

Responsibility Magnets and Shelters in Institutional Action¹

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1. Introduction

This chapter is part of a larger project which is concerned with how to move from attributions of collective moral responsibility to groups to attributions of moral responsibility to members of those groups.² This can be expressed as the General Distribution Question.

General Distribution Question

What are the moral responsibilities of the members of a group for what it is collectively morally responsible for, that is, how are moral responsibilities to be distributed over members of a group in virtue of its being collectively morally responsible for something?

¹ My thanks for comments and questions from audiences at a workshop at Leeds University in October 2022, the Collective Ethics Seminar organized by Niels de Haan, Gunnar Björnsson, and Olle Blomberg, March 2023, the editors of this volume, and an anonymous referee.

² Some authors have argued that an institution may be morally to blame for something though none of its members are. See for example (French 1979; Copp 2006, 2007, 2012; Pettit 2007). I think these arguments are not successful (Ludwig 2007a, 2017b, 2017a). But even if they were, no one would want to argue that members of an institution never bear any responsibility of what the institution does.

This chapter will focus more specifically on the distribution of moral responsibilities to individuals in institutions. To keep the discussion manageable, I concentrate on backwards-looking collective blame moral responsibility (henceforth, 'collective blame responsibility'),³ and so on the Institutional Distribution Question for blame responsibility.

Institutional Distribution Question

When an institution does something that brings about a harm for which it is blameworthy, what are the moral blame responsibilities of its members for the harm the institution brings about, that is, how is blame to be distributed over members of the institution in virtue of its being collectively to blame for something?

Blame responsibility is moral responsibility for having done something that brings about a harm—where this covers broadly anything which impinges negatively on the interests of moral agents or patients. Not *every* instance of being *causally* responsible for a harm through something one does is blameworthy. If one not could have reasonably foreseen the harm, one cannot be blamed for it. If it is unavoidable in bringing about an intended good that more than balances the harm, then one cannot be morally blamed for it.⁴ *Collective* blame responsibility is moral responsibility for a *group* having done something which brings about a harm. A necessary, but not sufficient, condition on this is that the group brings about the harm, rather than any of its members or a proper subgroup only.

The distribution of blame over members of an institution for harms that the institution brings about must take into account the different institutional roles of its members. This is the primary difference between the question of distribution of responsibilities in unorganized groups and in institutional groups. A central goal of this chapter is to say how and why this makes a difference.

The two central organizing ideas will be that of a role that is a *responsibility magnet*, that is, one which attracts individual responsibility for blameworthy institutional action and that of a role which is, at least in certain respects, a *responsibility shelter*. In a responsibility shelter, the occupier of the role is at least provisionally innocent of blame for institutional action that is itself blameworthy, even when the agent in the role makes a contribution to it. What roles are magnets or shelters can be sensitive to the context and type of action the institution undertakes.

There are two starting points for my approach to the Institutional Distribution Question. The first is a general reductive theory of the structure and agency of institutions. The second is the conviction that the responsibilities of agents in institutional roles should be understood in terms of their responsibilities as individual moral agents in the particular institutional context in which they find themselves.

³ Hence, I set aside forward-looking moral responsibility and restitution responsibility, which need not involve blame responsibility.

⁴ This invokes the classic doctrine of double effect. See (Mangan 1949) for a review of the history of this doctrine in Catholic theology.

The chapter is organized as follows. In §2, I sketch a theory of collective agency (developed in (Ludwig 2016)). In §3, for the purposes of contrast, I briefly sketch an answer to the distribution question for non-institutional groups in which there are no responsibility magnets or shelters (Ludwig 2020a). In §4, I sketch a theory of institutions as systems of status roles (developed in (Ludwig 2017b)). In §5, I review an important mechanism through which institutions expression their agency, namely, proxy agency (Ludwig 2014, 2017b). In proxy agency, a group acts through the actions of (typically) one or a subset of its members.⁵ In §6, I explain role-based rights and duties. In §7, I will argue that certain institutional proxy agent roles, in virtue of their function, come to be loci of institutional responsibility for institutional action, i.e., responsibility magnets. These institutional responsibilities give rise to derived moral responsibilities. In §8, I argue that other roles, because of the way they rely on the functions of the proxy agents who act in their name, are presumptively sheltered from the responsibilities that accrue to those proxy agents. §9 summarizes.

2. A Theory of Collective Action

This section focuses on plural action as expressed by the collective reading of plural action sentences such as [1].

[1] They moved the bench.

[1] has a distributive reading on which it means that each of them moved the bench. For example, we moved the bench in this sense if you moved it, and I moved it (independently of you). The collective reading is brought out by adding ‘together’. I have argued for the multiple agents analysis of plural action sentences (Ludwig 2016, chs 9-11). On this account, [1] on its collective reading means:

[1c] There is an event e such that each of them (and no one not among them) contributed directly to e coming about and e is a bench moving.

Multiple Agents Account of Collective Action

For a group G to J is for each member of G (and no one else) to contribute (in a certain way) to bringing about one and the same event e of type $\phi(J)$.⁶

The distinction between many agents doing things themselves and many agents doing something together is illustrated in Figure 1.

⁵ ‘typically’ because a group may employ a proxy who is not a member of the group. For example, a business may hire a law firm to represent it in a court action.

⁶ ‘ $\phi(J)$ ’ expresses the consequent event type expressed by ‘ J ’ but without the implication of the action verb that there is an agent of it. For example, if we substitute ‘kill Bill’ for ‘ J ’, then the consequent event type $\phi(\text{kill Bill})$ = a death of Bill.

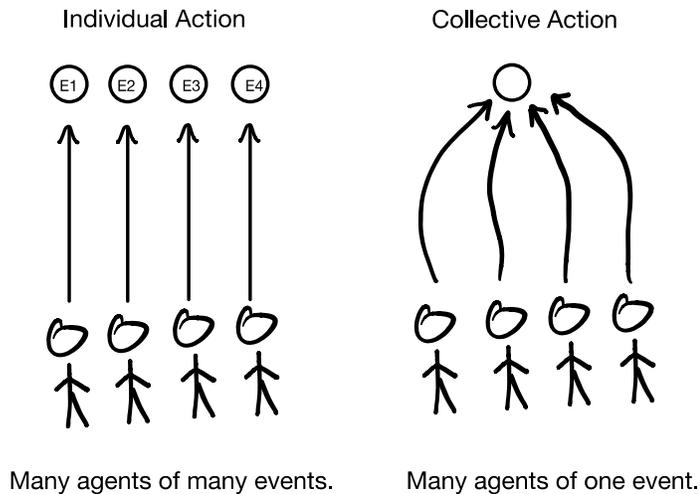


Figure 1: Multiple Agents Account of Collective Action

On this view, we can do things together without intending anything together, or even knowing that we are doing them. An example is our bringing about global warming by the cumulative effects of our individual and collective activities.

Institutional agency is often expressed through proxy agents who represent the institution. This may make it seem as if the multiple agents account fails for institutions. Some authors, such as (Tuomela 1995) and (Tollefsen 2015), therefore, would say only that when an institution acts, some relevant operative members of it act. This will be satisfactory for the sequel, though I maintain the agency of all members is expressed, even if often very indirectly, when an institution acts (Ludwig 2017b, ch. 13, esp. 200-212).

Of more interest to us is collective intentional action. Collective intentional action is brought about as a result of a group executing a shared intention to do something together. An example of an attribution of shared intention is [2].

[2] They intend to move the bench.

On [2]’s distributive reading, it means that each of them intended herself to move the bench. On the collective reading, the complement is about collective action: they intend *they* move the bench *together*. I adopt a reductive account of shared intention according to which it is a distribution of intentions across members of the group. I call the individual intentions of members of a group who share an intention ‘we-intentions’, following (Tuomela and Miller 1988).

On my account (Ludwig 2007b; 2016, chs. 12-14), a we-intention is analyzed (roughly) as follows:

x **we-intends** that G J iff x intends to contribute to bringing it about in accordance with a plan of action x has at the time of acting that there is a collective action plan P such that

each member of *G* contributes in accordance with *P* (following it as appropriate for their role in it) in bringing it about that *G J*.

Shared intention then is analyzed as follows:

Members of *G* **share an intention** to *J* iff each member of *G* we-intends that *G J*.

I call this the shared plan account of joint intention. Somewhat roughly:

Shared plan account of joint intention

Members of a group *G* jointly intend to *J* (share an intention to *J*) iff they intend to act in accordance with a common plan for *J*-ing.

Even more informally, a group shares an intention to do something when they intend to be on the same page about what they are doing at the time of action. A group *J*'s together *intentionally* by successfully executing a shared intention to *J*, that is, when each successfully executes her we-intention directed at their *J*-ing together.

3. Responsibility in Unorganized Groups

For contrast with institutional action, consider the following case of collective blame responsibility for a non-institutional group.

Equal Blows

Ten men assault another and intentionally beat him to death. They make equal contributions. Their contributions are individually necessary and jointly sufficient.

A murder occurred. Who is responsible? No one agent's contributions were sufficient. It took all of them. It is the group that is causally responsible. We say that it is the group that is morally responsible also. What degree of blame is due, however, to the members of the group? Is each of them morally responsible for only a tenth of a death, whatever that could come to? Intuitively, each of them is fully responsible for the death, just as if he had done it himself. You are not less responsible for murder if you recruit others to help you kill someone. But how do we make sense of this if none of them did anything sufficient by themselves for the death?

When they share an intention to kill the victim, each individually intends to make a contribution to their carrying out a shared plan to kill the victim. Each then intends the death of the victim, and it is a success condition on each of their intentions that the victim die. In this respect, the situation is similar to intending to do something oneself sufficient *in the circumstances* to bring about someone's death. The difference lies in the fact that in the group context the circumstances that lie in the background against which one makes one's own intended contribution are the contributions of others. Thus, there is no difference in individual

responsibility. The novel element is only that the situation is the same for all the participants. Once we see this, we can also see that the conclusion extends (see (Ludwig 2020a) for details):

- (a) to cases in which their contributions are not the same though each is necessary and
- (b) to cases in which the outcome is overdetermined causally, for adding one more than needed cannot mean that suddenly no one is responsible to any degree.

Since there is no difference between blame for intended and foreseen harm (when there is no counterbalancing good), this will extend (i) to cases in which a non-institutional group acts together intentionally and foresees a harm that will result from what they are doing and (ii) to cases in which they foresee a harm that will result from something they are doing even when they are not doing anything together intentionally, unless the harm is purely aggregative (the sum of the individual harms), in which case each is responsible only for the particular harm each brings about individually, rather than each for the total harm. This is summarized in figure 2 (repeated from (Ludwig 2020a)).

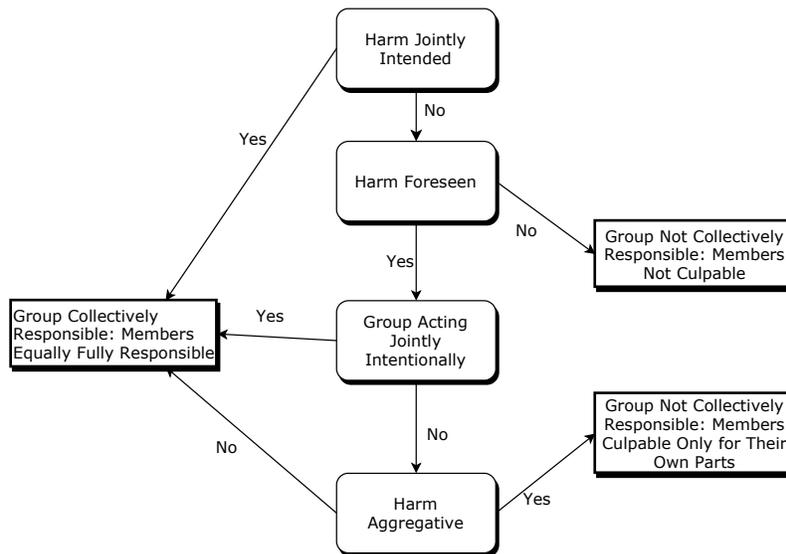


Figure 2: Circumstances in which individuals in non-institutional groups are responsible for collective harms.

In contrast to non-institutional groups, we typically deny that everyone in an institutional group shares equal blame (or even any) for the harms that institutions bring about. This is a consequence of the fact that institutions involve a collectively accepted formal division of labor. To develop this thought, we turn to an account of the nature of institutions.

4. Institutions as Agents Who Realize a Systems of Status Roles

Institutions, on my view, are groups of agents who realize an institutional structure, namely, a system of inter-defined time-indexed status roles (explained below) designed for collective action, which can be occupied successively by different agents, so that the system of roles can

be sustained through changes in institutional membership. This is what gives rise to the possibility of perpetual succession, as illustrated in Figure 3.

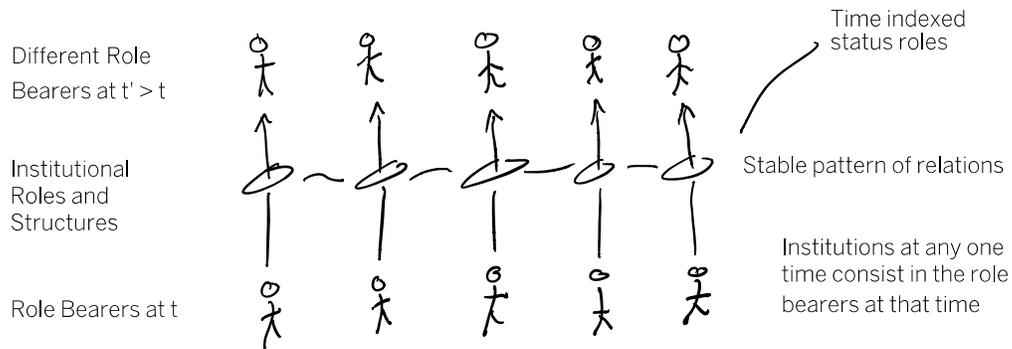


Figure 3: Institutions as agents realizing a structure of inter-defined time-indexed status roles.

What is important for subsequent discussion is how the roles are defined and sustained. I call these *status roles*. Status roles are a specific sort of *status function*. A status function is an agential function (one defined in terms of the interests of agents) assigned to an object, event, or person, which cannot fulfill its function except insofar as it is (in a sense explained below) collectively accepted that it has that function (Searle 1995, 2010, 2018; Ludwig 2017b, ch. 8). Examples are being a \$10 bill, a royal seal, a driver’s license, a national border, a president, a university professor, a police officer or a judge. For example, nothing can function as a \$10 bill in economic transactions unless it is collectively accepted by the parties to it that it is a \$10 bill. This contrasts with being a hammer, which can perform its function simply in virtue of its physical properties.

Why do status functions have this special feature among agential functions? To explain this, we need the concept of a constitutive rule (Searle 1969; Ludwig 2017b, ch. 7). Constitutive rules govern the conduct of an action type, such as playing solitaire or chess, or the conduct of a criminal trial in a courtroom. What is special about constitutive rules is that following them brings into existence or constitutes (in part) the activity type that they govern. Constitutive rules are contrasted with regulative rules. Regulative rules govern activity types that can exist independently of following the rules. For example, traffic laws govern an activity type that can occur without them.

Rules are constitutive relative to action types whose instantiation involves two components, a pattern of activity, and the requirement that an agent instantiate it intentionally by following (by and large) rules that provide a description of it. From the rules of solitaire, for example, you can extract a description of an activity pattern (a higher-order pattern that subsumes all particular patterns that count) that could in principle be instantiated unintentionally. We get the concept of solitaire when we add rules for its implementation and a goal toward which the person following the rules aims. Rules are constitutive relative to an

action type simply because its definition requires that the pattern of activity it exhibits be brought about by the rules being followed intentionally.

As the examples of solitaire and chess show, constitutive rules can govern individual or collective action. In the case of collective action governed by constitutive rules, the pattern of activity involves more than one person, and the collective action plan must be instantiated by way of the participants sharing an intention to do so.

How does this help us understand status functions? In a nutshell, constitutive rules for collective action can define roles for things in an essentially intentional collective action type without specifying what things are to play the roles (Jankovic and Ludwig 2022). To implement the action type, the participants must coordinate on the same things for the roles. If they do not, they cannot implement the collective action plan. Thus they are faced with a coordination problem. The solution is to form we-intentions which are directed at the same things for the same roles. Chess pieces serve as an illustration. The concept of a pawn in chess is a functional role concept. Its role is defined by how it can be moved and taken, given its placement on the board and whether it has been moved before, and what can be done if it is advanced to the eighth row. What serves the role, as long as it can be reidentified and manipulated, is irrelevant. We can use bottle caps on a train trip to play chess so long as we coordinate on the same things for the same roles. This is the cash value of collective acceptance. Thus, the reason they cannot perform their functions except in virtue of their being collectively accepted as having them is that the action plan involving them cannot be implemented without our focusing on the same things for the relevant roles.

Status roles are a special type of status function (Ludwig 2017b, ch. 10). They are status functions assigned to agents where it is integral to the function that the agents express their agency in fulfilling it. Status roles can be agent or subject status roles. An agent status role is one whose bearer is intended to be a party to the collective acceptance by which she has it. For example, being a student or a university professor, a judge, senator, or clerk, are agent status roles. A subject status role is one whose bearer is not presumed to be a party to the collective acceptance by which he has it. Examples are being a POW or persona non grata. I will be concerned solely with agent status role and will use 'status role' in this sense. Some status roles are hybrid roles, like citizenship, which one acquires typically by a birthright but which one is presumed to accept self-consciously upon reaching one's majority.

An example of a status role in an organization is a private in an army. This is a generic compliance status role. The role specifies that its occupier follow orders from those with a higher rank in the chain of command. As one ascends through the ranks, the roles become a combination of command and compliance roles. Occupiers of command roles give directions (within constraints determined by the purpose of the organization) to others in virtue of their status roles, in which capacity it is part of their role to follow those commands (where legitimate). For example, a captain gives orders to lieutenants, and non-commissioned officers, but takes orders from majors, lieutenant colonels, etc. Layered on top of these generic status roles defining positions in command structures will be more specific status roles depending on the particular unit, organization, and project task they are involved in. All of these roles are sustained by the collective acceptance of a large enough group of people to enable them to by and large fulfill their functions.

Status roles in institutions typically have formal entry and exit conditions. For example, signing an employment contract with a corporate employer makes one part of an organization which carries out the corporate purposes and constitutes formal accept of a status role. Resigning or being laid off or fired are exit conditions. Thus, being a member of an organization is time-indexed. You can have the status role at one time and not another. Someone who leaves a particular position in the organization can then be replaced by someone else. In this way, organizations persist through changes in their membership. However, at any one time, when the organization or institution acts, it acts because of the actions of its then members. There is no need for a super-agent to explain institutional action or how an institution can pursue projects through changes in its membership. See Figure 4 for a summary. Importantly, while it is presumed that the person who acquires a status role in an institution is party to the collective acceptance by which he has it, most such roles are sticky in the sense that you are counted as having them even if you are insincere in signing on or lose an interest in participating. There are then rules for how to proceed on the part of others in those circumstances. It is then the collective acceptance of your having the role by others that suffices for you to continue to have it.

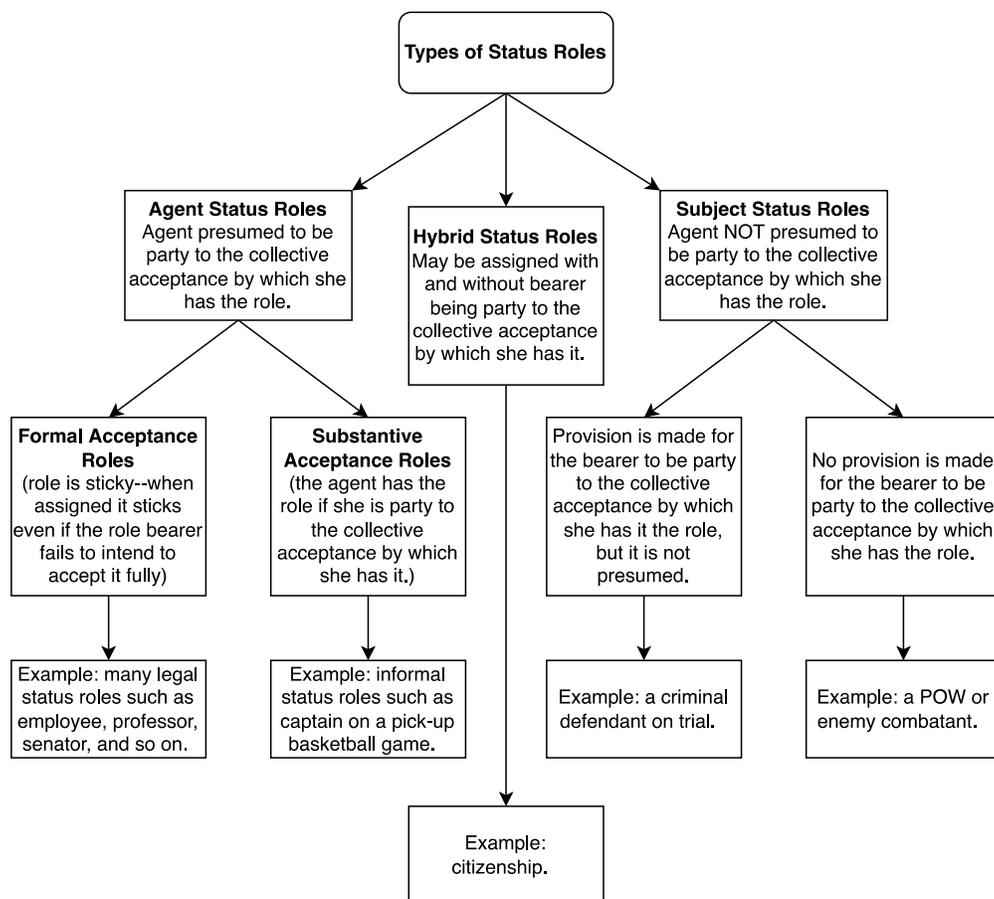


Figure 4: Taxonomy of types of status roles

5. Proxy Agency

The final idea we need to understand how institutional structures modulate the distribution of responsibilities for institutional action across its members that of a proxy agency (Ludwig 2014, 2018; 2017b, ch. 17). A proxy agent occupies a status role that involves representing, in actions undertaken in the role (in expressing its function), another agent or a group (of which the proxy may be a member). In proxy agency, what one individual or group does counts as another or a subsuming group doing something. An example is the role of a spokesperson. Both individuals and groups can have spokespersons. When a spokesperson acts in her role in representing her principal, what she asserts counts as her principal asserting something (through, as we say, his spokesperson) (Ludwig 2020b). Another example is a power of attorney. If I provide a non-durable power of attorney to someone to sign for me at the closing of the sale of my house, her signing the contract counts as my agreeing to the contract of sale.

Why does my proxy signing for me count as my selling my house? It is because we have collectively accepted that the signature of the proxy will play the same legal role as my own signature. In virtue of this, the proxy can represent me in the transaction. Similarly, I communicate through a spokesperson because we have agreed that what the person I authorize to speak in my name says, provided she acts within her authority, is to commit me in the same way as something I assert in my own voice.

Someone's functioning as a proxy agent depends upon two things. The first is a general understanding in the relevant community of what the role of the proxy agent is for this or that particular purpose. The second is a generally understood mechanism by which someone is assigned the role of proxy agent, so that everyone can coordinate on the same person for the functions the role is to fulfill. Typically, if not invariably, the principal assigns someone as a proxy agent for certain purposes. The assignment of someone as a proxy agent to represent a principal authorizes that person to represent her principal.

Importantly, a proxy agent represents her principal only for certain purposes. Someone I give a power of attorney to for a limited purpose represents me only for those purposes. Someone I hire as a spokesperson represents me only on issues I authorize her to and within in the scope of what I authorize her to speak about. I will say that a proxy agent who steps beyond the bounds of what she is authorized to do, but who still represents herself as acting within the role, goes rogue, or is a rogue proxy, following (Lackey 2017).

Most institutions of any significant size conduct most of their business through proxy agents, that is, through agents who are authorized to act in the name of the institution.

6. Status role duties and rights

Status roles have a design function. Since having a status role does not entail that one fulfills its design function, there can be a gap between performance in the role and what is required by the role. This can happen through inadvertence, incompetence, inattention, bad luck, misadventure and so on, or through a deliberate failure to fulfill the function. The potential for a gap between performance and design function makes the use of the language of rights and duties apt for describing the functions of status roles. Thus, we can talk about status rule

duties, e.g., the duty of the private to obey those of higher rank in his chain of command, and status role rights, which arise out of the status role duties of others with respect to one's own status role. If I pay for groceries at the market, I have a right as payee to depart with them without hindrance by the seller. If I pass a test to receive a driver's license, I have a (legal) right to drive on public roads without interference provide that I obey the traffic laws (etc.).

Status role based rights and duties are not *ipso facto* moral rights and duties. The CIA's torturers may have a status role-based duty to torture those their supervisors direct them to in order to obtain information from them. But they have a moral obligation not to fulfill their official duties. Likewise, the Nazi concentration camp commandant has a role-based duty to carry out mass murder but a moral duty not to do so.

However, insofar as an organization's purposes are not directed at harmful outcomes, because others rely on one to perform one's role based duties, and form expectations on that basis whose frustration may range from inconvenience to significant harm, other things being equal, one will have a derived moral duty to fulfill one's role based duties. These will be *pro tanto* duties that may be trumped in particular circumstances by more urgent duties.

7. Responsibility Magnets in Institutional Action

We turn now to the Institutional Distribution Question. I begin with two more restrictions on scope of our question. The first restriction is to institutions whose purposes are not per se immoral. For institutions that are per se immoral (the KKK for example), membership in them, when their purposes can reasonably be expected to be known, is itself morally blameworthy (though questions arise when nominal membership is not a matter of choice or alternatives would be worse). When one signs on knowingly and freely to a role in an immoral institution, the distinction between roles that are responsibility magnets and roles that are responsibility shelters is dissolved. The second restriction is to institutions that are not amoral. If an institution's effective operators, who determine institutional policies, goals, and actions, are in fact insensitive in their decisions and actions to moral principles, it is *de facto* amoral. Knowingly and freely joining such an institution represents a significant moral risk. Since joining an amoral institution involves moral risk, doing so is blameworthy as such, and this erodes the distinction between roles that are responsibility magnets and roles that are responsibility shelters.

We focus then on institutions which are reasonably taken by others and by those with roles in it to be oriented to be responsive to not just legal but also moral principles. I will also limit focus to agents acting freely in their roles and set aside the possibility of responsibility gaps.⁷ I begin with the question whether and, if so, in virtue of what, certain institutional positions may be the loci of moral responsibilities when institutional action brings about harm.

⁷ A responsibility gap occurs when an institution brings about harm, perhaps because of its structure or policies, but one cannot identify any individuals who are culpable. Once a responsibility gap is identified, members may have a forward-looking moral responsibility to correct it. And there may be considerations in favor of restitution responsibility in the absence of blame responsibility grounded in the recognition of the general risks of inadvertent and unforeseen harms generated in the course of large and complex organizations conducting business.

We will then identify responsibility shelters by the shadows cast by roles that are responsibility magnets.

By institutional action we mean action that can be attributed as such to the institution, not just actions which people perform in institutional roles. When a janitor takes out the trash, he is doing his job, but we do not say that the institution took out the trash. In contrast, when a corporation's lawyers file papers for bankruptcy, we say that the corporation filed for bankruptcy. Thus, we are interested either in actions in which either everyone in the institution participates in their official roles to do something together (impossible in most large institutions) or actions by proxies for the institution which represent the institution as such in the sense that they are expressed correctly by institutional action sentences.

I want to identify four types of proxy roles for attention. These are decision-making roles, oversight roles, which include vetting and monitoring roles, epistemic roles, and compliance roles. These may occur at different levels and units in the hierarchy of an organization which determine their scope.

Decision-making roles are proxy roles to which are delegated the authority to make decisions which bind the institution (or subunits) with respect to action. These include decisions about policy, ends, and means to ends. These are typically arranged in a hierarchy with greater power and scope the higher in the hierarchy they are. Decisions have consequences for how those subject to them are to act in their roles.

Oversight roles are proxy roles whose function includes (a) vetting appointments to positions in the institution for competence and responsibility in a sense broad enough to subsume the expectation that they will behave in the role in a way that is *inter alia* morally responsible and (b) monitoring performance in roles to assure that they are being carried out competently and responsibly.

Epistemic roles are proxy roles whose function involves analysis and determination of relevant facts and as input into institutional decision making.

Compliance roles are proxy roles whose purpose is to carry out the policies and projects of the institution and particularly as determined by decision makers.

Epistemic, decision-making, and compliance roles can be combined. Someone may be charged with research and decision making. Someone may be charged with decision making and execution (compliance). Or all three roles may be combined, as when someone may be authorized to determine facts, make a decision, and act on it for an institution. However, while someone who has oversight roles may also determine facts, make decisions, and act on them, the oversight role cannot have oversight over the functions assigned to its occupier. Oversight roles must be separated from roles for which they have oversight responsibility, since oversight requires independent assessment. In the following we will be concerned only with cases in which the roles are independent of one another, for when roles are combined, there is no division of responsibility *between* agents.

When separated these roles are defined in relation to other specific roles, typically in hierarchies. Thus, someone may be in a compliance role with respect to the decisions of some others, while others are in compliance roles with respect to the decisions she makes, as in a military organization. Similar hierarchies can be instituted for epistemic and oversight roles.

The touchstone for assignment of moral responsibility for the harms of institutional action will be actions that lead to foreseeable harm (not counterbalanced by intended or foreseen good—henceforth to be understood). While harm foreseen is foreseeable harm, not all foreseeable harm is foreseen. Foreseeable harm is harm that is foreseen or should have been foreseen given the responsibility attaching to the role.⁸ A key idea here will be that responsibilities for foreseeing harm are more stringent in relation to the power over others in the institution someone exercises in virtue of decisions in her role and the number of people that she represents—except when that responsibility is itself delegated to another.

We begin with decision-making roles. We start with the simpler case of a proxy acting for an individual to serve as a model. The two roles to consider are the principal and the proxy who acts in the name of the principal. Trust relations run in both directions: *principal to proxy trust*, and *proxy to principal trust*. Principal to proxy trust is the one relevant to identifying responsibility magnets. When a proxy is given decision-making autonomy to represent her principal, the trust relation goes from principal to proxy. The proxy represents the principal but rather than follow strict directions makes decisions which bind her principal. In this case, the proxy is understood to be acting in the interests of the principal. We will return to proxy to principal trust in §8 on responsibility shelters.

Principal to Proxy Trust

Adrian assigns Blair a power of attorney to manage his finances. Adrian exercises appropriate care in choosing Blair. Blair then, without Adrian's knowledge or consent, invests his savings in a protection racket, in which a mob receives payments for refraining from harming businesses. It is Adrian, the principal, rather than Blair, the proxy, who has invested in a protection racket because Blair acts in Adrian's name and it is Adrian's money which invested, not Blair's. But Adrian is not to blame for investing in the protection racket. Rather, the blame rests with Blair. In this case, Blair's role is a responsibility magnet.

What is the basis for the claim? When Adrian makes a compact with Blair to represent him, Blair is understood to be acting within constraints appropriate for the role. A formal constraint is that, as proxy, she represents Adrian's interests. Since proxy agency is a status role, Blair minimally represents herself as sharing an intention with Adrian that she will act in accordance with this constraint (that is, even if she is insincere). Adrian's interests are not narrowly

⁸ I will assume that blame attaches to actions that lead to harm when the agent is culpably ignorant, that is, should have foreseen the harm or increase in the risk of the harm occurring. See (Smith 1983) for a classic discussion of the issues. I don't offer an account of when ignorance is culpable. For present purposes, it is not essential to argue that the degree of blame for harm from culpable ignorance is the same as that for action undertaken in knowledge of its harmful consequences. For my main focus is what positions in an organization do and do not attract responsibility for harmful institutional action.

financial. It is understood between them that Blair should promote Adrian's financial interests *responsibly*, and, in particular, so that her actions in representing Adrian are both legal and moral. It is then an aspect of Blair's role responsibilities, understood between them, that in promoting Adrian's financial interests her actions do not contribute to illegal or unethical activities. Blair has undertaken to let Adrian rely on her to promote his interests only within the constraints of morality. She has thus given ground for Adrian's moral reliance upon her, and in virtue of that taken on herself the moral responsibility for what she does in Adrian's name. Blair then has a directed moral responsibility, which is also a role responsibility, to Adrian in virtue of their arrangement to avoid harm acting in Adrian's name. When Blair knowingly or recklessly violates moral constraints on appropriate targets for investment, she acts outside of her authority to represent Adrian and betrays the moral trust Adrian invested in her. Blair acts as a rogue proxy, in the role but outside the proper bounds of her authorization. The actions she performs that contribute to harms, acting in her role, are rogue actions. In this case, she is a moral rogue because she violates moral constraints on her actions in her role. Thus, her attracting the responsibility rather than Adrian results from her acting outside the constraints they mutually understand to bind her representing him and violates the directed moral obligation to him not to do so.⁹ She does not represent him in the harm she brings about, and it cannot be referred to him, *given that* he responsibly appointed her and could not reasonably have known what she was doing in his name.¹⁰

More generally, then, we can say that a proxy is a responsibility magnet for harms that arise from the actions she undertakes autonomously in her principal's name when she is or should be aware that those harms would be likely consequences of her actions. She will not be responsible if a harm from some decision was not foreseeable, but she will be responsible for any harm that was foreseeable, for it is part of her writ to avoid, insofar as possible, harms in carrying out her role responsibilities. In addition, arguably, since harms she might bring about would involve actions done in her principal's name, *she has a more stringent responsibility to foresee harm than if she were investing her own money*. For she is responsible not only for herself but for another who has placed his moral trust in her. She risks, not only her own name, but that of her principal, for the principal relies on her not to bring about foreseeable harm when acting in his name. This weighs in the balance in considering the degree of attention that she should pay to the potential for bringing about harm.

A key feature is that one party sets up expectations in the other by giving *assurance* (by representing herself as sharing an intention with him to the effect) that he can rely on her to avoid involving him in contributing to or risking harm to others. This is the mechanism by which

⁹ In some cases, when a proxy acts outside of her role, the principal can repudiate the acts in the sense of denying that they are acts in his name. What a spokesperson asserts, for example, who goes wildly off script, may be repudiated as not coming from the principal. The principal can legitimately say that he did not assert any of those things through his spokesperson because she was not authorized to represent him as saying those things. But in the case of Adrian and Blair, the legal framework ensures that the action of investing is referred to Adrian rather than Blair. So though Blair violates her role responsibilities, she does not do so in a way that allows Adrian to say that he did not invest in a protection racket.

¹⁰ This does not entail that the principal in this and similar cases is immune to restitution responsibilities. Even if one does not bear moral responsibility for a harm, one may incur restitution responsibilities from harm caused in one's name. But here we focus on blame responsibility.

responsibility is transferred to the agent trusted. The agent trusted occupies the role that is a responsibility magnet. When that agent violates the trust knowingly, or through recklessness or culpable ignorance, she becomes a responsibility magnet.¹¹ These features are summarized in figure 5.

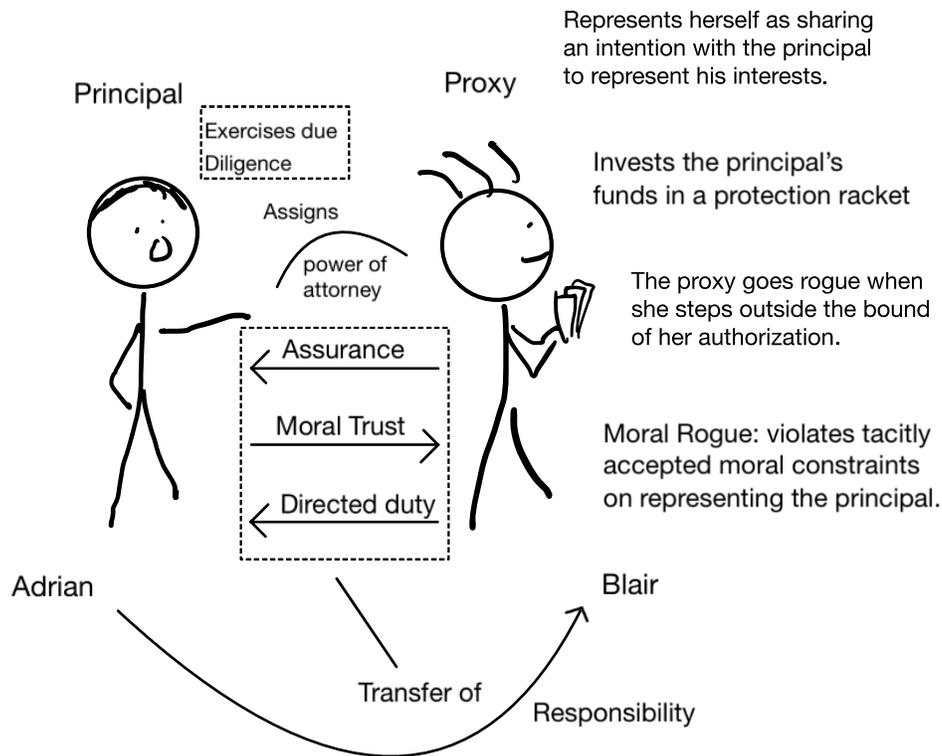


Figure 5: Principal to Proxy Trust

Now we shift to the context of institutional action. We will consider in turn decision-making, oversight, and epistemic roles. We will discuss compliance roles in the §8 on responsibility shelters.

Organizational Decision-making Roles. Consider first a CEO to whom decision making about major projects for the institution is delegated. She directs the institution to undertake a project which foreseeably carries significant risk of and, in fact, results in harm. For example, an oil company CEO may commit her company to drilling next to a state park with environmentally sensitive wetlands, without undertaking an assessment of the risk of oil spills that would cause damage a pristine habitat as well as the local economy, while undermining the quality of life

¹¹ This relationship of moral trust, assurance, and transference of responsibility may be set up independently of the apparatus of status roles. For example, a promise from a neighbor to care for my cats while I am on a trip shifts the responsibility from me to my neighbor, and if the cats are not cared for, but I was responsible in assigning the responsibility to my neighbor, it is my neighbor who deserves the blame. Whether a promise or agreement (even if tacit) is required or just mutual knowledge that one person relies on another who is willing (pro tem) to let the other do so, I leave open. For present purposes what is important is that one agent acting as a proxy for another, when the role is understood to be constrained by morality, suffices for transference of responsibility. My thanks to Gunnar Björnsson for the question that prompted this note.

and raising health risks for residents in the area. Call this example 'Oil Spill'. The CEO takes on the responsibility to act within the constraints of morality in her role. In acting recklessly, she acts contrary to her role responsibility. In virtue of being a proxy agent for the corporation, she represents everyone in the corporation. Thus, this is a case of *principal to proxy trust*, where the principal is the corporation. Since the CEO directs others with roles in the institution to carry out the project, who invest trust in her not to direct them to carry out acts that are harmful, it is also an example of proxy to principal trust, where the principal is the corporation as represented by the CEO. In her decision to drill next to a state park, she legally acts in the name of the institution and directs its resources. What she and those who follow her instructions in their institutional roles do in their roles suffices for an institutional action in the sense that they make true institutional action sentences and that the institution is the causal locus of the harm. Furthermore, since the CEO represents the institution, her decision making and her epistemic position with respect to the consequences of decisions represent the institutions, since the responsibility has been delegated to her. The institution therefore is *as an institution* morally responsible for the harm.¹²

The distribution question asks us to consider who in the institution bears responsibility for what the institution does when it is morally responsible for a harm. We identified the institution with a group of agents realizing its institutional structure, that is, a system of status roles. In the case of large for-profit corporations, there are two complications we must first address. The first is that the corporation is given a separate legal identify from its shareholders and from management and employees. The second is that large for-profit corporations typically separate ownership and management.

The corporation's separate legal identify, legal personhood, means in practice that the corporation is treated as the nominal contractor and as owner of its assets in contract law. This is, however, a technical device of the law whose goal is to give greater stability to the corporation as a business enterprise by giving its shareholders limited liability, and by protecting the corporation's assets from capricious shareholders, on the one hand, and from the individual creditors of shareholders, on the other. Making the corporation the nominal owner of its assets means that the corporation's creditors cannot go after the personal assets of the shareholders. Their liability is limited to what they have invested. Similarly, treating the corporation as a nominally distinct legal entity means that shareholders cannot liquidate assets of the corporation to recover their investment but must instead sell their shares, which allows the corporation to retain its assets. Finally, treating the corporation as a distinct legal entity

¹² Wait a minute! If the CEO is a proxy for the institution which places trust in her, shouldn't we conclude that the institution is off the hook, just as Adrian is for Blair's violating his trust? If so, then why should we say that the *institution* is morally to blame for the oil spill? Two remarks. First, the institution is not per se an agent (on my view, at least). So the trust relation is between the CEO and those individual agents who constitute the institution—more on this below. So it is a one-many relation, though this is obscured by our using a grammatically singular term for the group. And, indeed, those trusting the CEO, subject to certain qualifications, will be off the hook. Second, we make attributions of institutional responsibility when it is institutional action that brings about foreseeable harm. Institutional action always involves the agency of more than one agent so that the causal locus of the harm is not any single individual. In the first instance, the attribution *must* attach to the institution. Its function, though, is to direct our attention to the roles of individuals in bringing about the harm. Given the formal division of labor, there's no immediate inference to every individual sustaining the institution being to blame. My thanks to a referee for the question.

prevents creditors of the shareholders from liquidating assets from the corporation in recovering debt from shareholders. They can at most force the shareholders to sell their own shares or take ownership of them. These constraints, implemented by the pretense that the corporation is a separate entity, contribute to the stability of the corporation as a business enterprise.

What this shows is that the corporation is strictly speaking its shareholders. This is transparent when a single person incorporates—for example, an author. The corporation has a separate legal identity, but the purpose is to implement the protections enumerated above. The singleton corporation is nothing but the person incorporating operating a business behind the corporate veil. When there are multiple shareholders, they jointly own the corporation, as partners do in a general partnership, but with limited liability and protection from the capriciousness of other shareholders or their creditors.

In small corporations, shareholders may manage the corporation. In large corporations, the second complication emerges, namely, the separation of ownership and management, which is instituted for the purposes of efficiency. In this case, the management and other employees who contract their services to the corporation are proxy agents for the shareholders. The shareholders have little to do with day-to-day management of the corporation. Their role reduces to ownership, rights to dividends, the right to vote for directors,¹³ the right to transfer their share of ownership, the right to inspect corporate documents, and the right to sue the corporation for wrongful action (the corporation becomes the nominal defendant while the real defendant is management or other shareholders). Management and employees form an organization that is a proxy for the shareholders. It has its own system of status roles and is an institution in its own right. In everyday discourse ‘corporation’ is in fact often used to refer to the institution that represents the interests of the shareholders or to the union of the two. For convenience, I will follow this practice, but use ‘s-corporation’ for the shareholders (what the corporation is legally) and ‘p-corporation’ for the proxy organization (the ‘corporate machine’ in (Ludwig 2017b, p. 224)), when it is important to distinguish them.

The CEO in Oil Spill is a proxy for the corporation both in the sense of being a proxy for the s-corporation, the shareholders, and in the sense of being a proxy for the p-corporation, the rest of the employees and the board of directors. We concluded above that the corporation is to blame in Oil Spill, both the s- and p-corporations. The s-corporation because the CEO acts in their name. The p-corporation because the CEO likewise acts in its name. However, this does not entail that every member of the corporation is to blame. To assign responsibility to the corporation is only the first step in assessing which individuals associated with it bear responsibility. It directs our attention to those acting in roles that implicate the corporation in corporate action.

We have restricted attention to institutions whose members and proxies understand their roles to be constrained by moral principles. Therefore, in assessing responsibility in institutional wrongdoing, we look for individuals who make contributions to institutional action

¹³ Even holders of non-voting stock have the rights of ownership, dividends, transfer, inspection and bring suit against the corporation for wrongful action.

that leads to harm who have failed to constrain their actions in their roles by relevant moral principles.

The CEO in Oil Spill has a responsibility to generate a return on shareholder investment and to act within the bounds of law in doing so. But the CEO's role responsibilities extend beyond this. In a presumptively moral institution, execution of role-related duties is constrained by morality, even if the goal of the organization is to return a profit on shareholder investment. The CEO has a responsibility just as an individual moral agent not to bring about harm even acting her role. But this responsibility also becomes a role responsibility when this is accepted by members and proxies and those they interact with as a constraint on the role itself, not just its realizer. Given this, it is clear that the CEO, in acting recklessly, fails in a role-based duty not to bring about harm in representing the corporation (s- and p-corporations). Insofar as she does, she acts outside what is understood to be her institutional authority in the role. This does not, however, prevent her from making corporate decisions or initiating corporate action. But when she violates the role expectation that she will act within the constraints of morality, she thereby violates the trust others in the corporation have placed in her and which she has assured them of in accepting the role. The responsibilities for proper performance and moral caution in her role for the institution are transferred from the others to her. To the extent she violates of moral principles, she is a moral rogue in relation to the other members of the corporation.

Thus, moral responsibility for the harms brought about by her actions in concert with others in the organization are not *automatically* shared by the others who help realize the institution, the board, stockholders, and employees, and those who carry out her directives. (I discuss the limits of this in §8.) In this respect, her role attracts responsibility for foreseeable harms that result from her decisions, when they violate her role responsibilities, even if they represent others, and others are involved in carrying them out. To the extent to which the number of people who tacitly put their trust in the proxy raises the moral stakes, she also has a more stringent responsibility to investigate possible harms her decisions might lead to (if the role is not delegated). These remarks cover decisions about policies which have harmful effects, decisions to pursue harmful goals, and decisions to adopt harmful means to goals, whether or not others are involved in carrying them out.

Our first conclusion then is that decision-making roles in institutions, in which decision proxies exercise autonomy in their roles, when the decisions lead to institutional action, mediated or unmediated, are responsibility magnets, when foreseeable harm results. Those serving as decision-making proxies for the institution take on the responsibility, for the whole institution, and its members, of making good decisions that respect the moral trust of the other members of the institution. This increases the epistemic responsibility to check on the possibility of negative outcomes from decisions they make as does independently the potential for greater harms that comes from the greater power of institutions.

Oversight Roles. Oversight roles are also responsibility magnets. This can happen in two ways. First, appointments to positions must consider the person's suitability not only with respect to expertise relevant to the role but also ethical competence and character. There will be standards for vetting which determine whether the duty has been fulfilled. If those are not met, and the person in the role undertakes actions that lead the institution to cause foreseeable harm, those in appointment oversight roles are also morally responsible (to an

appropriate degree) for the harms that occur. They are the targets of responsibility because they license others to trust that they will exercise appropriate caution in taking on the role. If the appointee was foreseeably unfit for the position and it could reasonably be expected that he would violate the moral constraints on his position, then those in the oversight roles are also strictly responsible for the harms that occur. Their degree of moral responsibility will depend to some extent on the degree of *risk* of harm the appointment could be reasonably expected to lead to together with the degree of *harm* risked.

Second, in addition to appointment oversight roles, there are monitoring oversight roles whose function is to monitor on an ongoing basis member performance in the roles to which they are appointed. To the extent to which the proper functioning of the oversight roles helps prevent harms that would otherwise occur, failure to fulfill the functions up to appropriate standards which leads to preventable harms will then result in moral responsibility for the harms. If the harms are the result of those occupying the roles doing things that they could have reasonably seen would lead to harm, they are not excused, but are independently to blame; though it can happen that actions by those in oversight roles can prevent harms that those in the roles they oversee may not be able to foresee or anticipate, for example, due to lack of expertise or training. In the case where both are to blame, they share blame but the blame due to each is not thereby lessened.

Epistemic Roles. A final locus of responsibility in some institutions are roles whose purpose is to gather and analyze data relevant to institutional projects. When responsibility is delegated in this way, those who rely on it trust those whose job it is to avoid errors that can lead to harm when the conclusions are accepted as a basis for action. Consequently, errors which should be caught, and which contribute to decisions which lead to harm because of this are morally blameworthy. The responsibility for care in discovery and analysis increases with the stakes and the number of others relying on those with investigative responsibilities to reach correct conclusions. In the context of institutions which rely heavily on investigative bodies, such as the justice system, a consequence is that those who abuse their positions (e.g., by planting evidence or giving false testimony) or who are lax in their epistemic responsibilities (e.g., by failing to consider relevant alternatives or by failing to ask a witness to pick a suspect out from a line up) bear full, if not always exclusive blame, for the miscarriages of justice that result. See Figure 6 for a summary.

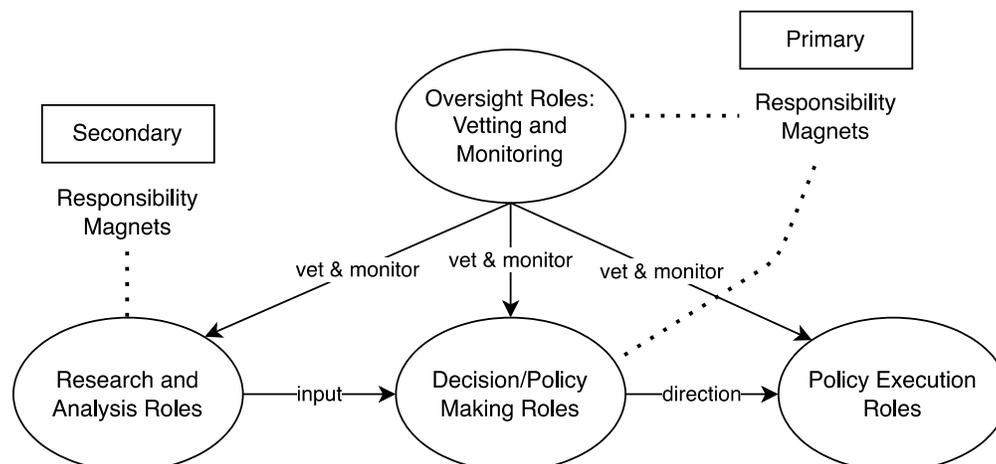


Figure 6: Responsibility Magnets

In all cases, both individuals and groups may be involved. For example, a decision might be made by a board of directors, or by an oversight committee. Consensus decisions implicate all equally and all are blamable to the same degree as they would be if the sole decision maker. Similarly for oversight responsibilities and responsibilities for research and analysis.¹⁴

The CEO represents the case of the case of principal to proxy trust in a case in which the proxy makes decisions for the principal. But an institution can be blameworthy for harm even if decision makers are faultless. For someone assigned to execute a direction or a policy that is itself well considered may violate those directions in acting in the name of the institution. For example, an employee of a corporation may be directed to buy stock in companies from a list designated as socially responsible but instead knowingly violate the policy directive and buy stock in companies implicated in human trafficking and child labor. This is still a corporate action for the corporation rather than the employee buys the stock. Because it is, the employee who buys the stock is representing the corporation which is his principal. So this is a principal to proxy trust case. Assuming no fault in appointment or monitoring and that it was otherwise not foreseeable by any relevant agent of the corporation, the moral responsibility distributes to the individual employee. His position in this case is the responsibility magnet. Similarly for other roles violating directives and policy when acting in the name of the institution.

¹⁴ Decision procedures registering negative judgments introduce complications. In many circumstances we do not blame those who, for example, vote against a harmful course of action, or the appointment of someone to a position in which he or she will do great harm. Those who vote against make a causal and constitutive contribution to the decision. But importantly their contribution opposes the decision which will bring about harm. Imagine two sets of people pushing on a bolder, some of whom were trying to push it off a cliff to crush a house, and some of whom are trying to prevent it. Those trying to prevent it are contributing to the vector sum of forces on the bolder. But their contributions are aimed at canceling out the contributions of those trying to crush the house.

8. Responsibility Shelters in Institutional Action

I said above that responsibility shelters lie in the shadows cast by roles that are responsibility magnets. Take decision-making roles as an example and return to the case of my assigning someone a power of attorney to handle my finances. *If I have exercised due diligence in my assignment of a power of attorney and could not have reasonably been expected to anticipate that my proxy would go rouge*, then responsibility accrues to him for the harms he brings about. His *taking responsibility* to act in my name within appropriate limits shelters me from responsibility for the harms that he brings about knowingly or harms that he could be reasonably expected to have known would be consequences of his actions. When the reasonable trust I have placed in him is violated, the fact that he then bears responsibility at the same time shields me from it. I lie in a responsibility shelter with respect to his wrongful actions, even though he represents me, because he takes on the responsibility to do so within the bounds of the authority I have tendered him. Here the shelter lies in the wake of the actions of my representative, upstream, so to speak.

A different case is one in which I bear responsibility rather than my proxy because I direct him to do something I know will bring about harm though he does not. Here we focus not on principal to proxy trust but on proxy to principal trust. Take a case involving an individual as principal.

Proxy to Principal Trust

Drew accepts the role of spokesperson for Caden with the reasonable expectation that Caden will not require her to engage in activities that are illegal or immoral, and this is mutually understood. It is then an aspect of Caden's role responsibilities that he not direct Drew to do anything that he has reason to believe (or should know) will or is likely to contribute to illegal or unethical activities. Caden directs her to assert something in his name that he knows to be false and has reason to believe will lead to political violence. Drew is not in a position to recognize this. Drew has reasonably (and faultlessly) entered into a relation of moral trust with Caden as his spokesperson. Caden understands her expectations, and he has taken care not to let on that he expects her actions in his name to lead to political violence. He thus takes on responsibility for knowingly directing her to act in his name in a way that will lead to harm.

Though Drew's actions in representing Caden play an essential role in the causal chain that leads to harm, it is Caden who is morally responsible for it. Caden's role is the responsibility magnet. (Similarly if Caden does not intend or foresee harm but should have foreseen it.) Here it is Drew who is sheltered from responsibility, even though her contributions lie downstream from Caden's decisions and play an indispensable role in bringing about the harm.

These points carry over to the institutional context. Malfeasance in institutional roles likewise casts shadows (potentially) in two directions. Consider someone vested with the institutional authority to make decisions regarding certain matters that commit the institution to action. This will inter alia lead to those in related compliance roles to carrying out the

decisions. Suppose that this decision maker ('the rogue') makes decisions which foreseeably lead to or risk harm from institutional action and harm results.

First, in the upstream direction, anyone who plays a directing, authorizing, or decision-making role with respect to the rogue is *presumptively* sheltered from moral responsibility for the harm that the rogue brings about in violating her responsibilities to constrain her decision within the bounds of legal and moral principles. Second, in the downstream direction, those in compliance roles with respect to those decisions that violate moral constraints likewise *presumptively* occupy a responsibility shelter with respect to the foreseeable (to the rogue) consequences of those decisions.

The responsibility shelters in the upstream and downstream directions derive from the formal assignment of responsibility for making good decisions to the rogue actor. All participants in the institution (given the focus on moral institutions) collectively accept that all roles are bound by these constraints, and thus each places moral trust in the others. When someone has authority *over* others, she directs trust toward them to carry out their roles responsibly. When she is *under* another's authority, she trusts them to direct her in activities in a responsible manner. This is a consequence of the division of labor in the institution. For the division of task labor is at the same time a division of moral labor. Just as not everyone can undertake to do every task in a large organization, not everyone can attend to what constrains moral principles put upon carrying out various subtasks, including those involved planning and making decisions. Those relying on proxies to carry out tasks must trust them to act responsibly in carrying out the task as they must trust them to do it in the first place. Those who carry out tasks directed by others must trust them (those directing them) to do so competently and to act in a morally responsible manner.

The practical effect is that when an agent in a role relies on someone to whom she stands in an authority relation, some of the epistemic burdens involved in discharging one's moral responsibilities are shifted. The nature of the burdens shifted depends on the direction of the authority relation. The principal who trusts a proxy to carry out a task responsibly must have first determined that the task is itself responsible in the sense that it can be carried out responsibly. However, whatever the task is, there will almost always be some decisions about how to execute it that fall to the proxy. There is a great deal of autonomy when it is a major decision-making role, e.g., determining what projects a corporation will undertake and what large-scale means will be employed. But even for small tasks, decisions have to be made in light of circumstances. The moral responsibility for estimating risks and making appropriate decisions rests in the first instance with those executing those tasks and roles, and others are not expected, as they might otherwise be, to undertake those burdens. Principals must rely on proxies to undertake appropriate precautions and exercise responsibility in carrying out their tasks, and they are not responsible for doing so for the proxies. Correspondingly, those who are in compliance roles relative to decision makers are not responsible for investigating the risk of harm of their actions (except at a level of detail that would be below the planning level of the decision makers whose instructions they are following), and they are expected to rely upon the decision maker to exercise appropriate caution. In each case, there is a shifting of epistemic burden. The responsibilities of each role dictate what care must be taken in their execution. Others who rely on them are not responsible for discharging those responsibilities.

Still, those relying on others who fail in the moral division of labor are only *presumptively* sheltered from responsibility. They do not shed their individual moral duties altogether. While they must rely on others in a division of labor in representing the institution, they must be reasonably assured that their moral reliance on others is justified.

If agents occupy compliance roles downstream from a decision or direction, their being sheltered from upstream decisions that lead to harm depends on their not knowing, or not being in a position to reasonably expect, that the directives they carry out will lead to or risk harm. If they become aware, or it is already obvious that the decision is likely to lead to harm, the plea, "I was only following orders," is not an adequate protection. The concentration camp guard does not make decisions about how the camp operates, but if he knows or should know what its purpose is, he does not escape responsibility for aiding it. Thus, for someone in a compliance role to be sheltered from responsibility for harms three conditions must be met:

- (a) she is in a compliance role with respect to the direction to undertake the task,
- (b) she is entitled to rely on the correct performance of the agent directing her, and
- (c) she does not have available information that makes reasonably salient that the task will lead to or risk harm.

This means they do not have the institutional responsibility to investigate whether the decisions are likely to lead to harm or to think it through. They discharge their responsibility in this respect by having a reasonable expectation that proper care will be taken by those making decisions that they carry out.

If agents occupy upstream authority roles over proxies, their being sheltered from malfeasance by the proxies also depends on certain conditions being met. First, if they know or it could have been reasonably expected that the proxy would engage in malfeasance if assigned the task or would undertake it irresponsibly before the task was assigned, that the proxy violates his role responsibilities does not excuse the principal. Second, if they learn after assigning the task that the proxy uses her authority in ways that violate moral constraints on her role, then if they do not exercise their authority over the proxy (to whatever extent they have it) to prevent further harm, they are not sheltered from responsibility *continuing* harm. Thus, for a principal to be sheltered from responsibility for harms a proxy she directs brings about, these five conditions must be met:

- (a) she has authority over the proxy,
- (b) she exercises her own responsibility in directing the proxy correctly,
- (c) she is entitled to rely on the correct performance of the proxy,
- (d) she could not have known reasonably ahead of time that the proxy would engage in activities in his role that would bring about or risk harm,
- (e) she does not learn or could not reasonably have known that the proxy engaged in activities that would bring about or risk harm, or, if she becomes aware, she exercises her authority to prevent further harm to the extent possible.

As these points illustrate, someone occupies a responsibility shelter always in relation to someone else (or some group). The nature of the responsibility shelter depends on the nature

of the relation. One person may fall into different responsibility shelters with respect to different agents. Someone may be in a compliance role with respect to some others in an institutional structure, but in decision-making or oversight roles with respect to others. One may likewise be in a responsibility shelter with respect to some harmful action but a responsibility magnet with respect to another.

Epistemic roles do provide downstream responsibility shelters for those relying on errors that should have been corrected, provided that they have no reason to suspect error. And conversely those in epistemic roles lie in a responsibility shelter with respect to actions that misuse or ignore the information that they provide.

In contrast, oversight roles (as such) do not typically give rise to downstream responsibility shelters. Other role players in an organization do not take positive action at their direction. Someone in a position over which oversight is exercised may violate her responsibilities, and the oversight may be lax, but the laxness of the oversight does not typically excuse or ameliorate the responsibility due for the failure.¹⁵ Oversight roles, even exercised with adequate care, are not proof against those in roles overseen violating their responsibilities. In these cases, they are in responsibilities shelters with respect to the harms brought about. In general, acting responsibly in one's own role, when one could not reasonably be expected to know others are not, provides a responsibility shelter with respect to the harms the failures of others bring about. See Figure 7 for a summary.

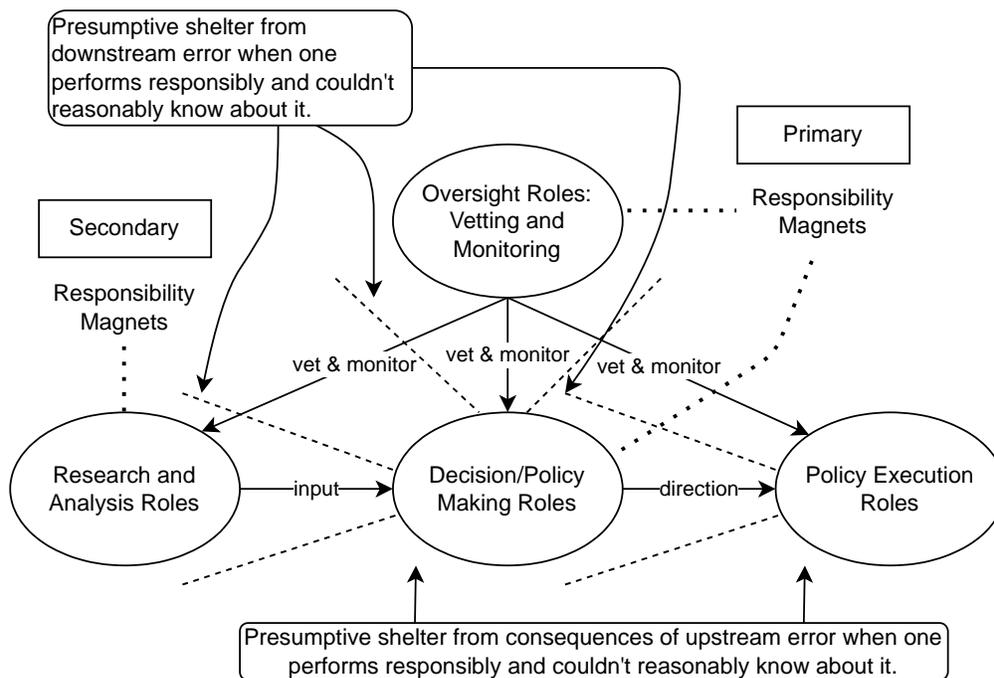


Figure 7: Responsibility Shelters

¹⁵ When harm results from lack of skill or competence required for a task, and the assignment reflects a failure of responsibility for someone in an oversight role; if the person performing the task is non-culpably ignorant of her lack of competence, she lies in a responsibility shelter and blame flows to the oversight role.

9. Summary

A key difference between the responsibilities of members of unorganized collectives and institutions lies in a formal division of labor realized in a network of interdefined status roles. For institutions understood to constrain their activities by moral principles, the formal division of labor induces a corresponding division of moral labor. Much institutional work is carried out through proxy agents whose actions represent the institution and consequently license attributions of institutional action. It is in response to attributions of institutional action that lead to (foreseeable) harm that we assign moral blame to institutions. The practical effect is to draw attention to proxy agents in the institution who act in its name. Responsibility magnets are those proxies whose contributions violate moral responsibilities of their roles and lead to harmful institutional action. For in accepting the roles, the proxies provide formal assurance of appropriate role performance, including adherence to moral constraints. Responsibility thereby transfers to them for the consequences of carrying out their role functions. This is the mechanism by which they become magnets for responsibility. Basic categories include decision making, providing information to inform decisions, vetting assignments, monitoring performance, and carrying out directives and policies. Responsibility shelters are understood in relation to responsibility magnets. Generally, those who faultlessly rely on proxies to whom responsibility has been transferred are presumptively sheltered from blame when harm occurs as a result of the proxies' actions. For example, those downstream from decision makers who direct an institution to undertake harmful action are presumptively sheltered from blame for the consequences. Similarly, someone who faultlessly relies on another to carry out a task is presumptively sheltered from blame for the failures of responsibility of the agent she relies on. Responsibility shelters are not absolute, however. Those relying on proxies must not place their trust in them recklessly and they must not be in a position to reasonably foresee that harm will result from assigning them a task or role, or from carrying out directions from another, or from relying on information provided in making a decision. And if they become aware that harm is occurring or is risked, they must not continue to contribute and they must exercise what authority they have to bring it to an end.

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