The previous chapters set out in detail an ‘emergence’ account of corporate responsibility, which satisfied our three conditions for moral responsibility. The conditions chosen reflected a fairly intuitive notion of moral responsibility derived from our experience of making moral assessments of individuals. Nevertheless, it is clear that there are certain complications in seeking to map this notion of responsibility directly onto collective entities, so as to apply collective responsibility in practice. In this chapter, I shall therefore explore this issue to clarify the sense of moral responsibility that applies in corporate cases.

I shall then consider some potential challenges to this sense of moral responsibility. We have already considered individualist counterarguments in the context of each condition for moral responsibility, but we must now consider whether – quite apart from issues of agency, control, and intentions – there is something specific to moral responsibility itself that resists a collective interpretation. Individualists would commonly hold, for example, that if blame is justifiable in a particular case, it must be the case that some individual deserves it (cf. Wolf, 1985).

The clearest way to explain the sense of responsibility that applies to corporations is to contrast it with other forms of collective responsibility. I shall do this using a taxonomy proposed by Joel Feinberg.

**Feinberg on moral responsibility and fault**

Feinberg’s account was formulated in the context of asking when it is appropriate to impose sanctions on persons who are responsible for harms. Given that my main concern in this book is with how to analyse certain harms that arise as a result of collective action – although similar principles might apply to benefits or acts of merit – we might expect...
this account to be applicable to the cases we have been considering. For example, it might be relevant to the question of whether a company can be responsible for harms in a sense that makes legitimate certain responses – such as resentment, blame and a desire to impose punishment (in other words, ‘reactive attitudes’ in keeping with the holist intuition). We often see such responses directed at a company itself, such as the examples of the BP oil spill and racism in the MPS discussed earlier, where the emphasis of public responses seemed to be directed towards the organisation rather than individuals. I shall now consider how Feinberg’s account of different types of collective responsibility can explain the circumstances in which such responses are appropriate, and the way in which these connect to a group’s capacity to satisfy the conditions for moral responsibility. This will help elucidate the corporate case itself, and help us see why our intuitions about other cases are prone to differ.

Feinberg’s position is that there can, in general, be no such liability without ‘contributory fault’ in the following sense: In the typical case of individual liability, three conditions must be satisfied in order to licence unfavourable responses from others:

- It must be true that the responsible individual did the harmful thing in question.
- The causally contributory conduct must have been in some way faulty.
- The requisite casual connection must have been directly between the faulty aspect of his conduct and the outcome.

Feinberg uses the term ‘contributory fault’ to refer compendiously to these three conditions (Feinberg, 1970a, 222).

Note that ‘fault’, in the sense in which Feinberg uses it, echoes the legal sense of neglect of care – an act to which blame or censure is attached due to negligence, error, or defect of judgment – a definition that is closely connected with intention, or mens rea (cf. Black’s Legal Dictionary or Words and Phrases Legally Defined). Behaviour is generally considered to be faulty, in this sense, where either agents have failed to attend to relevant normative considerations (when they were able to do so) or agents have knowingly acted contrary to such standards. This sense of fault seems distinct from the sense in which a watch or kettle could be ‘faulty’.¹

There are a range of cases in which we intuitively wish to ascribe these sorts of faults to companies: for example, sloppy attitudes to health