Non-identity and Collective Responsibility for Past Harms

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ABSTRACT Axel Gosseries, in his *What is intergenerational justice?*, claims that no harm can be caused to future individuals because of the non-identity problem. He does not discuss possible harm to groups, but, supporting an individualistic stance, he seems to imply that groups are mere aggregates of individuals, from which it can be concluded that he would also deny the possibility of harming groups. Drawing on contemporary debates on individualism and holism as well as the continuity of nations, this paper shows that nations are real, independent, and long-lived entities to which harm can be caused even without harming any of their present or future members. Thus, in some cases, where one long-living group harms another, there might arise a moral duty to compensate.
KEYWORDS Intergenerational justice, non-identity problem, Individualism vs. holism, group agency, group harm, moral compensation.

RESUMO Axel Gosseries, em *What Is Intergenerational Justice?*, afirma que nenhum dano pode ser causado a indivíduos futuros por causa do problema da não identidade. Ele não discute a possibilidade de dano a grupos, mas, ao defender uma posição individualista, parece sugerir que os grupos são meros agregados de indivíduos, do que se pode concluir que ele também negaria a possibilidade de causar dano a grupos. Com base em debates contemporâneos sobre individualismo e holismo, bem como sobre a continuidade das nações, este artigo mostra que as nações são entidades reais, independentes e duradouras, às quais se pode causar dano mesmo sem prejudicar nenhum de seus membros presentes ou futuros. Assim, em alguns casos, quando um grupo duradouro prejudica outro, pode surgir um dever moral de compensação.
PALAVRAS-CHAVE Justiça intergeracional, problema da não identidade, individualismo vs. holismo, agência de grupo, dano a grupos, compensação moral.

0. Introduction

This paper addresses a potential oversight in Axel Gosseries's (2023) *What is intergenerational justice?*, in which he uses the non-identity

problem to show that no harm can be caused to future individuals. From this, he concludes that it is impossible to harm future generations, which he sees as mere aggregates of individuals. Additionally, another claim made by Gosseries suggests that no individual has a moral duty to compensate the descendants of those who were harmed by their ancestors, because one should not be held responsible for actions against which one has no control. Gosseries does, however, recognize a duty of distributive justice.

This paper shows that some long-lived groups, such as nations, are real agents that are ontologically distinct from their members rather than mere aggregates of individuals. Certain actions by such a group can harm a group that exists now and will exist in the remote future while not harming any of its members. If this is true, the non-identity problem is circumvented, and the harming group can surely have a moral duty to compensate even if no individual within either group can be said to personally owe or be owed compensation.

1. What is the problem?

Gosseries accepts what I call the No Obligation to Compensate Thesis (hereafter, Thesis): Current generations of nations whose ancestors have wronged the ancestors of other nations do not have any moral obligation to compensate for their ancestor's wrongs. This *Thesis* is supported by the *ought implies can* principle, the non-identity problem, and individualism.

The *ought implies can* principle, which the Thesis is primarily supported by, suggests that one cannot have a moral obligation to compensate for an action, if one is not able to do it. For instance, we are not morally obligated to compensate for acts committed before our birth, such as the murder of someone's ancestor centuries ago.

For an individualist like Gosseries, the non-identity problem also supports the Thesis. It suggests that no matter how bad our actions are, they cannot harm future individuals since different choices would result in different people being born. Gosseries recognizes the possibility of harmless injustice, but he notes that actions determining the identity of a future person are unjust primarily if that person's life is not worth living (Gosseries, 2023, p. 39). This suggests a duty to compensate a future

person only if their life is so bad it is not worth living. Arguably, few people's lives are so bad.

Finally, Gosseries adopts an individualistic stance, according to which groups are mere aggregates of individuals. He does not even discuss the possibility that some groups may be real and it is possible to, even without harming specific individuals, harm a group of people that will exist in the remote future.

The Thesis may be unavoidable if we accept all these points. I have little to add about the non-identity problem or the *ought implies can* principle, which Gosseries employs masterfully. But below, I show that his individualism is unwarranted.

2. Are some groups real?

In this section, I discuss individualism and holism as theories. To show the viability of holism, I discuss the concept of group agency, the relationship between individual and collective intentions and actions.

Whether groups can be more than the aggregates of their members and count as collective agents is hotly debated (Gilbert, 1990; Narveson, 2002; List & Spiekermann, 2013; Tollefsen, 2015). There are, undoubtedly, different types of groups, such as mere aggregates (e.g., all redheads), more than mere aggregates but less than collective agents (e.g., ethnic groups), and collective agents (groups capable of performing a joint action) (Moore, 2015).

There seem to be good reasons to believe that all groups are mere aggregates. After all, groups do not have experiences, thoughts, or feelings and are composed of individuals. Narveson (2002) rejects the idea of group responsibility, saying that group actions can be reduced to every individual's contribution to them, making the individuals the bearers of the responsibility.

Methodological individualists argue that accepting groups as independent entities is methodologically redundant. By assuming that all higher-level social phenomena or entities (e.g., revolutions or nations) can be explained on an individual level, they claim that there is no need to accept the ontological existence of abstract entities like groups. After all, if groups can be explained by individuals' beliefs, values, or actions, then groups can very well be, ontologically, nothing more than aggregates of individuals.

However, not all social events can be viewed simply as "by-products of individual behavior" (List & Spiekermann, 2013, p. 629), and some groups are believed to be real agents. This does not imply that groups possess collective minds, consciousness, or emotions. A group is '*real*' if it is separate from and irreducible to the aggregate of its individual members' intentions, actions, etc. Individuals may, indeed, be the ultimate elements of a group, and it is the individual-level interactions that give rise to collectives, however, this does not imply that all phenomena can be explained by individual properties or that individuals are the only units of ontological or moral concern. Individuals have experiences and emotions not in isolation from their community but because they share identities, interests, and relationships with their communities as members rather than individuals (Moore, 2015).

Group intentions do not have to match the personal intentions of individual members (Gilbert, 1990). A group of colleagues may hold a vote to decide between two alternative projects to be pursued. Here, the group's intention is choosing the future of the organization. Yet, the intentions of each individual member may be different (such as contributing to a collective decision or simply leaving the impression of a respectful colleague).

Some can argue that shared intentions are interrelated individual intentions with the presence of common knowledge about the group intention (Bratman, 1993). This can imply that group intentions are coordinated individual intentions and contributions, with the knowledge about other members' intentions to reach the same outcome. For example, a football game occurs because each individual intends to play, knowing that others also intend to play and knowing that others know that he intends to play. However, this argument ignores the interdependency and commitment among members of one group. People play football as a team by not only coordinating their actions but by playing *together*. Group action emerges when all participants see themselves as parts of a common subject (Moore, 2015). Their intentions are about the collective rather than themselves.

Similarly, when a group is a real agent, its actions are not a mere aggregate of individual actions. When a team plays football, the actions of individual players do not add up to a single group action. The group may perform a single action, such as a counterattack, while the individuals perform different actions: one might intercept the ball, another might block an opponent, etc. In this case, the group action is relatively

independent from the individual actions. Even if an individual failed to perform her action, the group action might still be a counterattack.

These examples show that even for small groups, like a football team, it is, at least, difficult to account for group intentions and actions as mere aggregates of individual ones. The prospect of doing so for vast communities is even more challenging. This suggests the group is an independent agent, irreducible to individual agents (Gilbert, 2002).

Moreover, not only are some groups agents, but they are also proper subjects of moral concern. Groups, indeed, lack conscious experiences such as emotions and desires, but even so, they can be welfare subjects (Bradford, 2022). They have interests, such as protecting common values, that have a *transcendental* moral significance, beyond the existence of currently existing or yet unborn individual members. As Lyon (2022) argues, the "future-relevant causal importance" makes "supra-individual phenomena like social groups" morally relevant and units of normative concern (p. 557). Nations, being long-lived groups, possess such transcendental values that persist through generational change. Because these collective attributes can be harmed or sustained independently of individual welfare, groups can be genuine bearers of moral concern.

Thus, some groups are real agents that are capable of forming their own intentions and performing actions. Additionally, they also have a moral status, moral rights, and duties and are subject to moral concern.

3. Can nations survive over time?

In this section, I show that nations are real and independent entities rather than aggregates of individual members. I also argue that nations can survive a change in their composition while remaining the same nation. In other words, I argue that nations are *temporally-extended* entities. As nations are real and can harm or be harmed, they may also have both a duty to compensate and a right to demand compensation.

Referring to large groups of people as one entity is common. Consider the following examples: 1) "The Spanish lived in the Iberian Peninsula for millennia," 2) "The Russian army invaded Ukraine on February 24, 2022." Not only are such claims widespread, but they also are sometimes true.

The debate, however, lies in whether groups like *nations* are ontologically real or mere aggregates. Anderson (2006), for example, argues that

nations are merely imagined political communities because in no nation do all individual members know each other, yet they share an image and identity of a community. Indeed, in no nation do all members know each other, but it does not make their belonging to the same group any less relevant. One would hardly claim that statement 1) above is false because people in Iberia did not know each other. Likewise, it would be absurd to deny the Russian invasion by claiming that Russian soldiers did not personally know each other.

Some scholars defend the reality of groups, though they disagree on when a group counts as a genuine agent. Moore (2015) considers a 'people' to be a collective agent consisting of individuals with a common recognition of their co-members, who are mobilized to reach a "common political project" and have a history of cooperation (p. 50). The historic cooperation ensures solid relations between the members, which allows them to have rights and duties they would not otherwise have. Individuals perceive all other members as a part of the group with a common vision of a collective. Nations have a shared historical background, unifying institutions, and collective identity that unites the members not only through values but also through real-life connections. Belonging to such a group gives rise to special rights and duties among members of a nation (such as paying taxes or caring for each other).

Individualists, of course, argue against this idea. Narveson (2002), for example, argues that all groups, including nations, are mere aggregates of individuals, bringing the example of wars, which, despite being fought between nations, are the results of individual acts. Single leaders, soldiers, and other military personnel have their own individual contributions, without which war cannot exist (Narveson, 2002). It is, of course, true that wars require individual actions, but this does not mean that wars can be reduced to individual intentions or actions. Their actions make sense only within the framework of structured, coordinated, and interdependent actions guided by a common political entity. If we tried to explain wars through individual contributions, we would miss the essence of war, and a group of people engaging in violence would be called warriors.

Not only are nations real, but they are also historical entities that can survive a change in their composition while remaining the same over time. Members of nations are "engaged in a relationship that is temporally extended—both with a history and with (in normal cases) the expectation of a future" (Moore, 2015, p. 48). Group agents differ

from one another and from other random groups of individuals by their identity. Members of a group share a distinct group identity, which can be maintained despite the members of the group undergoing cultural, demographic, or any other significant change which would be "non-threatening" to their identity (Moore, 2015, p. 58). They mostly have a shared historical background and shared expectations of the future, which strengthens the interconnection between members and creates a sense of identity and belonging, showing their commitment to the group as members rather than individuals. Collective attributes belonging to nations, such as culture, identity, values, collective memory, and political culture, can pass down generations, even if all members change.

Consider the case of Egyptians demanding the return of the Rosetta Stone from the British Museum. Even if one considers this demand unjustified, I may only hope that one sees this demand as having a better standing than if Egyptians demanded the Oxus Treasure. And why would the demand for the Rosetta Stone be more justified if not because modern Egyptians are seen as the cultural and historical descendants of Ancient Egypt?

Moore (2015) further argues that collective identities of those who are parts of the same religious or ethnic group are "integral to their sense of who they are" (p. 40) and that the group distinctiveness is within the identity rather than separate values or attributes. A change in lifestyle, practices, or group composition does not dissolve the group identity. To show this, she invokes the example of Quebec, which, even after experiencing a rapid change during the 1960s, shifting from an agrarian and Catholic society to an urban and secular one, adapted to the change while remaining the "same (identity) group" (Moore, 2015, p. 58). Because generations overlap, no next generation is born and raised independently from current values and identities, and, as a result, no matter what surface changes the generations face, these identities maintain their continuity in time.

In short, nations are not imagined communities but real agents that can persist through changes, maintain their identity through generations, and bear moral rights and duties. Because nations are *historical*, a nation can live on the Iberian Peninsula for millennia while another expects millennia old Rosetta Stone from another.

4. Harming a long-living group and the duty to compensate

Thus, nations have collective identities that may survive for centuries and are valuable in themselves. An action can harm a nation by causing harm to its identity and collective values, such as language, traditions, etc. As nations are *historical* and remain the same throughout time, the non-identity problem can be circumvented. Even if no future individual has an obligation to compensate for wrongs committed by their ancestors and no future member of the harmed group has a right to demand compensation, the surviving harming group may have a duty to compensate for the harm it caused the other surviving group. For example, even if no British has a duty to return the Rosetta Stone to any specific Egyptian, and no Egyptian has a right to demand compensation, Egypt may have the right to demand, and Britain may have the duty to return the artifact.

Let me illustrate this further. One might argue that future individuals exist thanks to the harmful actions currently caused to collective values. For example, the ethnic cleansing of Nagorno-Karabakh Armenians in 2023 may result in the birth of a cohort of Armenians that would not otherwise be born. These newborns, if their lives are worth living, would have no grounds to claim they were harmed, but the collectively held values and culture were harmed. Even if future Armenians are not personally worse off, being a part of the same enduring nation with the same identity, and thus being the victim, they may demand compensation from the descendants of perpetrators, if there were such a group in the future. As the ethnic cleansing was realized by a collective agent (Azerbaijan) and not by individuals, individual Azerbaijanis today or in the future may have no obligations to compensate, but Azerbaijan (as a group) may still be liable.

Therefore, in cases where the harming and the harmed groups are both long-lived, compensation might be morally required, even if no individual is liable or harmed. This suggests that justice between long-lived agents like nations should not be reduced to questions of individual responsibility or distributive justice alone.

5. Conclusion

This paper argues that some groups, like nations, can be real and lasting agents. Moreover, groups, as such, are subjects of moral concern: they may have moral obligations and rights. Some groups may harm others without necessarily harming any present or future individual members. If this is true, a group that harmed another may have an obligation to compensate the current generation of the group that was harmed.[1]

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