

SELF-REFLECTION IN POST-CRIMINAL SOCIETIES: FROM DENIAL TO MORAL RESPONSIBILITY

Abstract

In Milosevic's Serbia, Nazi Germany, South Africa during apartheid, the victims of mass crimes were targeted on the basis of their group membership. Millions of people were expelled from the moral universe of perpetrator communities. Those who were not identified as targets, those who were born into societies which upheld criminal policies, had a choice to disassociate themselves from it or to support it. I study the latter group. They are referred to as bystanders. They are conceptualized as a group because of their shared intentions, actions and perverted moral ethics. They are identified as morally responsible collectives, which were not coerced or deceived by criminal regimes. It will be shown that these collectives had full capacity to judge right from wrong (moral knowledge), that they had the freedom to act otherwise (thus their actions and attitudes can and should be considered voluntary).

What makes bystanders a group and what makes this particular group an appropriate target for ascription of moral responsibility in societies where collective crimes are committed? These are the two main questions I will try to answer in this chapter. Bystanders are those who had the freedom (to act otherwise) and the moral knowledge to act according to the universal ethical standards but did not do so. Given that, according to Aristotle, moral ignorance and interference of others (coercion, duress, threat) lessen or even cancel moral responsibility of agents for harm committed, I will begin the analysis by establishing whether these two conditions obtain.

In order to show that this group is an appropriate target for ascription of moral responsibility, I will try to show that this group is characterized by voluntary membership¹, organized group structure (with representatives who act on its behalf), shared norms, 'group-based intentions' (as coined by Larry May) and collective (non)actions. Led by claims of Nenad Dimitrijevic and Linda Radzik, I will analyze how collective intention to commit specific types of actions, collective awareness about the nature of the intended action, and an organized effort to achieve the realization of the criminal project can be assumed. If these group characteristics can be defended, then they point to an objective causal link between this group (moral bearer), its actions and the outcome of harm.

The harm at T1 covers the first two phases of the construction of collective crime, as proposed by Nenad Dimitrijevic in "Understanding Constitutional Democracy Contextually." First is the preparation phase (ideological and legal-political institutionalization) and second is the collective action phase (planning and coordination of the criminal project). The third and the final phase, which is characterized by accepting the results of the criminal project as legitimate and morally acceptable, will be analyzed in the following chapter (assessment of moral responsibility of bystanders in the aftermath of crime, T2).

Finally, I will address arguments put forward by methodological individualism, as the most serious opponent to ascription of moral responsibility to a group.