Here, I will focus on a distinct type of collective: corporate moral agents. I shall argue that an army is a separate agent from its members, who can act and make decisions on a collective level that individuals can't. In the following chapter, I discuss moral agency in general, and then claim that some the structured groups can be considered as collective agents. I firstly explain Peter French's view on corporations as moral persons. Then I explain that his account does not explicitly discuss important aspects of corporate moral agency. I will use Kendy Hess' view on corporate agency because her account is both compatible with treating armies as corporate moral agents and more plausible than French's account.

In Chapter 3, I further explain the 'Responsibility Dilemma' and show that the revisionist Just War Theorists have problems because of their individualist approach. Seth Lazar (2010) claims that revisionist accounts can succeed but require us to accept the asymmetry in blameworthiness between combatants and non-combatants. On the other hand, Bazargan (2013) tries to solve the dilemma by arguing that complicity can make individuals who are part of a collective plan, such as war, liable. However, in Chapter 4, I propose a distinction between liability and blameworthiness which shows that Bazargan and Lazar's accounts fail. They could not see the distinction between liability and blame, because their arguments were too focused on the idea that a combatant needs to be blameworthy to be liable. I will claim that liability has a completeness constraint which requires us to assign liability to an agent or agents, on the other hand, blameworthiness does not. I will argue that

liability and blame are not coextensive. An agent can be liable without being blameworthy and blameworthy without being liable.

In the final chapter, I make the distinction between `liability for lethal defensive harms` and `liability for reparative costs`. I argue that although civilians, politicians or states are likely to be liable for reparative costs, they are not liable for lethal defensive harms because they are not part of the corporate agent which bears liability. I will also explain that killing civilians is not effective in destroying the army or winning the war, because they are not the part of that corporate agent. Lastly, I consider whether involuntary combatants, militias, and terrorist groups are liable for lethal defensive harms.

## CHAPTER 2

### ARMIES AS CORPORATE MORAL AGENTS

In this chapter, I argue that armies are good examples of corporate moral agents although, surprisingly, they have not previously been considered as such. My aim here is to focus on the corporate agency of the army rather than the agency of the individual combatant. That focus helps to solve the problems derived from the ‘Responsibility Dilemma’ in the next chapters. Firstly, I clarify the distinction between agents and moral agents. Secondly, I discuss two accounts of corporate agency: Peter French’s and Kendy Hess’ accounts. I argue that Hess’ account is a better one because it acknowledges certain necessary aspects for corporate agents to be corporate *moral* agents. Lastly, I demonstrate how we can consider armies as corporate moral agents in terms of Hess’ criteria.

#### 2.1. Agency and Moral Agency

Agency means that an actor is capable of acting in a particular environment. However, the capacity to act does not imply a specific moral capacity. For example, a computer algorithm or animal can act according to the given definition of agency without responding to any moral features. Therefore, moral agency is distinct from agency. According to Kant (1998), a moral agent is an agent that is able to choose for itself based on its moral judgment -based on the notion of right and wrong. So, which quality of moral agents implies the ability to make those specific moral considerations? Moral agents are sensitive to moral information and they act upon it. In other words, moral agents have moral competency.

Moral agents have reactive attitudes as well. P.F. Strawson (1974) argues that reactive attitudes provide the justification for holding an agent responsible. These are the attitudes resulting from “involvement or participation with others in interpersonal relationships and include resentment, gratitude, forgiveness, anger” (Strawson, 1974: 66). When we are using the language of morals, all we mean is that we are speaking of responsibility, desert, guilt, condemnation, and justice. By attending to these reactive attitudes, “we recover from them the moral facts as we know them” (Strawson, 1974: 25). We do not have to go beyond this, otherwise we ‘overactualise’ the facts (Strawson, 1974: 25). As such, it is reactive attitudes that determine a person’s moral responsibility. Although the moral agency literature has focused only on individual moral agents, I will claim that collective moral agency is prior, and that which leads individuals to be morally responsible.

## 2.2. Collective Agents

Collective agency literature raises the question of whether it makes sense to attribute desires, beliefs, and intentions to groups. The idea is that an agent does not need to be individual, but it might be a collective with the capacity to exercise agency. One of the central questions has been whether collective agency can be reduced to the agency of the individuals involved. In particular, corporations have been considered agents that are defined by corporate decision-making structure. Accounts of corporate agency were pioneered by French (French 1984) and championed more recently by List and Pettit (List and Pettit 2011). Hess (2014) instead focuses on the functional roles realised by both explicit and tacit structural properties possessed by the corporations, and Tollefsen (2015) defines corporate agents as the targets of (some of) our reactive attitudes.

A government as a collective, for example, can understand non-moral reasons, like economic reasons, to decide about a policy. Collectives are groups, gathering around a particular structure, and forming a whole when members share a certain way of understanding themselves as unified. For collectives, we can talk about a group-level decision-making procedure which is rationally operated; and the members of a collective are united under this procedure. The fact that there is a group-level decision making process shows that there are responsibilities and duties at the group-

level, which we can call ‘collective responsibility’. As such, the collective is a group agent who can act at the group-level.

Groups can be classified as ‘structured’ and ‘unstructured’ based on whether they have internal organisation. However, here, I am not going to discuss unstructured groups. I am concerned with structured groups. A structured group is one in which the members regulate themselves according to the demands of certain codes and, at times, their leadership. Examples of structured groups include corporations like Facebook or Audi, or other types of organisations like the Catholic church or Venezuelan government.

What makes the unity of a group special has not yet been clearly discussed.

Katherine Ritchie (2019) has argued that “a social structure is a structure that is dependent on social factors” (Ritchie, 2019: 5). In terms of the ontology of groups, she claims that social structures are constitutively dependent on factors like “social practices, beliefs, intentions, arrangements, and patterns of actions” (Ritchie, 2019: 5, 6). Ritchie (2013, 2015) has claimed that groups like teams, committees, courts are organised social groups. These social groups are ‘structured’ wholes. On her view, both members and the structure are relevant to a group’s “synchronic and diachronic identity conditions” (Ritchie, 2019: 8). She gives the example of a baseball team as a group with the internal structure. Moreover, two groups who have the same members are not identified with one another if there is any difference in structural relation. I find her argument plausible; we seem to realise groups based on their structures such as social practices, beliefs, intentions, arrangements, and patterns of actions.

There are three primary features of a collective agent and its members: (1) A collective has members who are committed to the collective’s goals and beliefs, and those members have roles that benefit the collective’s aims. (2) A collective can change its beliefs and desires. (3) A collective’s decision-making process is distinct from that of its individual members. For example, when I say ‘Theresa May decides...’ her decision is an individual decision-making procedure. However, when I say, ‘the decision of UK (or UK parliament)’, I’m referring to a different method of decision-making.



### 2.3. Collective Moral Agents

Like List and Pettit (2011), I claim that a collective agent is sometimes a moral agent, assuming it has the ability and power to engage in that particular moral issue. If the collective agent has a decision-making procedure, beliefs, desires, and intentions, and also has reactive attitudes (self-directed, and towards other agents), this shows that this agent's behaviours are governed by moral standards. And, if a collective agent, subject to moral standards, is accountable and morally responsible for its behaviour under those standards, it means that this agent is a moral agent.

I suggest that some corporate agents can be moral agents as well. In line with Stephanie Collins' (2017) approach to moral responsibility: some group agents are moral agents who can recognize moral reasons. Collins then argues that these groups, as moral agents, have a group decision-making procedure "within which moral reasons are treated as desires" (Collins, 2017: 40). In other words, the group reacts to moral reasons. Blaming other agents, for instance, is mostly about being a moral agent. It does not matter whether the group agent will do this infallibly, because after all, infallibility is not the standard for moral agency (Collins, 2017: 40), otherwise no human would be a moral agent.

List and Pettit (2011) have argued that someone responsible if they satisfy conditions sufficient for being a candidate for blame or approval; we hold them responsible "when we go one step further and actually blame or approve" (List & Pettit, 2011: 154). They argue that corporate agents are fit to be held responsible in the same way as individual agents, and this entails that these group agents may display "a guilty mind, as in intentional malice, malice with foresight, negligence, or recklessness" (List & Pettit, 2011: 157).

To me, a moral agent is an agent who can blame itself, and can blame other moral agents, and (non-moral) agents. It shows this moral agent has the ability to understand moral facts, this ability allows the moral agent to be blamed by other moral agents in a particularly meaningful way, because it allows the subject of blame

change its future moral behaviours, minimise the possible harms, and develop their moral education by comparing the blame with its own moral judgements and morally judge its own actions. On the other hand, a (non-moral) agent can also be blamed by other moral agents. However, being subject to blame only shows the capacity of the moral agents who blame this (non-moral) agent. It may influence the non-moral actions of the blamed agent. We can apply this to blaming collective moral agents and collective (non-moral) agents.

If a collective agent's group decision making procedure is sensitive to moral reasons and facilitates the ability to pass moral judgements like blaming other agents, then it is a collective *moral* agent. We can return to the example of governments in the previous section here, if they can understand moral reasons, then they are collective moral agents. Although not all parliament members share the same intentions, and the state itself acts based on its own certain moral judgment. Therefore, since collectives appear to be able to be collective moral agents, it is plausible to suggest that as a distinct kind of collective agents, there could be corporate moral agents.

### 2.3.1. Corporate Moral Agents

Corporate agents, as a different type of collective, have a number of distinctive characteristics that set them apart from other collectives, but the most significant is the fact that their behaviour is governed by a set of beliefs that is not necessarily shared by their members. These beliefs include basic commitments of fact and value as well as larger commitments to long term goals. For example, it is possible to have a corporate agent that is committed to environmental responsibility while being made up entirely of members who don't care about the environment. In this section I will discuss French's account of corporate agency and then move onto Hess' account.

Peter French (1984) argues that corporations should be considered as "full-fledged moral persons and hence that they can have whatever privileges, rights, and duties as are, in the normal course of affairs, accorded moral persons" (French, 1984: 265). French argues that corporations are genuine actors in the moral universe. A person is held accountable if they are causally responsible for their actions and their actions

were intended. For a corporation to be held accountable it must perform intentional acts, this means acting independently of the intentions of the members.

French (1984) gives an account of ‘corporate internal decision structures’(CID) which “incorporates acts of biological persons” (French, 1984: 13). “Given any event E, this event can be described in two non-identical ways: ‘Executive X’s doing y’ and ‘Corporation C’s doing z’” (French, 1979: 212). Therefore, he claims that corporate act is consistent with the policy of the corporation. This act has been done for corporate reasons. These reasons are caused by a corporate desire coupled with a corporate belief, so, it is, in other words, a product of ‘corporate intentions’ (French, 1979: 212). French believes that corporate decisions are independent of the individual decision makers.

French’s criterion is whether there are “internal organizations and/or decision procedures” or not (French, 1984: 13; 127). According to French, the *official* CID is the basis for establishing his crucial claim that corporations have moral agency. The account is a functional one (French, 1984: 65) with officers in the corporation as carrying out their roles according to established procedures and corporate policy. From the interaction “of the participants, comes the personality of the corporation” (French, 1984: 42).

French’s definition of CID is an official process which considers the legal policies of the corporation. However, I think this is restrictive because, if they only rely on their CID, a corporation cannot blame itself in unofficial ways; in other words, the corporation is not responsible when wrongdoing happens outside of the scope of their CID. Corporations ought to be responsible for such wrongdoing and able to blame themselves, and indeed, it appears that they do. As I have argued, corporate reactive attitudes are also necessary to make the agent a moral agent. Reactive attitudes work to coordinate expectations around moral norms; they direct practices of holding oneself and others responsible, and of responding to violations of moral norms.

Kendy Hess (2004: 203, 204) gives an account of how some highly structured groups qualify in their own right as moral agents. The decision-making process is

not only official but also arises from modifications to the collective's rational point of view. Her account focuses on corporate reactive attitudes, such as guilt, blame, indignation, and she claims that "the lack of phenomenal consciousness is no hindrance to this" (Hess, 2018: 80). Hess' account is not as restrictive as French's criterion of a CID because reactive attitudes can refer to or represent unofficial corporate actions. As such, Hess' corporate agents can be sensitive to issues involving responsibility and blame when it's not a part of the CID.

In the first part of Hess's account, she claims that the familiar commitments of corporate agents qualify as "beliefs, desires, and intentions" on standard philosophical accounts (Hess, 2004: 208). They are generally integrated into a coherent whole, and therefore the corporate agent does not pursue any contradictory goals or beliefs, although sometimes there will be some inconsistencies, as there are in humans. Together these commitments form what Carol Rovane calls a 'rational point of view' (Hess, 2004: 209). Rovane (1998) describes this as the 'rational point of view' (RPV) from which deliberation proceeds and it sets the standard against which an agent's actions can be judged as rational or irrational. Rovane claims that, in order to think of ourselves as persons, we needed to have set out the RPV as a reflection of our rational and practical capacities (Rovane, 2002: 230). Groups, then, have already been acknowledged as agents, in their own rights, since they engage with us in our practical lives (Rovane, 2002: 231). Therefore, possession of an RPV, and the ability to act on it, is the distinctive quality of an agent on most accounts of agency (Hess, 2004: 209).

According to Hess, consequently, corporations have their own moral obligations (different from their members) and their own moral responsibility. The RPV belongs to the corporate agent itself; it is not the same as the RPV of its members. These commitments are corporate beliefs, desires, and intentions, not because they have to do with a legally incorporated entity, but because they belong to a corporate agent. So, how does the corporate RPV match the beliefs and desires of its members? Hess claims that commitments of the corporate RPV are expressed in at least three different ways: via "*explicit decision making, distributed decision making, and cultural shift*" (Hess, 2004: 210).

I will now discuss those three ways:

(i) *Explicit decision making* -- The decision is quite intentional and explicit: a group of ranking executives votes, the majority wins, and the company adopts a new position (Hess, 2018: 71).

(ii) *Distributed decision making* -- The decision is much less explicit and “often effectively ‘opaque’ to the members involved” (Hess, 2018: 72). Hess compares distributed decision making to making a car: with each member contributing one fact or decision and then passing the project on to the next. In this process, no member cannot see the ongoing collective action- the action that the corporate agent will reliably enact (Hess, 2018: 72).

(iii) *Cultural shift* -- This decision-making procedure is “even more broadly distributed and can originate with members at the lowest levels” (Hess, 2018: 73). Through it, the corporate agent can adopt new commitments. Hess claims that through this procedure, the corporate agent either loses its prior commitment, for instance, to being sensitive to climate change, or gains a new commitment, for instance, to gender-equality. Hess notes that “both old members and new members will incorporate this new commitment into their understanding of their jobs” (Hess, 2018: 73). Behaviour that conforms to this new commitment will be rewarded or ignored, and behaviour that contradicts it will be greeted with scepticism or hostility. Hess calls this as ‘a cultural shift’. As we can see, Hess claims that diffusive shifts can occur over time throughout the corporate body (Hess, 2018: 73).

Having discussed how the RPV of a corporate agent can underpin non-CID decision making procedures, Hess claims that the corporate agents possess, though this, the normative competence required for moral agency. Hess’ argues that corporate agents can “use the mechanisms that enable their rational agency to act morally by giving principles to themselves, treating their own humanity as an end in itself, and acting out of respect for the law” (Hess, 2018: 77). Therefore, the RPV prompted decision-making *fulfils* the role of reactive attitudes, in this functionalist account, and it is enough to consider the corporate agent as a corporate *moral* agent.

These attitudes are seen as emotions most of the time, but they are often not, especially in corporate agents. Some corporate agents are able to shape their behaviours on the basis of their own internal states, they are able to identify morally relevant information, and they can act upon it appropriately. These corporate agents make moral decisions based on their deliberation about what one ought to do, and they understand and apply moral rules. Since a corporate moral agent can have reactive attitudes, and can change its behaviour because of this moral judgment, then it is reasonable to claim that it is a moral agent.

For example, as a corporate reactive attitude, one company can become interested with gender equality, and respond by beginning the long process of evaluating sexism in the workplace, preparatory to remediating it. None of this need involve any individual member being excessively cooperative. This could easily be done via cultural shift, where individual members may not even be aware of their own sensitivity to social inclusivity, but nonetheless the company can become socially responsible.

Another corporate reactive attitude is the disposition of a corporate agent to blame and hold itself responsible. The agent *looks inward*, reprimanding the managers responsible for the culture of sexism and hiring a consultant to identify the factors that contributed to the marginalisation of particular genders. This process does not have any need involve any individual member looking inward or blaming herself (Björnsson & Hess, 2017: 290). Hess considers corporate guilt and corporate indignation as the reactive attitudes of the corporation, accordingly, we do not need to understand guilt and indignation as feelings which are essentially tied to a certain phenomenology but instead as states which are realised by a certain functional organisation of beliefs, desires, intentions, and free action.

Furthermore, Hess argues that corporate agents can also be rationally autonomous. They can do everything a moral agent needs to do: A corporate agent can know all the things it needs to know, and it can act on principle. (Hess, 2018: 76) If human agents can't act morally in the absence of empathy, this says more about human beings than moral agency itself. Therefore, Hess claims that corporate agents are moral agents.

### 2.3.2. Why Hess's Account is Better Than French's Account

French argues that corporates are moral agents because they have an official CID. However, I believe adherence to a CID is insufficient for an agent to be a full moral agent. If we followed French's criteria, corporations might be considered as psychopaths without any real capacity for moral agency. While some people believe that psychopaths are also moral agents, here I will argue that they are not moral agents because, in terms of French's account, they are not capable of understanding morally relevant information. In addition, French's account does not explicitly state that the corporate moral agents are capable of having reactive attitudes, although, on reflection, French might agree with the idea that they have reactive attitudes, since they have desires, beliefs and they act on based on those commitments.

On the other hand, when we look at Hess' view on corporate moral agency, she discusses the RPV of corporate agents which involves not only an explicit decision structure (like French's CID) but also distributed decision making and cultural shifts. Her account also focuses on the informal ethos of the corporation which is a missing piece in French's account.

For example, consider a scenario where a company's employee is bullied. According to French's account, if the company does not have a policy, or any formal discussion on the issue with its executive members, on this issue, then the company can escape from moral responsibility. However, Hess's account lets us to argue that the company is still morally responsible for that bullying despite it not having any formal meeting or policies about that explicitly. The corporation as a separate agent, which has a different rational point of view from its members, is liable for paying reparative costs, and does so because it feels guilty about the wrongdoing.

On this understanding of corporate moral agency resulting in liability, based on Hess' account, then it is true that armies are corporate moral agents and they are liable. It allows armies to be corporate moral agents without designating all corporate agents as moral agents. In the following section, I will explain how armies

have their own rational point of views (RPVs), reactive attitudes and beliefs, desires and commitments which are sometimes different than their combatants. In Chapter 3, I will explain how armies can be liable as corporate moral agents.

## 2.4. Armies as Corporate Moral Agents

Armies are not only corporate agents that can make decisions, but they are also corporate moral agents which have beliefs, intentions, and reactive attitudes concerning moral judgments. Let's look at how that works in terms of Hess's criteria.

### 2.5.1. Armies Have Beliefs and Desires

Beliefs are propositional attitudes. For example, when I say 'I believe the library will be open to borrow books this Saturday.', however if the library's website states that it will be closed on Saturday, it shows that my belief that the library will be open this Friday was false, however the library is the place to borrow books is true belief.

When we look at group belief, one might argue that it is the belief of every member in that group; or one might say that if and only if all or most members of the group believe that proposition, then we can say that is the belief of the group (Tollefsen, 2015: 11). The latter might be true for some groups; for instance, I can say that all or most Turkish people believe kebabs are delicious. This ascription is a distributive one to the individuals. However, I believe it is not the case for organised collective agents, such as corporations, committees, teams and armies. For instance, when the heading on the newspaper is: "Military Believes Trump's Afghan War Plan Is Working, but Spy Agencies Are Pessimistic", it refers to the military's belief as a group, not any individual soldier's belief.

Another example: while acting as a soldier, you might have different personal beliefs about a mission compared to the belief of the army. However, you are still voluntarily part of the army, and this shows that you are still acting on the basis of the military's desires. Despite the individual soldier's personal beliefs, the army



continues to express and reaffirm its own ‘core values’. Let’s consider the example where the US conservatives called for Republican National Committee to pass a resolution. This committee, who believes that marriage as the union between one woman and one man must be upheld as the national standard, reaffirmed its 2012 platform’s ‘core values’ (Sullivan, 2013; Tollefsen, 2015). However, it was later discovered that the individuals in the committee did not believe that that description of marriage should be upheld as the national standard. Nevertheless, they passed the resolution because they were afraid to lose their positions; some members believed that that type of marriage should be the standard for their personal lives, but not the national standard for the nation. Despite the personal beliefs of the members of the committee, the attribution of the collective is still true. The conservative committee still believe that heterosexual marriage should be upheld as the national standard. When we apply the same situation to the army, we can see that combatants can have their own personal beliefs, however the army itself believes its own core values and acts on those values. The attribution of the belief explains the behaviour of the army during the war.

### 2.5.2. Armies Have Intentions Based on Their RPV Which is not the Individual RPV of Members

War is a collective action performed by combatants. Combatants fight together believing that they are part of the same group: an army. If this joint action is intentional, then are they intentions of the individual soldiers or are they the intentions of the army?

Some (Miller, 2001; Searle, 1990) have claimed the joint intentions, or shared intentions, of individuals can be explained in terms of individual intentions and individual goals. They have argued that the intention needs to be realised by each and every member of the group; each individual member needs to be aware of the fact that every other member in that group is also working for the same group end. Searle (1990) asserts that “the ‘notion of a we-intention’ implies the notion of ‘cooperation’” (Searle, 1990: 406), and implies cooperation in terms of ‘collective goals’ (Searle, 1990: 405, 411). According to him, group actions are about

performing an action and willingly doing it together with others in that group. Both Miller and Searle argue that only individuals have intentions in the group. I disagree with them. It is sometimes impossible to be aware of every member's intention in larger groups such as corporations and armies. Moreover, the corporate agent *itself*, as a separate agent, has intentions, and those intentions are not the members' individual intentions but the group's itself.

The group intention is different from what you intend as an individual. For example, the military has a term called 'intent'. Intent is defined as the desired outcome of a military operation. It is a significant element for collaboration and cooperation amongst members of the army in operations.

The following examples represent the United Kingdom's and the United States' doctrinal views of intent:

Intent is similar to purpose. A clear intent initiates a force's purposeful activity. It represents what the military wants to achieve and why; and binds the force together; it is the principal result of decision-making. It is normally expressed using effects, objectives and desired outcomes.... (UK Ministry of Defence, 2010)

... [I]ntent is a clear and concise expression of the purpose of the operation and the military end state. (US Armed Forces, 2010)

'Intent' has sub-branches, and one of them is 'common intent' -the combination of 'explicit intent' and 'implicit intent' (Pigeau & McCann, 2000). Explicit intent is an intent which is publicly made available for the participants. On the other hand, implicit intent is not publicly stated (Farrell & Lichacz, 2004). This kind of intent is derived from the RPV of the army itself. This is similar to Hess' description of distributed decision-making and the cultural shift. After all, implicit intent is not like an explicit decision-making process in the army. The implicit intent depends on how combatants interpret the army's intent; however this does not mean that the combatants are creating that intent. They are just interpreting the RPV of the army.

Therefore, the army has intentions, although they might not be shared by every soldier, they are still the intentions of the army itself. For example, when the US

military has an implicit intent to fight against Iraq, this intent does not need to be shared by all combatants in the army. However, soldiers should be aware that, by fulfilling their role in the army, they may be advancing the collective intention of the army without being aware of that intention as individuals. In other words, not every intention of the group is obvious to its members (as Hess also argues)

### 2.5.3. Armies Have Corporate Reactive Attitudes

Imagine a scenario where a group of combatants kills a non-combatant during the war, and that killing was not a defensive harm. If the army believes that it was a wrongdoing in terms of the *jus in bello* principles, moral values and intentions of the army, it can show guilt as a reactive attitude and blame itself for what happened. In 2015, for instance, the newspaper headline “Army Apologizes to Troops Exposed to US-Designed Chemical Weapons in Iraq” shows that the army itself was apologising for what happened, not all the combatants or the part of them. It was the result of the army’s RPV. Another example, though from outside the theatre of war, the US military apologized for New Year’s Eve bomb tweet in 2019. In a message posted on Twitter, the military force that controls the US nuclear arsenal released a video in which B-2 bombers drop bombs, with this message: “If ever needed, we are #ready to drop something much, much bigger.”<sup>1</sup> Later, the army apologized about the tweet: “Our previous NYE tweet was in poor taste & does not reflect our values. We apologize. We are dedicated to the security of America & allies.”<sup>2</sup> This shows that the army made moral judgments based on its moral understanding and information, not only its formal decision making. The army can know that it is morally responsible for what happens. In these cases, the army felt remorse and apologised because it was aware that it was morally responsible. It can also develop new intentions and belief about how to deal with those wrongdoings.

A moral agent is capable of showing reactive attitudes towards itself and other agents. Armies can feel guilt, not only for wartime operations, and sometimes they

---

<sup>1</sup> <https://www.bbc.com/news/world-us-canada-46727991>

<sup>2</sup> [https://twitter.com/US\\_Stratcom/status/1079881433072717824?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1079881433072717824&ref\\_url=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fworld-us-canada-46727991](https://twitter.com/US_Stratcom/status/1079881433072717824?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1079881433072717824&ref_url=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fworld-us-canada-46727991)

can confess that they were responsible for specific wrongdoings. Armies are also moral agents who are able to blame themselves or blame other agents. The army can blame itself because it can change its future behaviours. They are liable for the reparative costs, this can be economic, like paying for damage inflicted on the environment because the army's operations; or paying innocent victims and their families.

## CHAPTER 3

### A CRITIQUE OF THE ‘RESPONSIBILITY DILEMMA’

In the previous chapter, I discussed why we should accept that armies are corporate moral agents. In this chapter, firstly, I explain the moral equality of combatants and Seth Lazar’s ‘Responsibility Dilemma’, I show how Lazar struggles to give an explanation and plausible solutions about non-combatant immunity because of his tendency to focus on the individual combatant. Secondly, I discuss Saba Bazargan’s solution for Lazar’s dilemma. I analyse how Bazargan has tried to focus on the collective nature of war as a solution by claiming that even an ineffective combatant is complicitous, blameworthy and therefore liable. I claim that Bazargan ignores the existence of the army as a corporate moral agent. Thirdly, I show why Lazar’s objections to the Bazargan’s arguments do not work. Lastly, I claim that Bazargan and Lazar both failed to see the distinction between liability and blameworthiness.

#### 3.1. Moral Equality of Combatants: Combatants as Legitimate Targets

The very questions of *under which conditions* and *how* should wars be waged were discussed in medieval times by Christian thinkers St. Augustine and Thomas Aquinas. Their purpose was to seek religious and moral justifications for *just* wars and condemnation for unjust wars. Traditionalist Just War Theory (JWT) is modelled on their ideas on warfare and self-defence<sup>3</sup>. In recent history, international agreements, such as the Geneva convention, have become significant as historical rules which aimed at preventing unjust wars. It is the role of a philosopher to examine JWTs philosophical coherence and decide whether the principles of JWT

---

<sup>3</sup> St. Augustine who discussed the morality of war based on his Christian perspective. Aquinas later commented on the conditions for warfare.

ought to be understood differently or even to be changed. After all, although the recent legal principles of JWT, *jus ad bellum*, *jus in bello*, *jus post bellum*, use the relevant legal terms, one should not forget that these principles are derived from those early moral and religious principles in the first place.

Contemporary JWT is dominated by two groups: traditionalists and revisionists. Traditionalists have been more concerned with international law and are also called legalists. Revisionists have denied that the law of armed conflict is intrinsically morally justified, so in that sense they can be called moralists as well. A recent argument by revisionist just war theorists has been against Michael Walzer's argument on the 'moral equality of combatants'. His idea of the equality of combatants is that all combatants are morally equal because they lose their right not to be killed when they accept being soldiers, therefore they are legitimate targets. However, the revisionists have argued that the moral equality of combatants is problematic because of its use of discrimination and its possible consequences for non-combatant immunity.

*Jus in bello* principles define the rules for conduct in war and so are relevant here. The principles are these:

- (i) Necessity: Combatants must carry out operations necessary to their legitimate military objectives.
- (ii) Proportionality: The harms that any particular operation causes must be proportionate to the good that they bring about.
- (iii) Discrimination: Only combatants are legitimate targets of attack, non-combatants must not be deliberately harmed.

Michael Walzer, in *Just and Unjust Wars*, has a traditional approach to the moral equality of combatants. It is traditional in its use of the legal 'discrimination' principle between combatants and civilians (non-combatants). According to Walzer, the rules of war are grounded in a theory of rights (Walzer, 1977: 137). He claims that all combatants lose their right to not be attacked, regardless of what they are fighting for. As long as combatants attack only enemy combatants, this shows that they fight legitimately, because enemy combatants no longer have the right not to be killed (Walzer, 1977: 229). His idea is derived from one of the principles of *jus in*

*bello*, ‘discrimination’, which suggests that only combatants are legitimate targets of attack; non-combatants must not be deliberately harmed. Walzer’s account makes all combatants liable by stating that they legally and voluntarily or non-voluntarily, give up their right to live by being combatants.

However, the revisionist JWT philosophers (Holmes, 1989; Norman, 1995; Rodin, 2002; McMahan, 2009; Fabre, 2012) argue against the ‘moral equality of combatants’ because, firstly, they claim that not all combatants are ‘liable to be killed’ – for example: some combatants would not be liable for certain wrongdoings because their contribution is minimal compared to the contribution of others. Secondly, the revisionists think that conditions in war make no difference to what morality permits, and that the justifications for killing people are the same in war as they are in other contexts. In other words, nothing about the nature of warfare undermines the right not to be killed, because, according to Jeff McMahan (2009: 156): “what grounds permissible killing in ordinary life should also justify killing in war”. Therefore, McMahan claims that JWT has to explain who should be liable to be killed, and to kill, during the war.

### 3.2. Seth Lazar’s ‘Responsibility Dilemma’

McMahan (2009) argues that intentional killing in war is justified when one’s target is culpable for an objectively justified threat. In other words, a person is liable to be killed when she is morally responsible for an objectively justified threat to another person. However, McMahan’s criterion comes with one crucial question: how can we be sure it is an ‘objectively justified’ threat? Seth Lazar (2010) comes up with two possible problems for McMahan’s argument: (1) responsibility for a wrongful threat presupposes some causal contribution to that threat, but it is unclear how to measure that contribution, and how its size affects the degree of responsibility, (2) both the generalisation of unjust combatants’ responsibility and the responsibility based liability account of McMahan are problematic (Lazar, 2010:190).

Therefore, Lazar argues that when we set the threshold of responsibility high for liability, if non-combatants are not liable to be killed, then many unjust combatants

should also not be liable; on the other hand, when we set the threshold of responsibility low, if all unjust combatants are liable, then many non-combatants can also be considered liable; since many unjust combatants contribute very little ‘unnecessary, small contribution’ to the war in which they participate - often no more than the typical civilian. Thus, “either the typical civilian is morally liable to be killed, or many unjust combatants are not morally liable to be killed” (Lazar, 2010: 196). Therefore, Lazar argues that the liability-based account seems to force us to choose between a version of pacifism, and total war. Lazar (2010) calls this the ‘Responsibility Dilemma’ for McMahan’s theory. (Henceforth, I will call it ‘The Dilemma’.)

### 3.3. Non-combatant Immunity

Lazar criticizes McMahan because he argues that McMahan’s attempts to protect non-combatants do not work. Firstly, in the ‘narrow proportionality’ argument, Lazar asks: “if wholly blameless combatants who have not even contributed to a threat can be permissibly killed, why be so lenient on non-combatants who do contribute, and are often not wholly blameless?” (Lazar, 2010: 204). Therefore, he considers ‘blame’ as a criterion, and questions why some combatants who are not blameworthy are liable to be killed while other non-combatants who are blameworthy are not liable. Secondly, Lazar argues that attacks on non-combatants will be much more commonly permissible than McMahan allows. In the ‘effectiveness’ argument, Lazar claims that McMahan’s effectiveness constraint is a weak standard, and offers non-combatants little protection (Lazar, 2010: 208). McMahan has claimed that targeting unthreatening non-combatants cannot be an effective means of pursuing a just cause. However, Lazar argues that this opens the way to more intentional attacks on non-combatants, because after all, “an attack is militarily effective if it contributes to victory” (Lazar, 2010: 207). And again, this offers non-combatants little protection.

Non-combatant immunity is the core of The Dilemma; Lazar argues that McMahan’s liability-based account has a potential to make many non-combatants liable, since they are blameworthy if they contribute more than some ineffective unjust combatants. On the other hand, if we accept that those non-combatants are not liable,



then many blameless combatants are not liable as well. However, I disagree with Lazar about the very connection he creates between liability and blameworthiness. But before going further into that, let's look at Saba Bazargan's solution to The Dilemma.

### 3.4. Saba Bazargan's Solution to Lazar's 'Responsibility Dilemma'

Saba Bazargan (2013) gives a collective account in which unjust combatants are collectively liable for the threats posed by other combatants on their side. McMahan was arguing that combatants are liable because they are posing a threat or contributing substantially to a wrongdoing. On the other hand, on Bazargan's account, combatants are morally liable to be killed in virtue of their *complicit participation*, despite their participation ultimately resulting neither in posing threats nor in contributing substantially to the war.

To this end, Bazargan claims that participating in certain sorts of cooperative projects makes each participant, "regardless of how much she contributes, partially liable for what others foreseeably do in furtherance of the group's goals" (Bazargan, 2013: 177). By grounding the liability of unjust combatants in their complicit participation in that war, Bazargan claims that this solves The Dilemma. Bazargan suggests that a general strength of his proposed complicity-based account is that it treats wars as a fundamentally cooperative activity (Bazargan, 2013: 179).

Bazargan develops an account of complicitous liability starting with the idea of a cooperative project consisting of individuals "who share intentions to act according to a role, the function of which is to contribute to a cooperative project" (Bazargan, 2013: 185). Bazargan argues that ineffective participants can be permissibly killed in order to prevent the threats posed by their effective cohorts. He uses the example of a bank robbery: five individuals participate and are aware that part of the plan is to kill any witnesses in the bank. J, one of the individuals, is stationed on a balcony, as a look-out. Bazargan supposes that J is not a very effective participant - J falls asleep on the job. He notes that "fortunately for the robbers, J's incompetence has no negative effect on the robbery, though her participation does not causally contribute

to the robbery or murders either” (Bazargan, 2013: 182). The plan succeeds, and two witnesses are killed.

The force of Bazargan’s argument is that, though J causally contributed nothing, she bears liability for the murder of the witnesses and the theft of the money. Bazargan emphasises that “the claim is not simply that J is liable for retributive punishment, which is not subject to a condition of effectiveness, rather, J is liable to be killed if it is necessary to avert the harms posed by other participants” (Bazargan, 2013: 183). That is, J is liable to be killed. According to Bazargan, it is permissible to kill J if it is necessary to stop the murders, “even though J neither contributes to the murders, nor does anything to prevent others from stopping the murders” (Bazargan, 2013: 183).

It should be obvious that I take J’s role in the robbery and killings to be analogous to the role of an ineffective combatant in an unjust war. Virtually all combatants (effective or not) who agree to participate in the military by acting in accordance with roles designed to facilitate the achievement of the military’s aims, can be complicitously liable for what their fellow combatants foreseeably do in furtherance of the military’s aims. Ineffective unjust combatants are complicitously liable to be attacked if necessary to prevent the harms imposed by effective unjust combatants, for the same reason that J is liable to be attacked if necessary to stop the other robbers from killing. (Bazargan, 2013:183-184)

Bazargan’s account makes combatants in a war liable because they are complicit in a collective wrongdoing. However, I believe his account is over-inclusive and makes all combatants liable just because they are complicit. Their complicity might be enough to make them blameworthy, however, it is insufficient for liability. Like Lazar, he goes wrong by identifying liability too closely with blameworthiness.

### 3.5. Lazar’s Objections to Bazargan’s Solution

Lazar notes that Bazargan argues that complicitous liability can vindicate both ‘the permission’ to kill ineffective enemy combatant, and ‘the prohibition’ on targeting non-combatants. Lazar interprets Bazargan as saying that it is permissible to kill J regardless of how effective he actually is as a lookout. Lazar states that he is unsure whether the lookout is, in fact, liable to be killed. Lazar thinks that if the lookout is

liable, it is because she culpably causally contributed to the threat to the witness and is thus blameworthy. (Lazar, 2016: 375).

Lazar criticizes Bazargan's claim that complicity should entail liability, and he argues that Bazargan did not justify why a person, who is complicitous, is also liable to be killed (Lazar, 2016: 375). Although it is fair that the lookout might bear liability for the reparative cost, Lazar claims that the lookout shouldn't lose her right to life.

Lazar then claims that the liability of ineffective unjust combatants is 'completely' beyond their control. He says one's role in the military, being a member of the military, and the decision to take up a role within the military does not mean that they lose their right not to be killed. Some combatants of the military may pose wrongful threats, but still, that does not make ineffective unjust combatants in that military liable.

Lazar also states that Bazargan's approach makes one liable for joining a group that foreseeably poses wrongful threats, but Bazargan didn't pay attention to the *good* that the group might also do. He gives the example of police force, and states that becoming a police officer is morally justified and that the institution of U.K. police is overall morally justified too. The U.K. police might perform wrongful harms, but it also does a lot of good too. However, I believe this analogy is not compatible with the robbery and the murder case Bazargan gave as an example.

Allow me to clarify my point; think about three different comparisons:

- a) Bazargan's comparison: The Gang (his robbery case) vs. The Military
- b) Lazar's comparison: The Gang vs. The Police Force
- c) My comparison: The Police Force vs. The Military

In case (a) Bazargan intuitively claims that the members are complicit, and they are all liable for the wrongdoings of the group. The gang knows that there is a high possibility of killing people when they plan the robbery. Bazargan compares the gang to the military because the military expect to kill people in the same way and thus military combatants are complicit and therefore liable for the wrongdoings of

the army. However, a gang is not a highly organised group whereas the army is a corporate agent. Therefore, in the gang case, liability is still individual liability although it is 'collectivized' individual liability; it is not *collective* liability. I believe Bazargan's claim is still over-inclusive because it makes all combatants liable just because they are complicit.

In case (b) Lazar claims that the gang's aims are not morally justified because there is not any *good that the group (gang) might also do* in this case, whereas the police force is morally justified because they do good overall. However, I do not think that Lazar is right to criticise Bazargan's comparison by claiming that a gang has no good purposes as a group. For example, if we think about the mafia: mafias can still be supported by society because, for example, a mafia can rob a bank and give the money to poor people, or maybe make lots of charitable donations. In addition, the members of a mafia know that their families will be protected if they are killed during the robbery. Therefore, we cannot say that a gang has no good purposes.

The police force is a highly organised group since it has organised group structure with members who know their jobs. The police force is usually considered to be good because they protect citizens from the same nation's citizens, and rarely use violence while doing that protection. Since gangs can also have good purposes, they are not relevantly dissimilar to the police force.

In case (c), I will compare a police force and a military. The first point of comparison is that a police force deals with internal threats, but a military deals with external threats by fighting against another nation's military. The second is that the aim of the army is to fight and kill; the army seems to be less morally justified than the police force because they routinely cause great harm, whereas the police force kills people as an unintended side effect of their jobs. In some countries, such as Britain, the members of the police force do not even own a weapon or gun. However, when Lazar discussed the comparison between the gang and the police force, I believe, he considered the police force as the same with the army. Lazar should accept that a police officer and a combatant are not members of similar kinds of collectives.

### 3.6. Complicity and the Distinction between Liability and Blameworthiness

Lazar claims that liability is determined by the level of blameworthiness, which is based on participation (causal contribution) in a wrongdoing, and this causes The Dilemma. He also thinks that the condition for blameworthiness is the same as for liability; when he states that one can be more blameworthy if he contributed more to the wrongdoing. What's more, although Lazar disagrees with Bazargan on many points, they seem to agree that liability and blameworthiness go together.

However, I will argue that blameworthiness is not determined by one's causal contribution to that wrongdoing. As Iris Marion Young (2013) states, causal contribution/causal responsibility is not sufficient for finding an agent blameworthy (Young, 2013: 95). There are cases in which we do not find the agents who directly did harmful action as blameworthy, while we do find the organisation/institution itself blameworthy (Young, 2013: 96). Therefore, I believe we need to clarify the distinction between liability and blameworthiness to prevent confusions such as those in JWT.

Take Bazargan's idea of complicity: he claims that if you are a member in the group, then you have a complicit liability. According to him, the level of causal participation does not matter, merely being complicit as a participant is enough to make someone liable. In other words, complicity is a way to make one person liable for the wrongful conduct of other, because this person is blameworthy for participating, at some level, in that wrongdoing (Bazargan, 2018: 327). My reply here is that complicity might make you blameworthy, however it does not make you 'liable to be killed'.

On the other hand, when we look at Christopher Kutz' (2000) idea of complicity, he claims that one person is complicit for what others do when she intentionally participates in the wrongdoing. She is also complicit for the harm they cause together, independently of the actual difference she makes. According to Kutz, then, a person is complicit when they have shared intentions for wrongdoing in their

group, and are signed up to a common plan, even if she did not do anything wrong personally. Kutz thinks that when a person is complicit, they are liable, but does not assume a link between complicity and blameworthiness. However, both Kutz and Bazargan did not explain why complicity makes you liable.

For example, Kutz seeks to theorise what *complicity* means in the organised collective action that many people participate. He gives the example of the Allied bombing Dresden in World War II. Kutz claims that it was a collective action in which thousands of people participated (Kutz, 2000: 118). Kutz argues that everyone who participated in the mission to bomb Dresden is complicitous in that wrongdoing, because all people had the shared intention to accomplish the mission. I also agree that those people are complicit, and even that we can blame them, however it does not make them liable for lethal harms just because they are complicit.

Bazargan argues that an ineffective combatant is liable because she is complicit. However, there is no such connection between being liable and being complicit. If this combatant is complicit this only shows that she might be blamed as well. Being complicit means that you are signed up to the plan. Bazargan's account of complicity is too inclusive. He considers everyone complicit because they are signed up to the collective act. If a wrongdoing happens, such as Dresden bombing, of course we may blame the participants because they are complicit. However, this does not show that they are liable because they are complicit. In the next chapter I will explain how liability and blameworthiness are distinct concepts.

## CHAPTER 4

### ARMIES AS THE BEARERS OF LIABILITY

In the previous chapter, I discussed the The Dilemma, and why it is a problem for JWT - particularly in terms of non-combatant immunity. In this chapter, I show that accepting armies as corporate moral agents leads to some plausible resolutions for the challenge posed by The Dilemma and non-combatant immunity. Firstly, I explain the difference between blameworthiness and liability. I argue that armies, as agents, are liable for paying costs. Then, I explain why ‘liability for defensive harms’ and ‘liability for reparative costs’ are different. Secondly, I show how this could carry some explanations and implications for involuntary combatants, militias, and terrorist groups. Thirdly, I argue that armies are the bearers of liability for lethal harms, not states or politicians, although those states and politicians might be liable for reparative costs. Lastly, I claim that armies can be blamed, and that it is good for their moral education because they are a type of moral agent.

#### 4.1. Blameworthiness and Liability are not Coextensive

McMahan (2005: 386) uses the phrase ‘morally liable to be killed’ for the first time:

It may appeal to the claim that the person to be killed has acted in such a way that to kill him would neither wrong him nor violate his rights, even if he has not consented to be killed or to be subjected to the risk of being killed. In these cases, I will say that the person is liable to be killed. Although I borrow the notion of liability from legal theory, and although much of what I say will be informed by the literature on liability in both tort law and criminal law, my concern in this article is with moral rather than legal liability.

The common meaning of liability is a legal one, as McMahan mentions. Liability<sup>4</sup> is an agent's legal responsibility for paying compensation after a wrongdoing. However, when McMahan was using the phrase 'liability to be killed' he was referring to *moral liability*. Here, I will discuss the distinction between moral liability and blameworthiness.

The criterion for 'liability' has created confusion for how we blame combatants and non-combatants. To dispel that confusion, I suggest that these two notions, blameworthiness and liability, are meaningfully distinct. There are many cases where agents are held liable even when they are not blameworthy.

For example, liability for the use of risky equipment. Imagine a train company in the early stages of Industrial Revolution. At the time, due to inferior railroads, trains frequently caused fires in rural farmland. This was unpreventable. So, the question arose: who should be held liable? The damage done to farms is obvious, and clearly a certain moral rule is violated in that the property right of person is violated. The train company can foresee the sparks from railroads that cause the fires. Therefore, the train company was liable for the wrongdoing, although we would not blame the company if we thought that the train company did not intend to harm the farmlands or farmers. The problem here is that there is still a violation of a right and a certain damage to be compensated. The train company is held liable, not because it is blameworthy, but because it has caused foreseen damage that requires compensation.

Furthermore, our practice of blaming someone is a moral rather than merely a causal practice. We might hold agents liable, in the same way a parent might be liable for the behaviour of her child in certain (for example legal) circumstances. For example, when a ten-year-old child steals a toy from a market. We blame the child; however, she is not liable for paying compensation to the market, her parent is. Despite her parent's liability, we would not blame her in the same sense in which we do the child (List and Pettit, 2011; Tollefsen, 2015). The reason we blame the child is because it is part of the moral education of a moral agent for their future actions.

---

<sup>4</sup> General principles of tort law: Hohfeld, Wesley Newcomb & Cook, Walter Wheeler (ed.): Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays (Yale University Press, 1919)



On the other hand, when we go back to The Dilemma, Lazar asks, in his ‘narrow proportionality’ argument: “If wholly *blameless* combatants who have not even contributed to a threat can be permissibly killed, why be so lenient on non-combatants who do contribute, and are often not wholly *blameless*?” (Lazar, 2010: 204, my emphasis). Lazar stated that the degree of causal contribution makes you more blameworthy, therefore liable to be killed. However, I argue that liability to defensive harms is distinct from the conditions for blameworthiness.

In general, liability and blameworthiness are distinct practices with different purposes. Liability’s is to absorb and allocate costs of defensive harms or reparative costs. In this sense we can talk about two different types of liability for the context of war: ‘liability for lethal defensive harms’ and ‘liability for reparative costs’. For liability, there is a cost to be paid, therefore we must allocate that cost between a discrete number of agents. If the liability is for a lethal cost, therefore, we must allocate that cost by designating agents as liable to be killed. If the liability is for a reparative cost, after the war, we must allocate that cost between those agents. When we talk about liability to be killed or to kill, it is the liability for lethal defensive harms. I believe this liability can be paid only by the army and its members. This is why non-combatants are not liable for that cost, while they can be liable for paying reparative costs.

Practices of blaming and holding liable are both helpful in terms of minimising future harms, but blame does not have a completeness constraint like liability does. For liability, in allocating the A amount, the more people you have to allocate it to, the less A everyone gets: however, for blame, it is okay to not allocate any A at all, because there is no “quantum” to distribute. The purpose of blame is to establish moral responsibility, moral education and solidarity with victims, on the other hand the purpose of liability is to absorb and allocate costs of repair or of defence against morally significant costs. Being liable for paying certain costs has different constraints. In the next section, I will explain the two different kinds of liability.

Consider these three different individuals:

Daniel: He is a munition worker and makes highly effective lethal weapons.

David: He is an ineffective soldier who does not like fighting and is not good at fighting, and therefore affects the military operations in a negative way, but he joined the army voluntarily.

Diana: She voted for the party which favours aggressive warlike foreign policy, but her party loses in a constituency.

David is liable for lethal defensive harms. On the other hand, Daniel and Diana are not liable for defensive harms, but they might be liable for reparative costs. David might also be liable for reparative costs as well, however, if we think that he already paid a lot for liability for defensive costs then he can pay less for reparative costs. David is not exempted from liability for reparative costs because he is ineffective, since he is also part of the army voluntarily. I will discuss involuntary combatants in section 4.5.1.

Being liable for lethal harms does not mean that the combatants are blameworthy, they are just liable for paying the cost for lethal harms because they are the part of the agent who bears liability. In terms of blame, the army can be blameworthy as well. The reason we blame a moral agent is so the moral agent that can understand the wrongness of its action and adjust its behaviour. That is why, when we blame the army, we do that because the army can change its future behaviour. In this sense, blame would be appropriate to lead to a desired change in the army's behaviour. While liability means paying the certain costs which need to be paid ('lethal defensive costs' or 'reparative costs'), and one or many agents have to pay that costs for sure, blame is not 'a cost' to be paid. If we do not want to blame anyone, it is fine. However, here, I am not going to explore blaming armies in detail which has not been discussed before, because, unfortunately, that is beyond the scope of my limited thesis.

## 4.2. The Primary Subject of Liability is the Army: Assigning Liability for Lethal Defensive Harms

The liability for lethal harms is not about posing a threat; it is not about being blameworthy for or complicitous in the wrongdoing. It is a different kind of liability,

‘liability for destruction’, therefore, a different kind of cost needs to be paid. This kind of liability comes with lethal actions. Therefore, armies as corporate agents are the primary subjects of liability to pay this lethal cost.

Originally, the army, as a collective agent, has ‘liability for destruction’. To end the war effectively, one of the participating armies needs to be destroyed by the destruction of its internal structure, which blocks its decision-making procedure and the communication between its members. This destroys it by stopping its functioning and existence as an army.

While the most effective option is to destroy the army’s internal structure alone, the second-best option is to target individual combatants with the aim of destroying the internal structure of the army. Individual soldiers make themselves liable for harms of this sort by voluntary participation in a lethal collective. Walzer has argued that the combatants are ‘rarely to be said to have chosen to fight’ (Walzer, 1977: 136), however, I am assuming that combatants are voluntary members, because we do have functional armies which have voluntary members during both wartime and peacetime. They are part of an army’s organisational structure. On the other hand, civilians are not liable, because they don’t play a role in that structure. In the future, it is a possibility that there will be artificial agents, such as ‘killer robots’ (lethal autonomous weapons), and AI combatants, that will play a role in the army structure. However, until that point, to destroy the organisational structure of the corporate agent, it is still an effective option to target individual combatants.

One might think that targeting different agents than the army itself is a problem. But this is less of a problem than it might appear, to illustrate: if you shoot a hostage to stop the robber in the bank, is it the same as shooting the combatants to stop the army itself? No, of course not! When you shoot a hostage, you know that the hostage is being used as a means to an end by the robber. However, armies do not use combatants as tools for their ends in that way. Most of the combatants are voluntary members who have signed up to be the part of the army. Even conscripts cannot be considered as comparable to the hostage in the bank robbery case. Involuntary combatants are part of the corporate agent, and they are still liable; as long as they do

not resign, they are aware of the fact that they are liable for paying lethal defensive costs.

Therefore, we can assign liability to armies because they are agents. The liability of armies as corporate moral agents has not been given enough attention. One might worry whether armies are liable because they are moral agents. But I argue that armies are liable because they are corporate agents, so being an agent is enough for being liable for a task. However, they are also moral agents, and that helps explain their ability to blame themselves, for example, they can be morally educated because they understand moral reasons.

### 4.3. The Practice of Assigning Liability for Reparative Costs

The practice of assigning liability for reparative costs is different to that of assigning liability for defensive harms. After the war ends, there are reparative costs for the damage done (legally, economically, or both) to the victims, to the cities etc. To pay these reparative costs, some civilians can be liable. For example, David, the skilled munitions worker who makes effective lethal weapons, or Diana, the civilian who voted for a party that favours aggressive warlike foreign policy. These two individuals are also liable for paying reparative costs after the war ends, although they were not liable for lethal harms during the war.

In the same way, the army as a corporate agent is definitely liable for reparative costs. It has to pay its part to repair significant costs. Reparative cost liability is helpful to assign responsibility to the army itself, and it can be helpful to discourage, and consequently minimize, possible future harms.

After the war ends, the military is liable for reparative costs to the victims. At this point, Lazar defines combatants as the members of the armed forces. I believe that he should also accept that the military is a corporate agent which is liable for defensive harms. When Lazar claims that the political community's individuals are collectively responsible for some costs (Lazar, 2016: 382) beyond which the army's members are individually responsible, however the liability of those individuals can only be

liability for reparative costs, not liability for defensive harms. That cost can only be paid by the army and its combatants.

However, Lazar could not see that distinction nor find it problematic, because he argues that one needs to be blameworthy to be liable for paying some costs. I argue that an agent can be blamed, but that this does not entail that she will be also liable for lethal defensive harms. Again, that is why Lazar also did not consider the very possibility that armies are liable for lethal harms, but they are! Armies are liable, but they do not need to be morally blameworthy. Armies can be blamed as well but that is not about their liability, but it is about their moral education, and consequently, the minimization of future harms.

#### 4.4. Lazar's 'Political Community': Are States or Politicians Liable for Lethal Defensive Harms?

Lazar describes the political community as “a multitude of people – voters, taxpayers, manufacturers, media, finance, researchers, bureaucrats, politicians, combatants” and he adds, “many among the multitude will be individually responsible to a sufficient degree for it to be permissible to impose some costs on them, perhaps even to kill them” (Lazar, 2016: 381). And many others contribute in ways that are so causally subsidiary that their contribution might even be permissible.

Lazar claims that democratic states have the right to assign liability to combatants, they have this right simply because the combatants are part of the political community, and a democratic state can assign liability within the political community. However, the assertion that a state has the power to do this is unjustified. On my understanding, while we can still argue that politicians or the state are liable for reparative costs, however this is not to say they are also liable for lethal harms.

Some might argue that the state is the active corporate agent during the war, however, I believe the state is not liable for lethal defensive harms. It is not lethal

like the army. The state's decisions can influence the army, but the state and politicians are not combatants. Killing them would not destroy the functioning army during the war. Otherwise, armies would only kill the politicians and win all wars. Therefore, some questions I have considered for civilians come to the table again; how many politicians should be killed to win a war; or, if the state liable, then are civilians liable for lethal harms as well, since they are also part of the state? However, that kind of killing (a politician) would be called as assassination, or even terrorism.

...[E]ven if it would be reasonable to distribute the costs according to individual responsibility, it is surely also reasonable to aim to reduce the overall burden as much as possible. This means directing the threats towards those who are best able to cope with them, and who have the fewest ties and commitments. Young men and women who join the armed forces receive training that reduces their vulnerability and have comparatively few ties... we also need armed forces that can fight effectively. (Lazar, 2016: 381)

In this paragraph, Lazar describes the armed forces as those 'who are best able to cope with' the threats during the war, not any other civilian from the political community. Here, he should have seen that the army and its combatants are liable for defensive lethal harm costs. According to Lazar, democratic states can decide who to assign liability to, again, I believe it is wrong to claim that a state can assign liability as it likes. We need to explain why we assign liability to those agents.

The army, as a corporate agent, and its members are liable for defensive harms because they have a role in the internal structure. This gives us an interesting and plausible explanation why civilians are not liable for defensive harms. A state should not be able to assign liability to defensive harms to its civilians under this condition. This does not say that civilians cannot be liable for reparative costs which is a different sort of liability. Lazar says all of that political community needs to pay some costs. However, this time we are talking about reparative costs. Some civilians from that political community can be liable for pay reparative costs.

#### 4.5. Possible problems: The Liability of Involuntary Combatants, Militias and Terrorist Groups

#### 4.5.1. The Involuntary Combatants of the Army: Are They also Liable?

One might ask: what about the liability of involuntary participants such as conscripts? I argue that as long as they keep being the part of internal structure, then they are legitimate targets. They are liable for defensive harms; however, this does not mean that they have to be liable for reparative costs. After all, they have already paid the lethal cost by being members of the army, and after the war ends, or when a reparative cost needs to be paid, conscripts might be exempted from paying some of these reparative costs.

Combatants must be aware that liability for lethal defensive costs will fall on the members of the army. If a combatant does not want to be liable for lethal harms, she should resign the army because she does not want to be a part of the army and its commitments. Otherwise, if a combatant is aware that the army is ignoring certain principles (e.g. *jus in bello* principles) or that the mission of the organised group is immoral, and she is still voluntarily a member, then, in this case, she bears ‘the burden of a moral imperative until they resolve their situation, either through resignation or refusal’ (Seagren, 2019, pg. 8).

#### 4.5.2 Militias

Informal militias are temporary armed forces which differ from conventional military forces. Their members are generally regarded as civilians mobilized in an emergency. For example, the British Home Guard during the World War II was a militia force: their duties included manning checkpoints, coastal watch and short-term guarding of captured enemy. Militias generally operate only within their own nation. They do not act like soldiers, and it is not their purpose to kill other armies’ combatants. Therefore, the individuals in a militia are temporary half-combatants and they are liable for reparative costs after war.

However, they are not liable for defensive lethal harms, because their effectiveness does not depend on killing. When individuals in a militia kill, those killings must still be murders, as long as that militia is not subordinate to the regular army. For

example, some formations, such as the United States National Guard and the British Territorial Army, serve as adjuncts to the regular armies and may be deployed overseas, and they are no longer considered as militias in terms of not being liable for defensive harms.

#### 4.5.3. Terrorist Groups

Terrorist groups occasionally kill many innocent civilians, and sometimes seem to be fighting against different nations' armies. However, these terrorist groups should not kill either civilians or combatants. The reason is that their cause is only considered as just or unjust if two sides agree on some legal and moral principles, and some possible consequences. They do not have any aim to 'win' or 'reach an end'. In fact, those terrorist groups mostly aim to kill civilians rather than combatants. Their constant attacks are meant to scare as many people as possible and gain political attention from governments. Terrorists must be liable for paying reparative costs (e.g. punishment). The army has a duty to learn relevant information and destroy that terrorist group. However, in the case of ISIS ('Islamic State of Iraq and Syria'), its attempt is to found a political state. Even the name 'Islamic State' shows their religious and political claims to authority.

Another example: the IRA has acted with different aims during the years 1938-1939. The IRA waged a bombing campaign in Britain (Bell, 1974: 89, 90). The belief behind the IRA's action was that all of Ireland should be an independent republic and free to form their own government. Because of their terror attacks, the IRA is a terrorist group. They were a paramilitary movement in Ireland, dedicated to Irish republicanism, they were not the original army. They called themselves the 'Irish Republican Army' to claim some legitimacy.

As we can see, every terrorist group has its own different political aims. There are almost always act as a group. Some people claim that there is individual terrorism, such as suicide bombing or mass shootings. However, we almost always find out that these individuals are part of some terrorist groups. Even if we do accept that they are not part of terrorist groups, they are still terrorists, and they need to be punished and



eliminated. War on terrorism is not a right way to use the word ‘war’, because it is not a real war. That is why it needs to have different principles as well. We cannot consider terrorists as combatants or non-combatants. They are defined as a ‘terrorist group’ which is a unique kind (*sui generis*) of collective.

#### 4.6. Killing Non-combatants is not Effective to Destroy the Army and Win the War

One of the principles of JWT is ‘proportionality’. It, for *jus in bello*, requires tempering the extent and violence of warfare to minimize destruction and casualties. It seeks to minimize overall suffering, but it can also be understood from other moral perspectives, for instance, from protecting good will to all. Another principle of *jus in bello* is ‘necessity’. It requires that combatants must carry out the operations necessary to their legitimate military objectives. My worry is that the ‘necessity’ principle sometimes overrides ‘proportionality’ because it seems as though it is considered as a reason to kill civilians when it is *effective* for winning that war. However, one must ask: What ends the war? How we are considering an operation which does not go against the principles of necessity and proportionality?

At this point, McMahan (2009) has claimed that targeting *unthreatening* non-combatants, who do not pose a threat, cannot be an effective for pursuing a just cause. On the other hand, Lazar has claimed that McMahan’s effectiveness constraint is a weak standard because “an attack is militarily effective if it contributes to victory” (Lazar, 2010: 207). This can open the way to more intentional attacks on non-combatants. However, I disagree with both McMahan and Lazar.

Firstly, McMahan’s account assumes that killing civilians who are threats is effective to win the war, but I do not agree that killing civilians, whether they are threatening or not, is necessary. It is not consequently effective to win the war because they do not play any roles in the internal (organisational) structure of the army.

On the other hand, Lazar claims that an attack is militarily effective if it contributes to victory, and then armies in wartime would make more intentional attacks on non-

combatants; however, I claim that killing civilians is not effective for victory. If that would be effective, one should say that killing civilians in Syria needs to end the war. It is obvious that it does not end the war! Syrian war continues for years, and it does not seem to end because civilians are killed.

Take the examples of the Hiroshima and Nagasaki atomic bombings. During the final stage of World War II in 1945, the United States detonated two nuclear bombs over the Japanese cities of Hiroshima and Nagasaki. The U.S. used a nuclear bomb and killed civilians, and one might argue that it ended the war. The U.S. claimed that if the war had continued there would have been more civilian killings. Therefore, by using atomic bombs, the U.S. claimed that overall, they killed less people. However, I do not think that killing civilians ended the war. What happened at that time was also the destruction of the Japanese army. That is why it ended the war.

The U.S. did not target any other cities, but it targeted particularly Hiroshima and Nagasaki. It did this because Hiroshima was an important military base. Nagasaki was also important for the production of ordnance, ships, military equipment, and other war materials. The strategy was to destroy those places which were important for Japanese's military to function. However, of course, an atomic bomb causes an unimaginable level of destruction. I do not believe that using a nuclear weapon, such as an atomic bomb, is ever justifiable morally, because it does not only destroy the military bases, it destroys the *whole* city with its both combatants and non-combatants, animals, even all plants in that city.

Another example can be the Holocaust. During World War II, Nazi Germany killed almost six million European Jews. However, the war did not end just because those civilians were killed. It was a genocide, and it might not be seen as a military activity, but it was the German army who killed those Jew civilians. To end the war, the army and its functioning mechanism need to be destroyed.

Let's look at the enigma machines, they were adopted by the militaries of several countries, most notably Nazi Germany before and during World War II. During the war, "British cryptologists decrypted a vast number of messages enciphered on Enigma machines", and "it enabled Allied cryptologists to succeed and turned the

tide in the Allies' favour" ("Enigma Machine", n.d.). The information gathered from this source was beneficial to the Allied war effort, because the messages on those enigma machines were helpful to understand the commitments, plans and the internal structure of the enemy army.

If one still believes that killing civilians is effective in ending a war, then how many civilians is enough to end the war? Thousands, millions, or billions? Then why aren't armies targeting only civilians and killing as many as possible to end the war as quickly as possible? Killing civilians is a side effect which needs to be eliminated as much as possible. The rules protecting non-combatants should not be traded away for the sake of winning the war (Sorabji and Rodin, 2007, pg. 161), because killing civilians is not effective means for an army to achieve victory. So let me answer the question 'Why is killing non-combatants ineffective in destroying the enemy army and winning the war?'. The answer is: because civilians are not part of the corporate structure (RPV, decision-making, chain of command, commitments, etc) of the army, and therefore killing them does not stop the army functioning.

In the recent wars in Iraq and Afghanistan, Western forces have made devastating errors in which civilians have been mistaken for enemy combatants and attacked. However, combatants are liable for lethal harms because they are part of the corporate agent "the army". The destructive cost needs to be paid, but it can only be paid by the army and its combatants. This supports the idea that killing non-combatants needs to stop as possible because those non-combatants are not the relevant agents who are liable for paying defensive lethal cost during the war.

## CHAPTER 5

### CONCLUSION

Armies are good examples of the sorts of collective agent that have been of especial interest to authors (French 1979; Pettit and List 2011; Hess 2014) who are concerned with corporate collective agency. Surprisingly, however, armies are rarely treated as corporate moral agents either in debates about collective agency, or in debates about the morality of war. In giving a plausible account of the justification of non-combatant immunity and in explaining how we should respond to breaches of such immunity, I have argued that, if we ignore the fact that armies are corporate agents, things get badly wrong. Here, I have argued that recognizing armies as corporate moral agents provides for a more plausible response to the ‘Responsibility Dilemma’ than either Lazar or Bazargan have provided so far. In particular, it allows us to avoid a kind of over-inclusivity to which Bazargan’s account seems liable, while being more easily applicable than Lazar’s account to cases of actual war.

I have also argued that Bazargan and Lazar both go wrong when they identify liability to defensive harms too closely with blameworthiness. The conditions for liability to defensive harms are different than the conditions for blameworthiness. Therefore, combatants are not liable because they are blameworthy; they are liable for lethal defensive harms because armies are liable to this kind of liability. You have to allocate liability, and you can allocate it to many agents. I have also discussed two different types of liability: liability for lethal defensive harms and liability for reparative costs. For instance, therefore, a civilian who voted for the party which favours aggressive warlike foreign policy (but her party loses in a constituency) is liable to pay reparative costs while she is not liable to defensive

harms. We can still blame if we think that she is blameworthy, however this does not make her liable for defensive harms.

While I have been discussing which account of corporate agency fits to armies, I have supported Hess' account on corporate moral agency because I have argued that Hess' account is comprehensive and plausible enough in terms of her criteria which emphasise on the rational point of view of the corporate moral agent and the informal ethos. Hess also makes a significant emphasis on the reactive attitudes of the corporate agent as well, which has not been made before explicitly.

Overall, in this thesis, I have showed that the individual focus of JWT needs to be changed because after all wars are collective acts. The collective nature of the war has not been discussed enough in the JWT literature, and armies are rarely treated as corporate moral agents either in debates about collective agency or in debates about the ethics of war. For instance, blaming armies. I did not have enough space to discuss that in detail, but I believe blaming armies are morally good for their moral education when we accept that they are moral agents.

Recognising armies as corporate moral agents and focusing on the collective obligations and responsibilities of armies are promising for the future works of both Just War Theory and collective agency literature. People who believe, as I do, that the notion of collective agency might play a significant role in helping us to figure out the best way of addressing current urgent moral problems about the ethics of war and moral responsibility also need to pay more attention to the relevant link between corporate moral agents and artificial moral agents because of its possible solutions to the future challenges such as armies which have killer robots.

## REFERENCES

- Army Apologizes to Troops Exposed to US-Designed Chemical Weapons in Iraq. (n.d.). Retrieved from <https://cswab.org/army-apologizes-to-troops-exposed-to-us-designed-chemical-weapons-in-iraq/>
- Bazargan, S. (2013). Complicitous liability in war. *Philosophical Studies* 165 (1):177-195.
- Bell, J. B. (1974). *The Secret Army: A History of The IRA* (2nd ed.). Cambridge: Massachusetts.
- Björnsson, G. & Hess, K. (2017). Corporate Crocodile Tears? On the Reactive Attitudes of Corporate Agents. *Philosophy and Phenomenological Research* 94 (2):273–298.
- Command, U. S. (2018, December 31). Our previous NYE tweet was in poor taste & does not reflect our values. We apologize. We are dedicated to the security of America & allies. Retrieved from [https://twitter.com/US\\_Stratcom/status/1079881433072717824?ref\\_src=twsrc^tfw|twcamp^tweetembed|twterm^1079881433072717824&ref\\_url=https://www.bbc.com/news/world-us-canada-46727991](https://twitter.com/US_Stratcom/status/1079881433072717824?ref_src=twsrc^tfw|twcamp^tweetembed|twterm^1079881433072717824&ref_url=https://www.bbc.com/news/world-us-canada-46727991)
- Collins, S. (2017). Duties of Group Agents and Group Members. *Journal of Social Philosophy* 48 (1):38-57.
- Development, Concepts and Doctrine Centre (2010) Army Doctrine Publication – Operations Shrivenham, "6 Command of Operations", Operations (pdf), UK: Ministry of Defence, p. 11
- Enigma machine. (n.d.). In *Wikipedia*. Retrieved May 12, 2019, from [https://en.wikipedia.org/wiki/Enigma\\_machine](https://en.wikipedia.org/wiki/Enigma_machine)
- Farrell, P.S.E. and Lichacz, F. (2004) Measuring Common Intent during Effects Based Planning. In: Command and Control Research and Technology Symposium The Power of Information Age Concepts and Technologies.
- Fabre, C. (2012). *Cosmopolitan War*. Oxford: Oxford University Press.

- French, P. (1979). The Corporation as a Moral Person. *American Philosophical Quarterly*, 16(3), 207-215. Retrieved from <http://www.jstor.org/stable/20009760>
- French, P. (1984) *Collective and Corporate Responsibility* Columbia University Press, New York
- French, P. (1998). Corporate Ethics. *Journal of Business Ethics* 17 (12):1364-1366.
- Hess, K. (2013). If You Tickle Us....: How Corporations Can Be Moral Agents Without Being Persons. *Journal of Value Inquiry* 47 (3):319-335.
- Hess, K. (2014). Because They Can: The Basis for the Moral Obligations of Collectives. *Midwest Studies in Philosophy* 38 (1):203-221.
- Hess, K. (2018). Does the Machine Need a Ghost? Corporate Agents as Nonconscious Kantian Moral Agents. *Journal of the American Philosophical Association* 4 (1):67-86.
- Hohfeld, W. N. & Cook, W. W. (1919) (ed.) *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays*. Yale University Press.
- Bazargan (2018). 'Complicity' in Janković, M., & Kirk, L. (eds) *The Routledge Handbook of Collective Intentionality*. London: Routledge.
- Kant, I. (1998). *Critique of Pure Reason* (The Cambridge Edition of the Works of Immanuel Kant) (P. Guyer & A. Wood, Eds.). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511804649
- Kutz, C. (2000). *Complicity: Ethics and Law for a Collective Age* (Cambridge Studies in Philosophy and Law). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511663758
- Lazar, S. (2010). The responsibility dilemma for killing in war: A review essay. *Philosophy and Public Affairs* 38 (2):180-213.
- Lazar, S. (2016). Complicity, Collectives, and Killing in War. *Law and Philosophy* 35 (4):365-389.
- List, C. & Pettit, P. (2011). *Group Agency*. Oxford: Oxford University Press
- McMahan, J. (2005). The Basis of Moral Liability to Defensive Killing. *Philosophical Issues*, 15(1): 386–405.

- McMahan, J. (2009). *Killing in War*. New York: Oxford University Press.
- Miller, D. (2001). Distributing responsibilities. *Journal of Political Philosophy* 9 (4):453–471.
- New Year 2019: US military apologises for bomb tweet. (2019, January 01). Retrieved from <https://www.bbc.com/news/world-us-canada-46727991>
- Nissenbaum, D., & Lubold, G. (2018, August 31). Military Believes Trump's Afghan War Plan Is Working, but Spy Agencies Are Pessimistic. Retrieved from <https://www.wsj.com/articles/military-believes-trumps-afghan-war-plan-is-working-but-spy-agencies-are-pessimistic-1535707923>
- Norman, R. (1995). *Ethics, Killing and War*. Cambridge: Cambridge University Press.
- Pigeau, R. and McCann, C. (2000) Redefining Command and Control. In: R. Pigeau and C. McCann, (eds.) *The Human in Command: Exploring the Modern Military Experience*, New York, NY, USA: Academic/Plenum Publishers, pp. 165–84. ISBN 978-0-306-46366-2.
- Ritchie, K. (2013). What are groups? *Philosophical Studies* 166 (2):257-272.
- Ritchie, K. (2015). The Metaphysics of Social Groups. *Philosophy Compass* 10 (5):310-321.
- Ritchie, K. (2019), Social Structures and the Ontology of Social Groups. *Philos Phenomenol Res.* doi:10.1111/phpr.12555
- Rodin, D. (2002). *War and Self-Defense*, Oxford: Clarendon Press.
- Rovane, C. (1998). *The bounds of agency: An essay in revisionary metaphysics*. Princeton: Princeton University Press.
- Rovane, . (2002). From a Rational Point of View. *Philosophical Topics* 30 (1):209-235.
- Sorabji, R., & Rodin, D. (2007). *The Ethics of War: Shared problems in different traditions*. Burlington, VT: Ashgate.
- Seagren, C. W. (2019). Collective Responsibility and the Career Military Officer's Right to Public Dissent. *Ethical Theory and Moral Practice* 22 (1):41-59.



- Searle, J. (1990). Collective Intentions and Actions. In Philip R. Cohen Jerry Morgan & Martha Pollack (eds.), *Intentions in Communication*. MIT Press. pp. 401-415.
- Sullivan, S. (2013). Republican National Committee reaffirms opposition to gay marriage, Washington Post, April 12, [www.washingtonpost.com/blogs/post-politics/wp/2013/04/12/republican-national/committee-reaffirms-opposition-to-gay-marriage/](http://www.washingtonpost.com/blogs/post-politics/wp/2013/04/12/republican-national/committee-reaffirms-opposition-to-gay-marriage/).
- Strawson, P. F. (1974). *Freedom and Resentment and Other Essays*. Routledge.
- Tollefsen, D. (2015) *Groups as Agents*. Polity.
- US Joint Chiefs of Staff (2010) Joint Publication 3-0 – Joint Operations. March 2010. Available at: [https://fas.org/irp/doddir/dod/jp3\\_0.pdf](https://fas.org/irp/doddir/dod/jp3_0.pdf) [Accessed January 20, 2011].
- Walzer, M. (1977). *Just and Unjust Wars*. London: Allen Lane.
- Young, I.M. (2013). *Responsibility for Justice*. Oxford: Oxford University Press.