

## ORIGINAL ARTICLE

# Groups as intergenerational agents: Responsibility through time and change

Janna Thompson 

Department of Philosophy and Politics, La Trobe University, Melbourne, Victoria, Australia

## Correspondence

Janna Thompson, Department of Philosophy and Politics, La Trobe University, Melbourne, VIC, Australia

Email: j.thompson@latrobe.edu.au

## 1 | INTRODUCTION

Laws and political conventions impose intergenerational obligations on states and corporations. Germany finished paying reparations for World War I to Allied nations in 2010 and has been making payments to Jewish survivors of the Holocaust for over six decades. The corporation James Hardie continues to pay compensation to former workers and their families for its failure to protect them from dangers of exposure when it mined asbestos in Australia back in the 1950s. New Zealand is responsible for settling claims made by Maori communities in accordance with the provisions of the Treaty of Waitangi signed by the British Crown and Maori chiefs in 1840.

Four assumptions play a critical role in practices that assign these obligations. The first is that states and corporations count as agents with moral as well as legal responsibilities. By paying reparations for World War I, Germany was fulfilling a requirement of international law. James Hardie was compelled to pay victims of asbestos exposure as the result of court decisions. But these legal requirements correspond to, and underwrite, the moral assumption that agents ought to keep their commitments and pay reparations to victims for the unjustified harm that they did. We may have doubts about some decisions imposed by law. Perhaps international conventions concerning war reparations are morally questionable. But the assumption that states and corporations are agents with moral obligations is basic to beliefs about what we can demand of them.

The second assumption is that the moral obligations of these groups persist through changes of membership and the retirement and death of leaders and officials who bore responsibility for the existence of the obligations. Germany is paying reparation to Holocaust victims because of what the Nazis did. James Hardie is responsible for compensating victims of asbestos exposure because past company decisionmakers wrongfully failed to protect them. New Zealand continues to be responsible for fulfilling the terms of a treaty made by British officials in the 19th century.

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The third assumption is that some of the obligations incurred by these group agents are not subject to a statute of limitations and have no specifiable temporal endpoint. “A treaty is intended to be of perpetual duration and incapable of unilateral termination,” says an expert on international law (McNair, 1961). Reparative demands are sometimes made for injustices that happened over a century ago—for example, slavery in the United States—and no temporal limit can be imposed on how long such demands can legitimately be made. Conditions change that make treaties irrelevant or unfairly onerous, reparative demands can be superseded by historical developments or the needs of present people. But until change of circumstances or moral considerations justify their supersession, obligations of intergenerational agents persist.<sup>1</sup>

The fourth assumption is that a group agent can be required to take over the responsibilities and debts of its predecessor. The Treaty of Waitangi was made by the British but responsibility for it passed as a matter of course to New Zealand when it became an independent country. If one company takes over another, if states amalgamate or undergo secession, successors are likely to become responsibility for at least some of the debts, financial or moral, of their predecessors. Since these responsibilities can be burdensome and persistent, it is important to explain how and why they can exist.

The customary assumptions, though embedded in political and corporate practices, raise metaphysical and moral issues. They not only presuppose that groups like states and corporations are moral, as well as legal, agents. They raise questions about how entitlements and obligations are able to persist through political transformation and generational changes of membership, and what justifies their being passed on from one group agent to another. They make us wonder why present members—present-day Germans, for example—should be required to bear a burden for what was done in previous generations. My aim is to defend the conventional assumptions by an appeal to the moral purposes that intergenerational agency serves. I will first explain why the commonly used analogy between natural persons and group agents causes difficulties when agents and their responsibilities are intergenerational. I will then explain why “temporally trustworthy” group agents ought to exist, why members ought to accept their requirements, and how the obligations of a group agent can persist indefinitely through the generations despite the changes, sometimes radical, that it undergoes.

## 2 | THE NATURAL PERSON ANALOGY

Most philosophers who defend the view that some groups count as moral agents make use of an analogy that regards human individuals as exemplars of moral agency and considers whether any groups are enough like these natural agents to count as moral persons. French (1979) argues that corporations count as moral agents because their internal structures enable us to predicate intentions and decisions to them as we do of natural persons. List and Pettit (2011) claim that some groups, including states, are like individuals in having desires, beliefs, and intentions, and like them count as morally responsible agents. Goodin (1995, p. 35) says that states are possessed of decision mechanisms that mimic perfectly the capacities that are a defining feature of moral agency in human individuals. “With such mechanisms, the state is indisputable a moral agent.”

Some philosophers have doubts about whether groups are sufficiently like natural persons to count as morally responsible agents (Mäkelä, 2007; Valasquez, 1983). However, in the following, I will assume that French, List and Pettit, and Goodin are right: some groups are moral agents and like natural persons they acquire moral entitlements and obligations. The critical question, then, is whether and how the natural person analogy applies to intergenerational groups.

Group agents, unlike natural persons, may persist for hundreds of years. But it is not hard to show that they have institutions and processes that simulate the capacities of natural persons to make long-term goals and carry out plans for achieving them, to remember their past actions, and to make and fulfill long-term commitments and other obligations. Record keeping, boards, and bureaucracies set up to determine long-term objectives and oversee the process of fulfilling them, and, in states, a constitution, a body of law, and a legal system based on precedent are mechanisms that enable intergenerational agents to fulfill objectives and obligations that persist beyond the terms of present officeholders and even the lifetimes of present members.

### 3 | THE NATURAL PERSON ANALOGY AND THE PROBLEM OF IDENTITY

An appeal to institutional structures is not sufficient to explain or justify customary assumptions about the moral and legal responsibilities of intergenerational groups. The natural person analogy plays a critical but problematic role in discussions of group agency because it is not only used to explain why some groups count as agents. It is also supposed to explain how their responsibilities can persist over time and change. Natural persons are morally responsible for what they do (providing they are not justifiably ignorant, insane, or compelled to act) but not normally for what others do.<sup>2</sup> This makes an agent's responsibility for actions done in the past depend on her continued existence through time—her personal identity. We generally have no difficulty identifying a natural person through the stages of his existence. We can appeal to physical, psychological, and/or narrative continuity as criteria of identity. Philosophers have different ideas of which we should rely on in difficult or hypothetical cases. But for practical purposes, these criteria, singly or together, allow us to make judgments about a person's identity over time and change that are not likely to be challenged.

The natural person analogy makes it difficult to account for the way in which the commitment or debt of one group agent can become, as a matter of course, an obligation borne by a succeeding group agent (as in the case of New Zealand's acquired responsibility for fulfilling the terms of the Treaty of Waitangi). But the more serious difficulty with attempts to apply the natural person analogy to intergenerational agents is that there are no reliable criteria for determining whether an agent at one time is identical to an agent at a later time.

We do not have to invent hypothetical cases to appreciate the difficulty. Germany in World War I was a monarchy including territory that now belongs to Poland and Russia. After the War, it became a democratic republic until the Nazis took over the government. Nazi Germany in all its institutions and procedures reflected the will of Hitler and his cronies. The Federal Republic of Germany, established in western Germany after World War II, was a democracy and its constitution reflected its democratic values and commitment to human rights. The German Democratic Republic was a communist state in eastern Germany. Today's Germany is a democratic republic including the citizens of the former communist state. Given these fundamental changes in institutions, form of government, aims, demography, and geography, how can we be sure that present Germany is the same agent as the Germanies of the early- and mid-20th century? But if it is not the same agent then, according to the natural person analogy, it bears no responsibility for the deeds of these earlier states. This problem of identity and responsibility exists whatever metaphysical position we take on the relation between the actions of the group agent and the actions of its members.

The problem of finding criteria of identity for an intergenerational agent is not merely a matter of determining how much institutional change is compatible with the continued identity of a group. The basic difficulty is determining what we should pick out as criteria in the first place. Should we focus on constitutional or legal structure, on basic aims, forms of government, territory over which authority is exercised, or on the culture of the citizens? Whatever we choose is likely to prove problematic—as the history of the state now called Germany demonstrates. Because there are no obvious criteria, doubts about agent identity can be raised even when changes have not been so radical. If the United States owes reparation for slavery, then the natural person model requires us to assume that it is the same agent today as it was in slavery times. But it could be argued that the changes that have occurred in the constitution, laws, and politics of the country are significant enough to make continuity of identity problematic. There is no obvious way to resolve this problem, and if we try to solve it by saying that an agent can pass on its obligations to another agent which is then obliged to accept them, we have abandoned the natural person analogy and the means for assigning obligations that it provides.

## **4 | MEMBERSHIP DUTIES AND INDIVIDUAL RESPONSIBILITY**

The problem of identity is not the only difficulty resulting from the application of the natural person analogy. If a group is to satisfy the requirements for being an agent, then its members must accept what Collins (2017) calls membership duties. They must see to it that their group is able to make decisions and carry them out. They must accept and act according to their assigned roles in the group and they must bear whatever burdens arise from obligations incurred by the group. What makes members morally obliged to accept these burdens is a basic philosophical issue raised by any account of group agency, and the natural person analogy provides no satisfactory way of answering it. It assumes that natural persons bear moral responsibility for what they do, and it is used to claim that groups can also be agents with obligations of their own, but it does not explain how individual responsibility can be reconciled with membership duties that must exist if a group is to be a morally responsible agent. There is a fundamental tension between a moral philosophy that makes individuals responsible only for their own acts and the requirements of group agency. The tension is particularly acute when members are expected to accept responsibilities for acts done by their group agent before they became members or even before they were born. Liberal philosophers are especially likely to object when these burdens are imposed on members who never had a chance to consent—as is the case for most citizens of states. But even people who join groups voluntarily, as do employees and stockholders of a corporation, seem entitled to ask why they should be required to accept membership responsibilities arising from actions and decisions made by others, perhaps many years in the past.

The problem of reconciling individual responsibility with intergenerational agency is clearly not solved by giving members collective responsibility only for decisions they could have participated in making. It is also not adequately dealt with by claiming that the burdens of agency are justified by the benefits present members receive from the past actions of their group. It is true that injustices often benefit heirs and successors. Infrastructure built by slaves exists all over the United States, and many families are undoubtedly still benefitting from the riches resulting from slavery. However, not all injustices produce benefits, and it cannot be assumed that they will inevitably do so. It would be difficult to explain how present Germans have benefitted from what the Nazi government did, and we can question whether present Americans have benefitted from

slavery when we take into account political and social problems resulting from slavery and its aftermath. Moreover, it is a matter of debate why benefits received non-voluntarily by members require the acceptance of membership duties, especially if there is a question about whether their group agent is identical to the one that committed injustices.

The natural person analogy assigns responsibilities to individuals in a way that is at odds with their duties as members of intergenerational agents, and it leads us on an apparently hopeless quest for criteria of identity over time and change. What is needed is a different approach—one that looks for reasons why group agents with obligations that can persist through the generations ought to exist. This is the crucial task that I undertake in the following sections.

## 5 | TEMPORALLY LIMITED GROUP AGENCY

An important difference between natural persons and groups is that natural persons need no justification for their existence. That they exist is enough to give them a moral entitlement to respect. Groups are constructed and maintained by natural persons to serve their purposes and are subject to being assessed according to how well they achieve them. An obvious way of justifying the existence of intergenerational agents and the membership duties they impose on individuals is to argue that they (or, at least, some of them) serve important moral purposes, as well as satisfying members' self-interests. The first stage in this argument is to explain why members have good reason to accept membership obligations of groups whose responsibilities are supposed to persist through long periods of time and changes of membership—why, in other words, they have reason to maintain a “temporally trustworthy” group agent. The second stage is to consider whether they have reason to accept duties that make possible the existence of group agents whose obligations may persist, not only for a long period of time, but indefinitely through the generations despite changes, sometimes radical, to their institutions and aims.

Reasons for imposing obligations on individuals or groups can sometimes be revealed by imagining a state of affairs in which these obligations do not exist. Imagine, then, a community that governs itself through a town council consisting of all adult residents. What the group decides at a meeting is determined by the vote of the majority, providing the procedure satisfies the group's rules for decision-making and avoids inconsistencies. The group assigns duties to members to carry out its decisions and all have a membership duty to respect the decisions made. Let us also assume that the group has a constitution that governs its procedures by detailing the rights of members and their membership duties in respect to making and carrying out group decisions. We will also assume that all members are motivated by the desire to promote the well-being of their community, as well as to protect their own interests. This objective and the group's institutional structure persist as new members come and others go. The group, it seems, can meet all the conditions identified by French, Goodin, List and Pettit, and others for being an agent.

Nevertheless, the group as described lacks what I will call “temporal trustworthiness.” Its agency is temporally limited. The decisions it makes at one meeting impose no restrictions or conditions on the decisions that can be made at future meetings. In making its present decisions, the group has no obligation to continue a course of action initiated at a past meeting, and thus if it decides to reverse a previously made decision, it incurs no blame or penalty. If, for example, the group decides at one meeting to allow a judo club to use the community hall for lessons and at the next, when more people who oppose this use of community facilities attend, it decides to revoke permission, it bears no responsibility for the disadvantages caused to the club and its members. Freedom of members to decide whatever they think best at the meeting they attend

comes with limitations on the group's decision-making scope. A group lacks the authority to make commitments that extend beyond the time of the next meeting. It cannot legitimately give the judo club permission to use the hall for the rest of the year, since within that period, meetings will be held that are free to rescind permission without the need for excuse or compensation.

There are two ways of understanding group identity when agency is temporally limited. If we suppose that a group agent is identified by the decisions for which it is responsible—what I will call its “temporal scope”—then we should say that a new group agent comes into existence with every meeting and ceases to exist when the next meeting is held. Since a newly created group agent is a different agent from previous group agents, we can explain, with the help of the natural person analogy, why it bears no responsibility, legal or moral, for what previously existing group agents have decided or done.

On the other hand, if we focus on the existence of a constitution adhered to in each meeting or on objectives that all members share, then we might be more inclined to say that the town council continues to exist through a succession of meetings. But the group so conceived is different in a significant respect from a natural person. Natural persons are able to make long-term commitments, and they are generally required to take responsibility for unjustified harm caused by their past decisions and actions—even, in some cases, when those wrongs were done much earlier in their existence. The group, on the other hand, has no power to make commitments beyond the next meeting, and it bears no responsibility for the decisions it made at past meetings.

Nevertheless, such a group has its advantages. It places no restrictions on the freedom of those who attend a meeting to make the decisions they think best. They are not bound in any way by what members decided at a previous meeting. This means that the group can respond quickly to the interests of new members of the community and to changes in views about what will promote the good of residents. Moreover, it achieves what some people regard as a democratic ideal. The decisions of the group represent the interests and views of those who participate in the meeting that made the decisions. They are free to change the group “mind” according to their present interests and circumstances without any debt or penalty resulting from their so doing. They can start afresh every time they hold a meeting.

## 6 | TEMPORAL TRUSTWORTHINESS

If a large majority of members of the town council is in favor of the judo club using the community hall, then what will be decided at future meetings is predictable and the club can be reasonably confident of being able to use it in the foreseeable future. But predictability is not the same as temporal trustworthiness. A group agent is temporally trustworthy if and only if it bears long-term moral and/or legal obligations resulting from some of its decisions and actions. “Long term” means a period of time extending beyond subsequent decision-making meetings and its being responsible requires that it continues to fulfill whatever commitments it has made or makes itself liable to blame or penalty if it fails to do so, or if its past actions caused unjustified harm. Being temporally trustworthy gives a group agent the ability to make long-term policies and commitments, but it imposes on it a continuing responsibility for ensuring that they are adhered to. An intergenerational agent is a group whose temporal trustworthiness persists through generational changes of membership.

Those who belong to a temporally trustworthy group agent have a membership duty to ensure that its commitments are kept and its reparative debts paid unless there is a good excuse for not doing so. This duty belongs to members who had no role in making a decision as much as to those who participated in making it. If the town council were a temporally trustworthy group, then it



would be entitled to give the judo club permission to use the community hall for an extended period of time. New, as well as old, members would acquire the membership duty of ensuring that the group keeps the agreement, even if most of them now believe that the community hall could be put to better use. If they do decide to rescind the agreement, they would bear the burden of paying whatever compensation the club can legitimately demand for breaking the agreement.

Why should members forego the lack of restrictions on decision-making enjoyed by the temporally limited town council for the sake of temporal trustworthiness? Since groups exist for the sake of natural persons, the answer must appeal to the interests of group members or those who are supposed to be served by the group. Reasons are not difficult to find. Let us suppose that a deteriorating system of roads in the community hinders the ability of people to carry on their activities. Improvement is in everyone's interest. But building roads is a capital-intensive project beyond the present means of members and its completion may take many months or even years. No bank or other lending agency will provide the capital and no construction company will agree to do the work if they think that the council could decide not to continue the project at a future meeting without compensation to those who have provided money or labor. Community members themselves are unlikely to commit their resources or take risks for the sake of a project that a new majority on council might decide to abandon. Only a group agent able to make commitments and incur debts that future members are required to honor is likely to be able to obtain the resources it needs for long-term projects like road building.

Suppose that recently joined members of the town council think that improving the sewage system is more important than building better roads. But the council has already committed itself to the road project and the new members, even if they gain a majority, must either continue to support it or pay compensation to the road builders for changing the group's decision. Nevertheless, they have reason to accept the membership obligations of a temporally trustworthy town council because they will want to be able to initiate similar projects in the future.

As people who care about the good of their community, their motivation for accepting the membership duties of a temporally trustworthy group agent cannot be merely self-interested. When making decisions, they have to consider not only the interests of their community's present members but also the likely needs of future members—individuals who cannot now participate in meetings and may not yet be born. They require the existence of a group that can assume and reliably carry out forward-looking responsibilities—in other words, a temporally trustworthy agent—and their responsibility for the well-being of future members gives them a moral reason to fulfill its membership duties.<sup>3</sup>

## 7 | TEMPORAL TRUSTWORTHINESS AND JUSTICE

Suppose that the temporally limited town council decided at a past meeting to punish an unpopular individual by depriving him of his livelihood. Most group members now recognize that its decision was wrong. The victim was done an injustice. At the next meeting, they vote to give him back what he lost. But the group that decides to help the victim is not responsible for doing the wrong that caused his suffering. It can offer him welfare but not reparation, relief of suffering but not justice. There is no presently existing agent able to take responsibility for perpetrating the injustice, and thus there is a lack of fit between what justice requires—acknowledgment of responsibility and reparation by the perpetrator of the wrong—and the responsibilities of existing agents.

Those members of the council who advocated the unjust measure, voted for it, or helped to carry it out share moral culpability for the injustice to the victim. Their individual responsibility

is not terminated by convening another meeting of the council. Each ought to acknowledge his or her role in committing injustice and do something to make amends. But these individuals are morally responsible only for how they contributed to the wrong and not for the wrong itself. This responsibility belonged to the group agent. But it no longer exists.

Can the collective of individuals who voted for the unjust act be regarded as the perpetrator? Some philosophers think that mobs can constitute a responsibility-bearing group because of the way that the behavior of participants is controlled by group norms and interactions (Shockley, 2007). Let us suppose that those who voted to punish the unpopular individual were motivated by each other's passion and rhetoric. Their vote expressed the united will of all. But even if their interactions were such as to bring into being a collective that can be held responsible for the deed—a responsibility-bearing group distinct from the group agent that made the decision—once the meeting is over, once the group disperses into its individual members, that collective no longer exists. The agents remaining are the individual participants who bear responsibility only for their contribution.

However contrite these individuals, their responses will fail to measure up to the wrong done and thus fail to do what justice requires. First, because what repentant individuals are able to do is not likely to make up for the wrong committed using the power and resources of a group agent—particularly if an injustice is systematic and affects a large number of people. Second, because responses of individuals, even if they are effective in relieving the harm, do not count as adequate reparation because these individuals were not the real wrongdoer. All they can do individually is to make amends for their contribution to the wrong. All they can do collectively is to relieve the suffering of the victim through a decision of their present group agent. They cannot make up for the injustice itself.<sup>4</sup>

There are two closely related ways of explaining why this state of affairs constitutes a moral deficit. The first focuses on moral concerns of individuals that persist through their lives and often attach to people and projects that will succeed them. They should want the wrongs to which they have contributed to be properly acknowledged and repaired. They are likely to want injustices done to them and their families to be acknowledged and remedied by the perpetrator. They want assurance that unjust harms done to them or their families by group agents with the power to affect their lives will be properly acknowledged and compensated for. There is a lack of connection between this desire for justice to be done and the responsibilities of group agents that lack temporal trustworthiness.

It could be argued that these moral considerations focus too exclusively on victims. Suppose that past members of a family corporation committed injustices, keeping their activities secret, and their successors had no knowledge, let alone control, over what they did. It seems intuitively unfair to give these successors responsibilities for the injustice—as unfair as making members of one nation responsible for what another nation did. But first of all, it should be pointed out that such a case would be rare since injustices are usually out in the open and successors are well aware, as they take over control of the group agent of what their predecessors did. But more important, if an intergenerational agent is ongoing, then how it deals with and relates to victims and their successors in the future is an important moral consideration. Even if we think that the heirs of those who did the injustice are not responsible for reparation, it seems reasonable to make them responsible for ensuring just relations in the future—perhaps by acknowledging to victims and their successors that the injustices were done and giving assurances that relationships will be just in the future.

The second reason why lack of temporal trustworthiness causes a moral deficit is the concern for just relationships that ought to exist among agents in an intergenerational community. Justice in human affairs is always imperfect. Wrongs sometimes go unacknowledged; victims may live



their lives without redress. Efforts to ensure the well-being of future members may not succeed. But the general aim of promoting just relationships can be best achieved by constructing and maintaining temporally trustworthy group agents which are able to make, and are required to keep long-term commitments and can be held responsible for remedying their past injustices (Thompson, 2002).

The role played by temporally trustworthy group agents in making a society more just is demonstrated by the responsibilities imposed on the corporation, James Hardie. In the mid-20th century, the executives of this company had evidence that exposure to asbestos by workers and members of their families could cause serious illnesses that might not show up until decades after exposure. But they failed to warn workers about the danger or protect them from it. These individuals shared responsibility for this failure. But the company itself was the agent that made the decision to continue mining and processing asbestos. James Hardie is no longer a company that mines asbestos or manufactures asbestos products. Over the years it has moved its headquarters from Australia to the Netherlands and then to the United States, and in the process its corporate structure has changed. From the perspective of the natural person analogy, it seems easy to question whether the James Hardie of today is the same group agent as the James Hardie that harmed its workers back in the 50s and 60s. But to use the analogy to deny responsibility would be a miscarriage of justice, and it is not surprising that legal and moral conventions require the present James Hardie to accept an obligation to compensate surviving victims.

There are two ways in which members of a group might understand the relationship between temporal trustworthiness and agent identity. They might suppose that James Hardie or the town council retains its identity though change and is now the same agent as it was when it did the injustice. Since membership of such groups is generally overlapping and changes are usually gradual, this is a natural supposition to make. But they could instead suppose that the group has changed its identity over time but was obliged to pass on some of its obligations and responsibilities to a succeeding group agent which was obliged to accept them. What matters is not sameness of identity over time and change, but the persistence of obligations and the existence of a group agent or a succession of group agents which are expected to take responsibility for fulfilling them.

## 8 | SHARED OBLIGATIONS AND THE OBLIGATIONS OF GROUP AGENTS

However, this way of understanding the responsibilities of intergenerational agents encounters an obvious objection. Obligations, we assume, depend for their existence on agents who acquire them through their actions. They do not come into being and then require an agent to take them on. This is why it seems that we have to use the natural person analogy to identify a group agent before we can determine what obligations belong to it. The account I have presented might be criticized for getting things back to front. Either it assumes the existence of an obligation that does not belong to any particular agent but which is passed from one to another, or it supposes that an agent exists and persists for the sake of fulfilling an obligation. Neither seems to make metaphysical sense.

Answering this objection requires a distinction between obligations that belong to a collective of natural persons and the obligations of the group agent that they form or maintain. Collins makes this distinction when she points out that members of a group agent have obligations in respect to the ability of their group to carry out its obligations. She argues that these membership obligations not only include the duty of members to ensure that their group satisfies moral

requirements—a responsibility that exists regardless of their assigned role in the group. They may also require members to re-organize their group and their roles in it so that it can carry out duties that it ought to accept (42).<sup>5</sup>

Membership obligations, as Collins conceives them, are duties of members in respect to the group agents to which they belong. But individuals may also have a duty to form a group agent for the sake of carrying out morally important tasks that they cannot accomplish without the existence of such a group. The familiar story of the tragedy of the commons is an obvious case where group agency may be the only solution to a looming disaster. If so, those who rely on the commons have a shared obligation to bring into existence a group agent capable of managing their use of it by limiting rights of usage and penalizing those who do not comply. The group, when it is brought into existence, has the responsibility of managing the commons and the obligations that this entails, and members have a shared obligation to ensure that it carries out its responsibilities. But the shared obligation of the users of the commons to bring into existence a group agent capable of assuming responsibility for its well-being pre-exists the group itself and the obligations it acquires as an agent.<sup>6</sup> And the obligation to ensure the existence and persistence of a group agent capable of fulfilling obligations can survive the demise of a particular group agent, requiring its former members (perhaps along with others) to construct another group agent or to transfer the obligation that belonged to the former group agent to another of which they are now members.

## 9 | TEMPORAL TRUSTWORTHINESS, LIMITED AND UNLIMITED

Temporal trustworthiness requires a group agent to have a temporal scope fit for the responsibilities it will acquire as a foreseeable result of the kind of decisions it makes. Group agents may be short-lived. They may be formed to carry out a particular task and then dissolved. If the task requires many years to complete, then there is a need for a persisting group agent to oversee it. But once the project is finished and responsibilities, commercial and moral, are fulfilled, members are free to dissolve the group and go their separate ways. The obligations of corporations generally have a limited temporal scope. They commit themselves to paying off a loan within an agreed period. They make a bargain with a trade union or a contract with a supplier that lasts for a designated period. Like James Hardie, they may be required to pay compensation to victims of a wrong they did. Since corporations tend to have overlapping contracts and obligations, their existence as temporally trustworthy agents may persist for generations. But members of a corporation could decide to fulfill its present commitments, pay its existing debts, and then bring it to an end, or to change it into a different kind of group. And sometimes corporations become bankrupt and disappear without being able to fulfill all their responsibilities. The temporal scope of corporations is limited by the nature of their obligations and by factors within their institutional framework that could put an end to their existence without leaving a successor to take over their responsibilities.

There are some group agents whose temporal scope, and the trustworthiness it requires, is supposed to persist indefinitely through the generations. States and tribes are examples. According to legal and moral conventions, they have the capability of making commitments with no fixed point of termination, as is the case for the Treaty of Waitangi. Their responsibility for the welfare of future members reaches indefinitely into the future and they may have reparative obligations that persist through the generations until they are discharged or are made irrelevant by changing conditions. A state or tribe may fail or become insolvent, but it is not supposed to go out of existence, at least not without handing on forward- and backward-looking obligations to other

intergenerational agents, and it never runs out of obligations to discharge. All existing political entities will eventually disappear and present political formations and the system of states itself may be replaced by another political arrangement, but some of their obligations will become the obligations of succeeding political agents. These group agents are intergenerational, not because they happen to last for more than one generation—as corporations sometimes do. Having an unlimited temporal scope and the responsibilities that go with it is essential to what they are. Their agency is essentially intergenerational, and they require members to make sacrifices for a future that they will not experience, keep agreements that might have been made in the distant past, or to pay reparation for a wrong committed many generations ago. The existence of such groups and the responsibilities that they entail obviously stand in need of justification.

## 10 | ESSENTIALLY INTERGENERATIONAL AGENCY

Why should such agents exist? One reason for their existence is the forward-looking interests of members. Thompson (2009, Chapter 4) makes the point that interests of individuals often transcend their life spans. Parents want their children and grandchildren to be able to live good lives. Many people care about the persistence after their deaths of institutions that they value. Some want their descendants or successors to be able to carry on projects they supported or inherit things they value. These desires play a significant role in the lives of many individuals by giving them objectives that transcend their own life and a connection with past and future generations.

Concern about the future is generally morally motivated. Parents want their children and grandchildren to thrive not just out of self-interest but because they care about their descendants for their own sake. Individuals, in many cases, want their projects, ideals, institutions, and communities to survive because they think that future people will benefit from them (Scheffler, 2018, p. 56). They want injustices to be acknowledged and repaired so that their descendants will be better able to live a good life. A concern for the ability of successors to enjoy things of value includes caring about their ability to pass on what they value to *their* descendants. There is no temporal limitation to this concern. Fulfillment of their forward-directed concerns, repair of injustices that stand in the way of fulfillment and the maintenance of institutions, and conditions that make this possible require the existence of an intergenerational agent with an unlimited temporal scope or a succession of group agents that pass on responsibilities and obligations.

The existence of essentially intergenerational agency also answers to needs intrinsic to human life. Individuals from birth require resources and support of others for the sake of their physical and psychological well-being; an upbringing and education that enables them to participate in their community; and a social status that gives them, throughout their lives, the security of having entitlements that do not depend on their accomplishments or contributions.<sup>7</sup> Satisfaction of these needs ensures that individuals, whoever they are and whatever stage of life they are in, will be able to rely on the respect and assistance of others.

In our world, these needs are satisfied by the existence of groups—families, clans, tribes and states—that perpetuate themselves mainly by members having or adopting and raising children as members. Through their birth or adoption into these group, the children of members acquire entitlements to its benefits—resources, respect, and protection that are provided as a matter of course to members—and when they become adults, they acquire the membership duty of ensuring that future members will also obtain their entitlements. Since it has to be assumed that members will continue to have children generation after generation, the temporal scope of these intergenerational responsibilities stretches indefinitely into the

future. Members of essentially intergeneration groups have a moral duty to sustain and, if necessary, create institutions that enable them to fulfil their responsibilities to present and future generations. There is no temporal limit to the scope of this responsibility. Tribes may be incorporated into states and states into federations. New political formations may arise, but the persistence of human needs, communal entitlements, and the requirements of justice make it a moral requirement that membership entitlements, and the obligations they entail, continue to be fulfilled by means of the transfer of responsibilities from one political agent to its successor.

## 11 | CONCLUSION

Let us return to the problem of identity that motivated my criticism of the natural person analogy. To claim that present-day Germans have an obligation to pay the moral debts of former German regimes, we do not need to establish that the present German state is the same agent as the Germanies of the 20th century. The interests and moral concerns of overlapping generations of citizens require them to ensure the continued existence of a group agent capable of fulfilling obligations to victims of injustice, future generations, and to other intergenerational group agents, or to pass on these responsibilities to a group agent which can fulfill them. Intergenerational group agents serve important purposes, and if they did not exist, we would be obliged to construct them.

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### ORCID

Janna Thompson  <https://orcid.org/0000-0002-8174-249X>

### ENDNOTES

- <sup>1</sup> When demands for reparation are superseded is, of course, a matter of dispute. Waldron (1992) thinks that supersession occurs when those who now possess what was unjustly taken have come to depend on it and those who have lost it have had to find a new way of living. On the other hand, Simmons (1995) thinks that victims of injustice remain entitled to some part of what they lost. But Waldron, no more than Simmons, supposes that passage of time by itself puts an end to legitimate reparative claims.
- <sup>2</sup> Cases where parents take responsibility for what their young children do are obvious exceptions.
- <sup>3</sup> I assume what most people, including philosophers, believe—that present people have moral duties in respect not only to their contemporaries but also to their successors, including those who have not yet been born. For accounts of how these duties should be conceived, see Meyer (2021).
- <sup>4</sup> Butt (2006) argues that the overlap of generations in a society where members participate in making decisions transfers responsibility for compensating for a wrong from the original wrongdoers to their successors. By failing to favor compensation for the victims, new members become responsible for the wrong of not making compensation. But it is difficult to understand why individuals who had nothing to do with the wrong share a responsibility for compensation unless they are members of a group agent that has a reparative responsibility for committing the wrong. However, it is not so difficult to understand why overlapping generations have a responsibility to ensure that such a group agent exists (see below).
- <sup>5</sup> Parekh (1993) makes a similar distinction between the state—the agent the imposes legal restrictions on citizens—and the polity consisting of citizens who are collectively responsible for how their political life goes.
- <sup>6</sup> Some philosophers argue that individuals may have a shared obligation to organize themselves into a group capable of dealing with serious harms, especially when they have played a role in causing them

(Schwenkenbecher, 2014). The duty to form a group agent capable of dealing with a systematic ongoing crisis appeals to similar ideas of moral responsibility.

- <sup>7</sup> Margalit and Raz (1990, pp. 446–447) emphasize the importance to individual identity and security of belonging to such a group.

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## AUTHOR BIOGRAPHY

**Janna Thompson** is the author of *Taking Responsibility for the Past: Reparation and Historical Injustice*, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity*; and other books and articles on intergenerational and global justice, environmental ethics and politics, and memory and heritage.

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