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# Crowds and moral responsibility

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**Department of Philosophy**

**Crowds and Moral Responsibility**

**Kylie Therese Bourne**

**"This thesis is presented as part of the requirements for the  
award of the Degree of Doctor of Philosophy  
of the  
University of Wollongong"**

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## ABSTRACT

In this thesis I argue that crowds can form morally evaluable collective intentions, even without formal decision making structures and that these intentions can direct morally evaluable collective actions. Although recent philosophical work in the area of collective moral responsibility goes some way to theorising collective agency and intentional action in crowds, we currently do not have a theoretically sound basis for evaluating the blameworthiness or praiseworthiness of particular crowds, even though these evaluations are regularly made. This thesis attempts to fill this explanatory gap in the literature.

In developing this explanation, I make a taxonomic distinction between *aggregative* and *cohesive* crowds; a distinction that is based on a claim about the specific properties of a crowd that make it capable of bearing ascriptions of collective responsibility. Simply put, cohesive crowds are distinct from aggregative crowds because their members develop and share a specific bank of common knowledge. This knowledge can often be acquired very quickly and - crucially - may come to be shared without explicit verbal or written communication. It develops through a phenomenological experience of joint attention and a sharing of beliefs. While this common knowledge includes shared understandings of the crowd's aims and goals, it also crucially includes knowledge of the relationships between crowd members and of the capacity that they have to act *together*.

I argue that coordinated actions in crowds are only possible when individuals *know* that they stand in a certain relationship with each other. Their beliefs and intentions must be shared not merely in the sense that individuals possess the same beliefs and intentions but also that each person knows that they know that they share those beliefs and intentions with the people around them. I argue that crowds become cohesive crowds when their members *together* develop collective awareness of their beliefs and intentions. It is this specific epistemic condition that makes possible the spontaneous coordination of individual actions towards a goal that only a crowd can achieve.

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With gratitude,  
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## TABLE OF CONTENTS

ABSTRACT .....	1
ACKNOWLEDGEMENTS .....	2
TABLE OF CONTENTS .....	4
1 Introduction .....	5
2 Peter French's Account of the Crowd.....	20
3. A Representational Account of Collective Intention .....	50
4. Virginia Held's Random Collection of Individuals.....	65
5. Larry May's Account of Mobs .....	84
6. The Cohesive Crowd.....	105
7. How Crowds Intend .....	126
8. Culpability of Spectators.....	151
CONCLUSION .....	172
REFERENCES.....	175

## 1. INTRODUCTION

In 1896, Gustave le Bon published *The Crowd: a Study of the Popular Mind* in which he proposed the law of ‘mental unity’ of crowds. According to this theory, an individual necessarily ‘loses himself’ in a crowd so that her rational and imaginative capacities are subsumed by the base and barbaric collective of which she is now a member:

In the collective mind the intellectual aptitudes of the individuals, and in consequence their individuality, are weakened. The heterogeneous is swamped by the homogeneous, and the unconscious qualities obtain the upper hand... By the mere fact that he [sic] forms part of an organised crowd, a man descends several rungs in the ladder of civilisation. Isolated he may be a cultivated individual; in a crowd, he is a barbarian (le Bon, 1896, pp. 32 - 36).

Despite empirical social and psychological research into crowds that has discredited the assertions made by le Bon and other early crowd theorists, the image of crowds as barbarous persists in the popular imagination. Crowds are regularly assumed to be violent and destructive and to bring out the worst in their members, who otherwise may be ordinary and decent citizens. For example, in the lead up to the Asia-Pacific Economic Cooperation (APEC) summit in Sydney 2007, people who intended to form peaceful crowds and protest the event were described as intentionally troublesome. Police expected anti-social behaviour and physical violence at the assembly, as specialist police forces and anti-terrorism units were employed for the occasion (Bourne, 2011, p. 202). Crowd members who encouraged minors to participate were described by the then NSW Premier as “feral” (Smith and Ramchandran, 2007). Similarly, protestors at the G20 protest in London in 2009 were expected by police to be “very violent” despite public statements by organisers that the crowds intended to be peaceful. Nevertheless, authorities considered the London G20 protest to be such a threat that they contemplated using anti-terror legislation to curtail it (Lewis, Laville and Vidal, 2009). Media coverage of the 2011 London riots readily reported on the barbarous and base mentality of the crowd. Analysis of social causes was put to the side as headlines centred on words like “mayhem”, “anarchy” and “mob rule”:

The language used to describe the rioters took for granted that they were bad people, vicious people, who lacked respect for others or for the law. Devoid of morality, these people were described more like wild animals than decent people (Reicher, 2011, p. 12).

Popular moral discourse about crowds is often inconsistent. We often attribute collective agency and moral responsibility to crowds, while holding that individual agency and responsibility may sometimes be seriously impaired by being a member of a crowd. Such views are contradictory, yet they set the navigational compass for the management of crowds by authorities and set the parameters for how we represent crowds in the media and in our everyday discussions. Crowds, even manifestly peaceful crowds, are treated with suspicion. Not only are crowd members likely to be considered hostile and their individual intentions violent, but concepts that le Bon popularised such as the ‘herd instinct’ and the base ‘group mind’ still inform our general understandings of crowd events and incidents.

This thesis argues against the idea that an individual crowd member is somehow subsumed by the larger crowd; this is not only overly simplistic but is also manifestly incorrect. While I allow that not all crowds can act in cooperative or collective ways, I argue that some crowds can form morally evaluable collective intentions and direct collective actions according to this intention. I distinguish between *cohesive crowds* that can form collective intentions and *aggregative crowds* that cannot. The cohesive crowd’s intentional and coordinated actions are possible because crowd members are aware that they stand in a certain relationship with each other. The awareness of this relationship becomes a specific kind of common knowledge that entails the collective awareness of each other’s beliefs and intentions. This epistemic condition makes possible the spontaneous coordination of individual actions towards a goal that only a crowd can achieve.

The account of crowd responsibility developed in this thesis is intended to address the confusions that infect the aforementioned moral evaluation of crowds and of collective actions performed by crowds. When we use terms like ‘getting swept up with the crowd’ and ‘crowd mentality’ or when we talk about ‘angry mobs’ as distinct from other types of crowds, we are not only describing crowds but we are also judging them. The moral judgements guided by popular myths about crowds are

not benign. They direct the way that authorities and crowd controllers interact with people in crowd situations, so that the crowd itself is often presupposed to be an intentional and even malevolent agent. Protest crowds are now routinely met by police officers in full riot gear as authorities express concern that members will engage in anti-social activity. At sporting fixtures, crowds are viewed with similar suspicion.

For example, when a crowd crush occurred at Hillsborough Stadium, England in 1989, the pressure of the crush forced several people at the front of the crowd through gates that separated the viewing pens from the playing field. Lord Justice Taylor's report into the disaster indicates that officers patrolling the area assumed that those ejected through onto the field were attempting a pitch invasion and forced them back inside the pens (1990 §72). Seven hundred and sixty people were injured and ninety-six people died in the ensuing crush, mostly through compressive asphyxia (Chadband, 2009).

The assumptions made by authorities can become self-fulfilling, with dangerous effect. While there is widespread public distaste for the ways that crowds are currently managed and while harsh measures employed to manage peaceful crowds have been criticised (Bourne, 2011, p. 205), aggressive crowd management techniques themselves sometimes unify members who may not have previously experienced solidarity with one another. These methods can themselves sometimes create the collective entity that they were designed to quell. By this, I mean that mere crowd membership does not automatically produce a sense of unity between crowd members or recognition that they together form a collective agential entity: 'the crowd'. Often, crowds such as those at sporting fixtures or in shopping queues recognise that there is an assembly of people, but they do not experience solidarity with each other as members. When authorities control crowds in violent ways and treat them with suspicion, they can trigger a sense of solidarity that did not previously exist.

For example, when climate protestors gathered in Bishopsgate in London, 2009 police acknowledged the peaceful nature of their assembly but decided to 'kettle' them to prevent others from joining the crowd (Dodd and Lewis, 2011). Crowd

members who loosely acknowledged in each other similar political sentiment became unified and exhibited this felt solidarity by raising their hands and chanting together: ‘This is not a riot.’ Crowd members kettled together by police not only now spoke with one voice but also used this voice to assert the nature of their protest and to contest the way that they were being viewed by police. This chant showed not only that the crowd collectively understood that they were being treated as potential rioters but also that they collectively denied this description. Crowd members must therefore have had some shared understanding of the features of the collective entity that they together formed and about the kinds of actions that they together were performing.

It is a central claim of this thesis that this kind of unity is facilitative of a morally considerable collective intention. I argue that this unity develops from a specific kind of *common knowledge* wherein crowd members share awareness that they are coordinating their wills to bring about a cooperative action that they can only perform *together* as members of a collective. Understanding how crowds develop collective agential capacities is of great practical importance. Since the 1990’s ‘command and control’ crowd management practices (such as those adopted at the London G20 protests) have been increasingly adopted by authorities. These strategies are based on the presumption that all crowds have the capacity to be violent and in order to avoid this violence, all aspects of the crowd’s physical assembly must be policed. Command and control strategies also tend to feature an increased police presence and a decreased tolerance for minor offenses such as littering or swearing (Vitale, 2005). We need to understand how such policing methods affect the nature and behaviour of crowds. Command and control methods of policing crowds can trigger changes in crowds that transform peaceful protests into dangerous confrontations and, in fact, produce the very dangers these policing methods aim to prevent.

Crowds are part of our everyday life. It is not only protest crowds that fall victim to common conceptual and moral confusions that inform crowd management practices. We regularly assemble with others while waiting for trains, buses or when queuing for entry into stores or sporting venues. Crowd disasters are common and there is substantial evidence that poor crowd control strategies both increase the risk of

violence in crowds and the risk of exacerbating trouble if it occurs (Bourne, 2011, p. 205). When crowd controllers assume that crowds are predisposed to violence or intend to be troublesome, they may adopt ill-informed and potentially dangerous crowd management strategies.

When IKEA opened their first UK store in the economically deprived borough of Edmonton, London in 2005, 6000 people awaiting entry to the store were involved in a crowd crush. Store managers had widely advertised special opening hours and limited sales, and they anticipated a crowd of between 2000 and 3000 people even though at least twice that many turned out for the event. Poor planning including inappropriately placed security barriers resulted in crowd members being crushed so tightly together that they had lost the capacity to move. Nevertheless, crowd members were directed by frustrated security officials to “stop pushing” and to “move back” from the store’s entrance into which a few people were being admitted in single file. Although people in the crowd were physically unable to comply with these requests, security assumed that crowd members were “behaving like animals” (Finegold and Millar, 2005). This mistaken assumption directly influenced the decision of security guards to close the entrance to the store, which in turn served to trap those in the front of the crowd between the now closed store doors and the surging mass behind them. By 11pm, police and store security guards were trying to prevent people from leaving or joining the queue, but this was causing more agitation in the crowd (BBC News, 2005). Six people were subsequently taken to hospital and around fifty others were treated on the scene for crush related injuries. Despite evidence of poor crowd management and inadequate event planning, the immediate presumption of security guards was that the crowd was to blame for the incident. Members were considered to be acting irrationally and the crowd itself was viewed as deliberately disobeying instructions and behaving in a dangerous manner.

Crowd crushes and disasters are a common occurrence. From 1992 to 2002, over 66,000 people were injured in crowd incidents and in the ten years from 1994 to 2004, it is estimated there were 2,000 crowd related deaths worldwide (Adelman, 2004, p. 18; Eves, 2004, p. 31). Increasing friction between protest crowds and authorities has recently been noted and is concerning as authorities adopt

strategies that run the risk of increasing the likelihood of physical danger to crowd members (Bourne, 2011, p. 202).

I have claimed these approaches to crowd management are dangerous but they are also theoretically confused in three important ways. First, there is a contradiction between the moral intuitions that seek an entity to blame after violence ensues at a crowd event or when crowd members become killed or injured, and the view that membership of a crowd in some way impairs our rational capacities, capacities that are otherwise required of agents whose actions are morally evaluable. In this sense, popular judgements do not satisfy the criteria demanded by standard Aristotelian accounts of moral responsibility.<sup>1</sup> Attributions of collective blame imply that the blameworthy crowd was a collective agent that could cohesively act and intend, and yet we do not have an adequate account of how such an entity could be formed.

Second, judgements about the agency of the crowd are often influenced by other moral judgments including those about the goals that a particular crowd is seeking. Judgements characterising a protest crowd as a dangerous mob or a justified expression of the will of the people are more often determined by attitudes to the goals of the crowd rather than by the behavioural characteristics of the crowd itself. We often run together evaluations about the crowd, its aims and goals, and about the social context in which the crowd has assembled. For example, protests crowds such as those in Myanmar, 2007 or in Wenceslas Square, Prague during the Velvet Revolution of 1989 were characterised differently in the media to other protest crowds, such as that which assembled outside the World Economic Forum in Melbourne, 2000 as part of the S11 anti-capitalism protest. While all of these crowds espoused a commitment to peaceful protest, each was nevertheless subject to harsh crowd control measures by authorities. The way that the interaction with authorities was presented in the press differed markedly. The crowds from Burma and in Prague

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<sup>1</sup> For example, Eshleman (2008) describes Aristotle's account of moral responsibility as involving a moral agent who can be praised or blamed, based on her actions and/or traits of her character. However "only a certain kind of agent qualifies as a moral agent and is thus properly subject to ascriptions of responsibility, namely, one who possess a capacity for decision". For Aristotle, a decision is a particular kind of desire resulting from deliberation, and an action must be voluntary. For an action to be voluntary there are two conditions, first a control condition so that the action had its origin in the agent; and second an epistemic condition according to which the agent is aware of what she is bringing about or doing.

were seen in a positive and even heroic light, as “peaceful protesters” who, when enacting their “right to protest” clashed with authorities and became undeserving victims of state violence (Kamzin and Anderlini, 2007). However, the Melbourne crowd members were characterised as troublemakers who were falsely accused by newspaper columnists as having thrown marbles under the hooves of police horses and urinated on police officers. Those who were injured during clashes with authorities were described by the state’s Premier as having “deserved everything they got” (Barrett, 2000). The crowds in Myanmar and in Prague formed around goals of increasing democratic processes and representation in their countries. These crowds assembled in contexts that were generally considered undemocratic. Judgements about this social context as well as the crowds’ aims informed the associated representations of heroism. Conversely, the crowd in Melbourne assembled in a liberal democracy and the anti-globalist aims of the crowds were largely considered as extreme (*The Australian*, 2000). The crowd’s assembly outside the meeting venue was also depicted as being disruptive to the everyday convenience of the general public. It is important to clearly distinguish between an account of when it is justifiable to attribute collective moral responsibility to a crowd for its actions and the moral evaluation of the goals that are directing that action.

Third, some crowd control strategies wrongly ascribe agency to crowd members and this ascription can put them in great physical danger. Crowd disasters such as crushes are usually triggered by a cascade of causally connected events that are beyond the control of members. Yet, crowd disasters are regularly characterised as having been instigated by the intentional actions of the crowd. For example, in crowd crush situations crowd controllers may issue instructions to crowd members that it is physically impossible for them to follow. Any failure to comply with these directions can be perceived as wilful; even though empirical evidence shows that people in densely packed crowds have very little scope to control their physical movements. Where collective agency is misattributed to a crowd, crowds in these dangerous situations can be managed as though the converse is true. Consequently, signs of distress can be misinterpreted and tipping points for disaster may go unrecognised.

Media reports of crowd disasters typically claim that the disaster was caused by the negligence, irrationality or wilful wrongdoing of individual members, and such

views are often shared by authorities investigating the disaster. Crowd engineers have even suggested that the archetype of the irrational and panicking crowd member is a convenient fiction that enables crowd organisers and authorities to evade responsibility for any disaster (Sime, 1999, p. 314). Whether this is the case, the notion that crowd members intentionally contribute to crowd disasters is pervasive. Media commentators and store security guards quickly blamed the crowd after the near fatal crush at IKEA, Edmonton. Crowd members were described as predatory ‘bargain hunters’ who had attempted to force their way into the store (BBC News, 2005). This stereotype was repeated in the media even though more thorough investigations indicated that poor crowd management including the containment of many people in a cramped area designed for a third of their number, were primary causes of the disaster (*ibid*; Finegold and Millar, 2005). Similarly, when a crowd crush occurred on a pedestrian bridge in Akashi, Japan in 2001, media outlets promulgated familiar stereotypes as they and police blamed unruly groups of teenagers for stopping on the bridge and blocking the access of others (Kyodo News, 2001). Here again, investigations showed that the disaster, in which eleven people were trampled to death, was primarily caused by a badly designed pedestrian route, lack of awareness of the structural limitations of the bridge, poor training of crowd officials and insufficient communication between them (Lee and Hughes, 2005, p. 576).<sup>2</sup>

The misattribution of collective agency to crowds in critical situations underscores illustrates the persistence of 19<sup>th</sup> century views of the crowd. Dangerous situations in crowds can be catastrophically mismanaged when authorities assume that any increasing crowd density and distress of members results from the unruly conduct of

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<sup>2</sup> Indeed, the security firm contracted by the municipal government to oversee the event submitted crowd safety plans for approval, however these were later discovered to have been a copy of the security arrangements drawn up by another firm for a different event in 2000 (Shimbun, 2001). This was not immediately discovered because neither police nor municipal government officers checked over the plans in detail. Although the safe capacity of the pedestrian bridge where the disaster occurred was established by the security firm, plans to manage crowd flow onto it were not made, and police told organisers to “wait and see what happens” (Watts, 2001). Consequently, while a total of 593 police officers, security guards and volunteers were on duty for the event, only eight personnel were stationed on the bridge where the disaster occurred (*ibid*). Nevertheless, crowd members were blamed by guards for being reckless and a danger unto themselves, claims widely repeated by media and officials after the event.

crowd members. For example, crowd controllers may further restrict entry to doorways and in so doing dangerously increase crowd density or they may demand that individuals stop pushing even though people are so densely crowded together that all movement is involuntary. In the examples above, authorities responded to a developing crisis with tactics that worsened the situation and placed crowd members at greater risk. While we misunderstand the nature of collective agency in crowds, there is a risk that crowds in disaster situations will continue to be poorly managed.

Although recent philosophical work in the area of collective moral responsibility goes some way to theorising collective agency and intention action in crowds, we currently do not have theoretically sound methods for evaluating the blameworthiness or praiseworthiness of particular crowds. It is essential that such an account explains whether and how crowds can be collective agents, such that a theory of group action in crowds informs ascriptions of collective moral responsibility. The account must also identify the essential characteristics of a crowd that are prerequisites for the possibility of collective intention and action and it must also explain how crowds come to possess these features.

The current philosophical debate on crowds and collective responsibility can be broadly characterised as a debate between individualist and collectivist approaches. The critical discussion in this thesis focuses primarily on three accounts of crowds that appear in the literature. Peter French (1984) provides a methodologically individualistic account according to which crowds are ‘merely’ aggregations of their individual constituent members, so that it makes no sense to talk about collective responsibility. Conversely, Virginia Held (1970) holds that crowds of random strangers can sometimes act collectively in clearly moral ways and argues that collective ascriptions of praise or blame can therefore be made. Larry May (1987) develops a ‘middle position’ between strongly individualist and collectivist accounts. According to his ‘middle position’, some crowds can sometimes bear limited ascriptions of praise and blame which remains undistributed at the collective level and which does not preclude ascriptions that may be given to individual crowd members.

I will argue that while each of these accounts offer us ways to perceive the crowd and to begin to understand the collective, none offer us a comprehensive understanding of what it is for a crowd to intend and to act according to that intention. From French's account, we glean the importance of the epistemic criteria in our standard accounts of moral responsibility, but learn little about the cooperative nature of spontaneous action. From Held's account, we learn that crowd actions can be dynamic and morally evaluable but Held offers no explanation as to how such actions can be directed by a collectively held intention. May's account emphasises the importance of relationships between members of crowds and shows that these relationships can form spontaneously between erstwhile strangers. However, we still require an explanation of the epistemic importance of these relationships and the way that they in turn facilitate a morally evaluable collective intention. In this thesis, I aim to develop a more complete account of what it is for a crowd to intend and to direct collective and agential action according to this intention. Not all crowds can collectively intend and act. I identify the essential features of crowds that can collectively intend and defend an account in which these crowds can be considered to be collective agents and thus to be collectively responsible.

My project is to provide a positive account of what I call the *cohesive crowd*; that is a crowd that can form a morally evaluable collective intention and direct collective action according to this intention. I argue that cohesive crowds can form out of other crowds that I shall call *aggregative crowds*. Simply put, cohesive crowds are distinct from aggregative crowds because their members develop and share a specific bank of common knowledge. This knowledge can often be acquired very quickly and - crucially - may come to be shared without explicit verbal or written communication. I argue that certain kinds of knowledge are a prerequisite for the formation of collective intention of conventions within crowds. On my account, the bank of common knowledge develops through a phenomenological experience of joint attention and a sharing of beliefs. While this common knowledge includes shared understandings of the crowd's aims and goals, it also crucially includes knowledge of the relationships between crowd members and of the capacity that they have to act *together*.

Coordinated actions only become possible when individuals *know* that they stand in a certain relationship with each other. Their beliefs and intentions must be shared not merely in the sense that individuals possess the same beliefs and intentions but also that each person knows that they know that they share those beliefs and intentions with the people around them. I argue that crowds become cohesive crowds when their members *together* develop collective awareness of their beliefs and intentions. This epistemic condition makes possible the spontaneous coordination of individual actions towards a goal that only a crowd can achieve. On my account, a cohesive crowd can be a collective agent in a way that merely aggregative crowds cannot. Further, cohesive crowds can be charged with a form of collective moral responsibility that does not reduce to the aggregate responsibility of individual crowd members.

There are two advantages of the account of cohesive crowds that I set out in this thesis. First, it helps us to make sense of the sense of membership that people often feel in crowd situations. Aggregative accounts such as that of French are unable to explain the connectedness that crowd members feel not only with each other but also with the crowd as an entity. Crowd members commonly feel a sense of shared participation, purpose and membership. People who join protest crowds, for example, often do so to express shared opinions or in an attempt to act in a collective manner. In these instances crowd members may not only feel a sense of unity with each other but may also recognise that together they can achieve things that they cannot achieve as individuals. Aggregative accounts that see collective action as only a sum-total of the actions of individual crowd members cannot explain crowd solidarity.

Second, this account of the cohesive crowd does not appeal to philosophically and psychologically vague notions of a ‘group mind’ in order to account for the facilitative dimension of relationships in crowds. This is because my account views the ‘feeling’ of unity as a form of common knowledge. While I agree with May’s claim that crowd unity develops when members stand in specific relationship to each other, I contend that it is not the relationship *per se* that facilitates collective intention and action in a crowd. Rather, I argue that it is the shared knowledge of this relationship that enables collective intention and the coordination of group action.

Here the emphasis is not on the psychological feeling of connectedness but rather on the epistemic dimension of group cohesion. When crowd members feel a sense of unity, what is it that they thereby come to know about each other and their relationship? While on May's account members of mobs are seen as 'individuals in relationship,' my account emphasises the facilitative role that relationships play in knowledge formation in crowd. Therefore, although members of cohesive crowds are 'individuals in relationship,' they are more fully described as 'individuals in relationship with specific common knowledge of that relationship.'

One shortcoming of recent work on crowds is that there has not been sufficient dialogue between philosophical and sociological accounts of crowds. An important difficulty with the philosophical literature is that there is considerable ambiguity over the very concept of a crowd, and whether crowds are to be distinguished from other kinds of groups – particularly 'mobs.' May's account distinguishes random crowds from mobs, while Held discusses collective responsibility in a group of strangers (fellow passengers) who, in her account, are not characterised as a crowd at all. Different writers employ different distinctions and set the boundaries for different reasons and there is little thematic consistency between accounts. Types of crowds are more rigorously classified in the sociological literature. For example, Turner and Killian's seminal study (1972) develops a multi-axis model along which the features of a crowd can be plotted. Here crowds can be 'expressive' or 'acting,' 'solidaristic' or 'individualistic' and 'compact' or 'diffuse.' On this model, mobs are but one type of crowd as is a serial collection of strangers.

This thesis also advances a taxonomic distinction between aggregative and cohesive crowds. This distinction is based on a claim about the specific properties of a crowd that make a crowd capable of collective responsibility. I will take care, where necessary, to distinguish my use of terms from other authors where it might cause confusion. I will specifically avoid the term 'mob' especially in Chapter Five, when I discuss Larry May's 'middle position.' In my view, 'mob' in its ordinary use is a polemical term that indicates the speakers' attitude towards a crowd and this can obscure important points under discussion. The term 'mob' carries a normative load that can colour the way we judge the collective entity under consideration and so I will avoid using the term in this thesis.

In Chapter Two, I examine French's account (1984) as representative of a methodologically individualist approach to the collective. On this account, crowds are incapable of collective intention or action because no entity capable of forming such an intention or performing such an action exists. Rather, the crowd is merely a sum-total of its members, so that all intention, action and responsibility are fully reducible to the intentions and actions of individuals. I explore the limitations of French's model of crowds and show its inadequacy for explaining the complex coordination of individual actions exhibited by many crowds.

In Chapter Three I provide an account of collective intention in crowds that draws on Velleman's (2006) work on shared intention. Velleman builds on Gilbert's (1989) concept of pooling wills to claim that sharing an intention does not necessarily require a shared mental state. On Velleman's account, two people who verbally represent to each other their intention to pool their wills can share an intention. By extension, I argue that collective intention can be formed in a similar way and thus does not require a collective mental state or 'group mind'. However, I claim that *verbal* representation of an intention to pool wills is not necessarily required so long as the intention is clearly demonstrated. On my account this communication can be achieved by verbal, physical or symbolic representation of beliefs and intentions, such as a glance or nod of the head or even the wearing of a particular colour or joining in a shared action such as sitting down *en masse* in the face of a police order to move. I argue that such representations help in the development of shared knowledge between crowd members: knowledge that is necessary for the effective coordination of group action.

In Chapter Four I discuss Virginia Held's (1970) account of a random collection of bystanders, noting that the kinds of actions typically performed by such a collective cannot be adequately explained by French's model. Held's account illustrates that unorganised groups of erstwhile strangers can perform not only spontaneous but also cooperative collective actions. Held argues that these actions can be goal directed collective and morally significant. I argue that Held's account, like French's still does not adequately explain the way that relationships or knowledge contribute to the manifestation of collective intention in crowds.

In Chapter Five, I turn to May's analysis in *The Morality of Groups* (1987). May does consider the moral importance of relationships between members of some unorganised collectives. He argues that solidarity and unity between members of mobs directly facilitates collective action is relevant for the moral evaluation of such actions. I argue that while May's account offers us the best available analysis of how crowd members can, without centralised direction, purposefully cooperate to achieve a goal that is impossible to achieve as a collection of unconnected individuals, it nevertheless leaves out a crucial condition for the possibility of spontaneous cooperative action. To understand how apparently unplanned coordination is possible we need to examine the way that knowledge forms in a crowd and is shared by members.

In Chapter Six, I distinguish between aggregative crowds that are incapable of forming a collective intention and cohesive crowds that are. Cohesive crowds possess a distinct feature that aggregate crowds do not; they possess the common knowledge that crowd members *together* form a collective entity. This knowledge appears when members have a specific awareness of a collective first person identity. I call this 'collective first person' common knowledge.

In Chapter Seven, I discuss the importance of 'collective first person' common knowledge, arguing that it is a necessary precondition for collective intention, spontaneous organisation and purposive action in a cohesive crowd. To support these claims I develop an argument that borrows from Campbell (2005) on joint attention, Lewis (1969) on convention and Gilbert (1989) on the plural subject. I propose that crowd members can jointly attend to an object or event in such a way that other crowd members become a phenomenological part of the experience of attending to the object. I further argue that this process of joint attention can transform an aggregative crowd into a cohesive crowd whose members are collectively aware of their collective identity so that there is common knowledge of the awareness of the collective first person.

In Chapter Eight, I set out a minimal requirement for spectators to disavow themselves from collective responsibility ascribed to the crowd of which they are

members. I argue that spectating in crowds is not morally neutral and those who ‘stand and watch’ the actions of other members still can share in the responsibility ascribed to the crowd for the harms that these actions produce.

In Chapter Nine, I summarise my argument and conclude this thesis. I will explain that if it is possible to establish a robust basis upon which crowds may be ascribed collective moral responsibility, then some crowds can be held morally responsible for some collective actions. In turn this may provide a basis from which some harms that have been intentionally perpetrated by crowd, such as specifically targeted instances of violence, can be addressed, for instance by establishing obligations of reparative justice.

## 2. PETER FRENCH'S ACCOUNT OF THE CROWD

This chapter examines the individualist approach to the crowds. I will refer to this approach as 'atomistic' because it models crowd members as self-contained atoms. The atomistic view is reductionist. It views a crowd as simply an aggregate of the individual persons who make up the crowd, and holds that all properties of crowds can be reduced to properties of their individual members. Thus while individual crowd members have identities, the crowd has no collective identity and is instead a mere collection of its component parts. Peter French's view of the crowd that he outlines in, *Collective and Corporate Responsibility* (1984) exemplifies the atomistic view. French offers one of the first attempts to contest the view that corporations cannot be held morally responsible for their actions, and this account remains influential in business ethics. French divides collectives into two broad groups which, employing a geological metaphor, he calls: 'aggregates' and 'conglomerates'. The crowd is an example of an aggregate collective and the highly organised, centrally directed corporation is an example of a conglomerate collective. A conglomerate collective can maintain an identity over time, one that is distinct from the sum of identities of its constituent members and so differ radically from aggregate collectives, such as crowds.

In the first section of this chapter, I discuss French's distinction between aggregative and conglomerate collectives, with particular reference to his fictitious example of the 'the Canby Saloon Crowd'. I will not contest French's central claim about the capacity of conglomerates, such as corporations, to be held morally responsible for their action. However I will argue that his attempt to distinguish corporations from crowds relies on an overly simplistic characterisation of the features of crowds.

In the second section of the chapter I will outline problems with French's argument against the possibility of the collective responsibility of crowds. First there is an insistence on a methodologically individualistic approach to crowds that is unable to account for either the complexity of relationships that can occur between crowd members or the organisational capacity of some crowds. While it is true that some crowds are aggregates, it is not the case, as French holds, that all crowds are aggregates. Second, as will be demonstrated with reference to actual

counterexamples, there is no sharp categorical distinction between crowds and corporations as French's account suggests.

Copp (1986) notes another problem with French's distinction between aggregate and conglomerate collectives in that the account appears to conflate *ethical* individualism (EI) with *methodological* individualism (MI).<sup>3</sup> In the introductory chapter of his book, French describes the limitations of using MI to explain the way that conglomerate collectives operate (French, 1984, pp. 4-5). However he asserts that MI is the right way to analyse those collectives, which he calls aggregates. French initially employs MI as an explanatory device to describe causal responsibility but then slips into using it to argue against the view that aggregates can bear collective moral responsibility (French, 1984, p. 7). Copp explains that this makes it appear as though MI entails EI:

He tends to regard EI as a corollary of methodological individualism (MI), a thesis about the explanation of social processes and events (p. 2)... French thinks MI entails EI (pp. 4-5), but this obviously is not so because the semantic reducibility of collective moral attributions is not required in order for social facts to be explained by theories about individual behaviour (Copp, 1986, p. 637).

A consequence of this conflation is that French's account allows no room for the consideration of the moral import of relational or social factors associated with crowds. If MI entails EI, then the moral evaluation of the actions of an aggregate collective must reduce to the sum of the moral evaluations of individual members' actions. However, as will be argued below, this reduction is not tenable. It is true that for some kinds of groups, blame can only be ascribed at the level of individual persons, but French attempts to establish the general claim that crowds cannot share collective responsibility from a single, fictional and atypical example. Against French, I will argue that many crowds can be attributed non-reducible collective responsibility for what they do.

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<sup>3</sup> Heath (2011) defines methodological individualism as "claim that social phenomena must be explained by showing how they result from individual actions, which in turn must be explained through reference to the intentional states that motivate the individual actors". Ethical individualism is the position that individual conscience or reason is the only moral rule and "there is no objective authority or standard which it is bound to take into account" (Mastin, 2008).

The aim of this chapter is to examine French's arguments and to highlight the explanatory gaps in his account. I argue that French's artificially restricted description of the nature of crowds does not establish the distinction he draws between the moral powers of crowds and corporations. Examination of some real-world examples shows that crowds often in fact do possess features that French claims belong only to corporations. My criticisms of French do not undermine his argument that corporations can be held accountable as moral agents, only his claim that crowds cannot be moral agents.

## **2.1 Aggregates and Conglomerates**

French argues that corporations can be held moral responsible as a collective because they have the capacity to form and act according to a collective intention. I leave aside French's further metaphysical claim that corporations are individual persons (French, 1984, p. 29) as it is not relevant to this discussion. The characterisation of the corporation as an entity capable of intending and acting in a morally evaluable way relies on two premises: first, it relies on a distinction between 'aggregate' and 'conglomerate' collectives, based upon the formulation of their membership. Second, French holds that conglomerates possess features that constitute a structured intentional system and that aggregates do not constitute such a system.

### **2.1.1 Two types of collectives**

French broadly divides collective entities into two types: 'aggregate' or 'conglomerate'. This is a mereological distinction because it is fundamentally a claim about the relationship between the identity of the collective and its constitutive parts. French borrows the terms 'aggregate' and 'conglomerate' from geology. In its geological meaning, the term 'aggregate' refers to a rock whose particles tend to have about the same dimensions in every direction, so that aggregate composites do not display high a level of synergy as other fibre composites often do (Seal and Coat, 2005). Conversely, a conglomerate rock contains individual clasts or particles that have become fused together (*ibid*). For French, these terms aptly depict the fundamental qualities of two broad categories of collectives. An aggregate collective is solely comprised of the sum-total of its members so that there is no collective

identity. Conversely, a conglomerate possesses an identity that is distinct from the identity of its members at any given time.

Just as an aggregate rock has constituent particles of the same size that are not fused together, the identity of an aggregate collective consists in the sum-total of its members:

I shall call a group an “aggregate collectivity” if it is merely a collection of people. A change in an aggregate’s membership will always entail a change in the identity of the collection. In brief, a group or aggregate’s existence as that particular aggregate is not compatible with a varying or frequently changing membership. (French, 1984, p. 5)

The identity of the aggregate collective is strictly defined by the combined yet distinct identities of its individual members. If the membership of the collective varies by only one person, the aggregate collective also undergoes a change in identity. There is no overriding collective identity as the aggregate’s identity is fully reducible to the distinct identities of its biological member-components. French asserts that aggregates are comprised solely of physical people and, mereologically, he does not count similarities or relations between them, social settings in which they form or the psychological effect of membership as parts of the whole; as parts of the collective (French, 1984, pp. 4-5). This implies that these factors only affect the character of a group via their effects on individuals’ beliefs and intentions. According to this methodologically individualist approach, statements about a crowd’s actions are merely a grammatical convenience; the crowd itself has no agency. Actions that may appear to be performed by aggregates are really only the sum of individual acts performed by the people who are its member-components. Individual persons can be held responsible for their individual actions, but collective responsibility cannot be attributed to an aggregate collective as a whole. For the most part French simply asserts these claims with little supporting argument, and (as will be argued in section 2) the claim that a crowd’s identity is reducible to its precise membership and cannot survive any change in membership is false.

French distinguishes between two types of aggregate collectives. The first sub-class of aggregates has its membership defined in what French calls a ‘random’ way while the second does not. In the first sub-class there is only a spatial and temporal

relationship between members who, through happenstance, are in the same place at the same time. French describes the circumstantial nature of a person's membership of this first sub-class of aggregate as 'random' because as people are thrown together by chance, "there is no established decision procedure for determining group actions and often no strong bonds of solidarity" (French, 1984, p. 12). Generally, people who are members of this type of collective are usually "together in that place at the time because of each individual's pursuit of his own ends [sic]" (French, 1984, p. 12). Included in this first sub-class are lynch mobs, Kitty Genovese's neighbours and Held's (1970) random collection of bystanders, which are discussed below in Chapter Four.

While the first sub-class is aggregated according to spatio-temporal relationships between members, French's second sub-class is "defined in terms of a common characteristic or feature by virtue of which it is blamed or found to be responsible" (French, 1984, pp. 12 -13). By way of example, French describes a situation in which a person might say that she blames white American racists even though a "collectivity like white American racists is not gathered at any one space nor at any one time" (French, 1984, p. 12). He claims that the very features or characteristics upon which the ascription of blame turns define an aggregate of this nature. The aggregate collective of 'white American racists' is therefore defined by the common features of the members, that is that they are all white, American and racist. People who are white and American and racist are thus included in this group, even though they are not in the one place at the one time as members of random aggregate collectives are. French does not think that membership of the second sub-class of aggregate collective is random as it is defined by a common characteristic of membership rather than the happenstance of the physical and temporal location of its members (French, 1984, p. 12).

Whether an aggregate falls within the first or second sub-class, it is crucial that its identity is comprised solely of the discrete identities of its member components. To illustrate his explanation of aggregate collectives, French borrows from Walter Van Tilburg Clark's *The Ox Bow Incident* and constructs his own fictional scenario. He describes the Ox Bow Mob that in the novel lynched three innocent men, as "a certain collection of persons who bear the names Gil, Osgood, Bartlett etc."

(French, 1984, p. 20). According to French's account, if the same collection of persons who comprised the lynch mob gathered one day in a place called Canby's Saloon and proceeded to get into a brawl, we would call the collective the 'Canby Saloon Crowd,' even though this term would be a mere linguistic convenience. For when we use the descriptor 'The Canby Saloon Crowd', we would not refer to a collective entity but rather to a list of members, that is, the certain collection of persons who "bear the names Gil, Osgood, Bartlett etc." (French, 1984, p. 20). Just as an aggregate rock is geologically comprised of more or less evenly sized particles that are not fused and display little synergy, French considers that members of the aggregate collective 'Canby Saloon Crowd' are not fused together with solidarity or in relationship. The term 'Canby Saloon Crowd' is a shorthand way of denoting the collective's membership list and does not name an independently existing entity:

Only those seventeen persons were in the saloon at the relevant time, only those seventeen persons are the Canby Saloon Crowd. There might have been a few other persons in the saloon or there may have been an entirely different cast of characters. They may have been all women. But there were not, and they were not. Those and only those persons ... designated by the ... list of names constituted the crowd at Canby's... To catch the crowd and bring it to justice, the sheriff must capture each and every person on our list (French, 1984, p. 20).

The crowd has no collective identity and we only speak as though it does because this is more convenient than reciting the member-component list of the aggregate. If two aggregates have the very same individuals listed as members then French considers them to be identical. For example, if the seventeen people that gathered on a Thursday at the Canby Saloon also assembled the following day at the Cranberry Saloon, next door to the Canby Saloon, then two collectives would be identical.

It is important to note here that French does not deny that the crowd may be culpable for its actions— for implicit in the phrase “to catch the crowd and bring it to justice” is the notion that the crowd is in some way morally to blame for a harm. It is here that French conflates methodological individualism with ethical individualism. By using counterfactual examples such as “there may have been an entirely different cast of characters” and “they may have all been women”, French aims to show that the coincidental nature of the crowd's member-component list precludes its capacity to possess any morally considerable collective identity. To emphasise this he employs a selection-exclusion principle, which describes a certain list of members as

“temporally indexed to the focal event that is essential to the identity of the crowd” (French, 1984, pp. 24-25). Those members whose names are on the list are selected for crowd membership, and those whose names are not on the list are excluded from that collective. This means, for example that the focal event of the brawl in the Canby Saloon anchors the selection-exclusion principle to that place at that time so that the member-component list includes: “Only those seventeen persons were in the saloon at the relevant time, only those seventeen persons are the Canby Saloon Crowd” (French, 1984, p. 20). As noted above, it is according to this criterion that the Canby Saloon Crowd could be identical with the Cranberry Saloon Crowd. The selection-exclusion principle has selected the focal event (the brawl) and a member-component list has been created that determines the identity of the collective, so that if the same list of member-components is recompiled, the identical collective is effectively reconstituted. Effectively he is claiming that the Canby Saloon Crowd cannot bear any non-reducible collective responsibility for the brawl because it has no existence independent of the particular brawlers in the saloon.

Aggregate collectives, whether in French’s first or second sub-class, are distinguished from conglomerate collectives, which can in some cases be granted moral personhood and thus can be held morally responsible. The primary difference between aggregates and collective concerns the dependence or independence of their identity from their membership:

A conglomerate collectivity is an organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization... A change in the specific persons associates in a conglomerate does not entail a corresponding change in the identity of the conglomerate (French, 1984, p. 13).

Again, the claim is mereological: whereas the identity of the aggregate would change if there were a change of membership, the identity of the conglomerate does not change if there is a variation in its constituent members. The corporation has intentional structures through which the individual intentions of members are redescribed as corporate intentions. Consequently, the membership of a corporation can vary without impacting the identity of the corporation and without necessarily altering its intentional structures.

Distinguishing between collectives on the basis of whether they are aggregates or conglomerates is the first premise of French's account. Only conglomerate collectives can be considered moral persons and be held collectively responsible. According to the 'membership criterion', aggregate collectives cannot be considered to be moral persons because the identity of the collective is merely a sum-total of the individual and distinct identities of its members. In a sense, aggregates do not live long enough to be responsible agents. The collective term we commonly use to describe an aggregate collective is thus merely a linguistic convenience and does not denote an independently existing entity. Indeed the 'membership criterion' determines whether or not there is a collective entity. If the collective is an aggregate, then there is no collective entity but rather a collection of distinct individual identities. Conversely, if the membership criterion determines that a collective is conglomerate in nature then the collective itself is an entity, although the question of whether it can be ascribed collective moral responsibility depends on additional factors.

French's account specifies three features that conglomerate collectives may possess. If these three features are present, they constitute sufficient conditions for the entity to bear collective responsibility. Individual intentions of members are redescribed as corporate intentions because individuals make them on behalf of the corporation. These features are:

- an internal decision making structure
- identifiable roles and positions, and
- enforced standards of conduct (French, 1984, pp. 43-47).

For French, the three features must be formally instantiated, so for example, the conglomerate must not only possess an 'internal decision making structure' but a 'formal internal decision making structure.' Similarly, there must be formal roles and positions and formal standards of conduct - and it appears that 'formal' equates to 'documented.' The rules, roles, procedures and standards must be written down. Taken together, these features form what French calls a Central Internal Decision structure (CID).

The paradigm case of a conglomerate with a CID is the corporation. The corporation has an organisational or responsibility flowchart that "delineates stations and levels

within the corporate power structure” (French, 1984, p. 41) as well as corporate decision recognition rules that are “usually embedded in something called corporation policy” (*ibid*). The existence of the CID that is itself shaped out of the three formal features of conglomerates, confers moral personhood on the collective because it largely determines the behaviour of individuals within the organization:

When operative and properly activated, the ... structure accomplishes a subordination and synthesis of the intentions and acts of various biological persons into a corporate decision (French, 1984, p. 41).

This claim is metaphysical. French describes this process of subordination and synthesis of intentions and acts as a ‘redescription licence’ because through this subordination and synthesis the conglomerate can correctly be seen as functioning as though it is *itself* intentionally acting. The actions of the corporation are distinct from those of its personnel and so the CID structure is crucial to French’s claims about the moral personhood of corporations. He goes on to claim that this position accords with our “deeper intuitions about corporate identity” (French, 1984, p. 27) as we generally consider corporations to be complex collectives, while we generally view aggregates as simple collectives.

## **2.2 Criticisms of French’s Account**

This section critically evaluates French’s claims that aggregates and conglomerates are distinct collectives and that only the latter possesses the features upon which ascriptions of collective moral responsibility can be predicated. There are six main objections to these claims. The first objection contests the claim that members of aggregate collectives such as crowds exhibit no strong bonds of solidarity. The second objection is that the membership criterion by which French demarcates aggregates from collectives does not, in fact, mark a clear boundary between two types of collectives. By French’s membership criterion, some groups he would classify as aggregates appear to satisfy the criteria for classification as conglomerate collectives and *vice versa*. The third objection focuses on the metaphysical distinction that French attempts to draw between conglomerate and aggregate collectives through claims about our linguistic conventions and the way that we talk about crowds. The fourth objection questions the emphasis that French’s account places on the formal nature of the CID structure, rather than on its effectiveness. The

fifth objection is that the account relies on an overly simplistic understanding of relationships between members of crowds and the last objection concerns French's use of a fictitious bar brawl as a paradigmatic example of a crowd action.

### 2.2.1 The problem of unity in aggregative collectives

The dichotomous categorisation of collective as either aggregate or conglomerate in French's account has been criticised by Larry May (1987) who argues that some collectives fall in between these categories in something like a 'middle position.' May's account is discussed in detail in Chapter Five. Here, the focus is on the claims French makes about aggregates and on the broad objections that May raises to the way that relationships between members of aggregate collectives are presented in French's account. May takes issue with the assertion that social relationships are reducible to psychological states and so have no ontological status in aggregate collectives. The specific objection concerns French's assumption that a reductionist methodological individualism can be applied to any group with a fixed membership list:

Whether or not a group, and its behaviour, can be reduced to its members, and their behaviour, is determined by whether or not the structure of the group can facilitate joint action or common interest, and not, as French thinks, by whether or not there are fixed membership lists (May, 1987, p. 23).

May argues that an atomistic view of members of some aggregate collectives, such as those in French's second sub-class is misguided, because these collectives are comprised not merely of self-contained individuals in proximity, but rather of individuals in *relationship*. These relationships are not psychological states and they cannot be reduced to the level of individual psychology:

The ontological status of the "relations" which turn individuals into groups should be carefully considered... My position is that "relations" among individuals do have a reality, a distinct ontological status which is different from the individuals who are so related (May, 1987, p. 23).

According to May, some unorganised collectives achieve solidarity between members through the development of relationships. In turn, this solidarity provides them with a sense of unity that is facilitative in nature. Where there is unity, an unorganised collective can sometimes attain a structure that is sufficient for members to not only become aware of the needs of the collective itself but to also make

decisions on its behalf (May, 1987, p. 64). Just as the decision structures in a corporation “contribute greatly” to the goals that members of a corporation pursue on its behalf, the relational structures in some aggregates allow members to intend and act on behalf of the collective. The unity produced by the relational structure is non-reducible on May’s account and he argues that it is this feature, rather than a member-component list, that distinguishes between collectives that can and cannot bear ascriptions of collective moral responsibility.

In *The Morality of Groups* (1987), May argues that some aggregate collectives can be ascribed non-reducible collective moral responsibility because members not only make decisions on behalf of the collective, but also because they coordinate intentional action according to these decisions. The features that French claims are exclusively possessed by corporations thus appear to be held by collectives that are on his account, categorised as aggregates. May cites sociological research that indicates that robust decision making procedures develop dynamically in seemingly unorganised groups (May, 1987, pp. 59-61). These decision-making procedures are informal by French’s standards, but they guide the cooperative action of members of some collectives. May discusses historical accounts of the storming of the Bastille, to show that decision-making procedures must have existed as the members of the mob worked cooperatively in sophisticated ways to achieve certain tasks in the interest of the collective:

There are written and pictorial accounts of bands of the mob which broke off from the main group in order to perform specific tasks needed to be done at the moment, such as preventing a fire from going out or setting up barricades to keep out newly arriving soldiers (May, 1987, p. 59).

The coordination of such activity could not have occurred without some form of decision-making within the collective. Indeed, the fact that the decision-making processes appear to have developed spontaneously seems to matter less than the fact that they were effective. Conversely, having decision-making procedures written down provides no guarantee of their effectiveness. It takes little effort to imagine a dysfunctional corporation that has a formal decision-making procedure that is, in practice, either ineffective or ignored altogether by employees. It may be that the requirement of formality appears in French’s account because there is an assumption that if procedures are documented then the processes are likely to have resulted from

a level of consideration or even consultation with other member-components within the collective. Even if this is so, the account does not make the case that documented processes are *ipso facto* effective processes. If the correct emphasis is on the possession of an effective decision-making process rather than a documented one, it seems that aggregate collectives may possess this characteristic.

### 2.2.2 Applying the membership criterion

Pfeiffer (1990), like May (1987), also challenges French's sharp distinction between aggregate and conglomerate collectives. Pfeiffer's main argument is that, rather than positing a sharp boundary between conglomerates and aggregates, differences between them are better considered as a matter of degree:

[There is] an inadequacy of the membership criterion by which French distinguishes aggregates and collectives. There is evidence that there may not be any distinct, unequivocal examples of either category. Beyond the view that the moral distinction between aggregates and conglomerates is one of degree, this is evidence that the two are not empirically distinguishable at all (Pfeiffer, 1990, p. 476).

Pfeiffer argues that the membership criterion fails to clearly distinguish between conglomerate and aggregate collectives because, in some cases, aggregates could be categorised as conglomerates or vice versa. This challenge to the membership criterion specifically attacks French's claim that the identity of a corporation remains unaltered by a change in its membership. French asks us to consider the fictitious Gulf Oil Corporation as an example of a conglomerate collective. Such a collective would have many members and its membership list would constantly change as shareholders trade stock on the stock exchange and employees are hired, fired or retire:

If we try to specify the component membership of the Gulf Oil Corporation at any one time, major difficulties arise... the Gulf Oil list will always be in a state of flux (French, 1984, p. 27).

On French's account, the term 'Gulf Oil Corporation' would still denote the same entity, even if the member lists were compiled five minutes apart on a Friday morning in October 1983:

Suppose two lists have been compiled; Gulf Oil Corporation List A will be the list at 10:00a.m. on Friday, October 7, 1983, and List B will be the list for 10:05a.m. on the same day. The same names appear on both lists with one exception. On List A there appears the name “Bernard J. Ortcutt” followed by the job description “clerk,” but the name is not to be found on List B (French, 1984, p. 27).

The lists are thus identical except for the name of one clerk who left the company’s employ at some point during those crucial five minutes. French claims that the term ‘Gulf Oil Corporation’ continues to denote the same collective entity, even though its membership has thus varied. On his account, the corporation is the same entity because the “corporate identity through time is rather indifferent to the identities of those persons associated with it” (French, 1984, p. 28). French points out that it “clearly” makes sense to talk of the Gulf Oil Corporation, whether Ortcutt keeps his position or loses it: “that a particular person holds a particular position is a contingent property of the corporation” (French, 1984, p. 28). To support this claim, French notes that executives with whom he has conversed believe that the corporations would be the same after they themselves left the company: “The wide majority stated that the corporation’s identity would not be altered if they and their colleagues worked elsewhere” (French, 1984, pp. 28-29). Further, he proposes that if the Justice Department brought charges against Gulf Oil Corporation for violating the U.S.A. antitrust, that the case would be made against the entity that is the ‘Gulf Oil Corporation’ regardless of whether “all of the senior executives of Gulf Oil resign and are replaced by other people” (French, 1984, p. 29). The corporation could not escape the charges by claiming that it was not ‘the same person.’ On French’s account, this is all evidence that the term ‘Gulf Oil Corporation’ denotes an entity that is itself an individual. This claim is problematic as French is here attempting to extract a metaphysical fact from a legal fact. The legal definition of corporate personality is stipulative. It does not appeal to a metaphysical conception of personhood. Legal personality does not, of itself, guarantee personhood in any metaphysical sense. The metaphysical claim that the corporation is a person requires substantiation that is not provided by merely noting a practice in corporate law.

Against French’s claim that the identity of corporations is impervious to changes in their membership, Pfeiffer argues that there is empirical evidence that a large enough

change in membership alone “can produce a change in the identity of a corporation such as Gulf Oil” (Pfeiffer, 1990, p. 476):

Consider the retirees of ten years ago who shake their heads and say “It just isn’t the same company.” Are they merely speaking elliptically? Suppose Gulf is convicted in court of some illegal (and morally repugnant) practice which originated after they retired, and that there have been no other major changes in company policies or procedures since their retirement. The retirees might still insist that it is now in important aspects a different company because of extensive personnel changes alone (Pfeiffer, 1990, pp. 476 – 477).

Pfeiffer anticipates a possible counter claim that the policies and practices of the corporation had substantially changed since the retiree’s day:

French offers the membership criterion as the single, necessary and sufficient condition for determining whether a corporation is an aggregate or a conglomerate. To use the identity of policies, procedures and corporate culture as sufficient to draw the distinction is to shift ground (Pfeiffer, 1990, p. 477).

If there is an appeal to changing policies, then this is to claim that sameness of policies, procedures and culture equates to the sameness of corporate identity, and this runs counter to French’s application of the membership criterion.

Consequently, even though the corporation continues to be named ‘Gulf Oil,’ this does not itself prove that a change in its personnel cannot change its identity. Just because we have legal, social and linguistic conventions in which we may use the name ‘Gulf Oil’ to label a corporation in 1990 and to label it identically in 1980 is “by itself little proof that the two things have the same identity” (Pfeiffer, 1990, p. 476). Pfeiffer argues that French’s account overstates the metaphysical importance of the name ‘Gulf Oil,’ especially in its insistence that it rigidly designates the conglomerate to which it refers. Identity alone may not be the reason that we use the same term over time to refer to a corporation. Rather we may consistently use it “for purposes of investment, taxation, debt, inheritance, legal redress, reputation, [or] public relations” (Pfeiffer, 1990, p. 477).

Pfeiffer further criticizes the membership criterion by arguing that it fails to distinguish between collectives that are moral collectives and those that are not. This is because it is impossible to determine whether a collective is a conglomerate or not by “examination of its empirical characteristics” (Pfeiffer, 1990, p. 478). According

to Pfeiffer's argument, a better measure is consideration of the "relevant purpose of those whose judgement is accepted as the basis for applying the membership criterion" (Pfeiffer, 1990, p. 478). As French's account leaves no room for such judgments, Pfeiffer concludes that the membership criterion draws a distinction between collectives that is "without referent, and is therefore unhelpful in clarifying moral discourse" (Pfeiffer, 1990, p. 478).

Pfeiffer goes on to claim that some aggregates exhibit the characteristics that French insists are exclusively held by conglomerates. For example, he responds to French's assertions that there was no decision making structure in the case of Kitty Genovese's neighbours by challenging the need for the structure to be formal: "the group may well have a rudimentary sort of decision procedure by which it functions" (Pfeiffer, 1990, p. 475). Here, Pfeiffer's criticisms are similar to May's, as both theorists maintain that even though there is no *formal* decision making structure in these crowds (at least not in the sense that French requires there are patterns to the way that decisions are reached in some aggregate collectives:

Decision structures can develop spontaneously when people get together, for even very short times, and in the presence of weak relationships among them. Indeed this is the very kind of thing which sociologists and social psychologists report in their studies of group dynamics (Pfeiffer, 1990, p. 475).

Pfeiffer thus disagrees with the way that French's account would classify collectives such as Kitty Genovese's neighbours. He considers that this collective exhibits the features that French insists are exclusively held by conglomerates. Pfeiffer argues that French's account does not consider the body of sociological research that suggests that some aggregates have these features, even if they do not manifest in the same way that they do in conglomerate collectives. For example, with regard to the enforcement of conduct in a group, Pfeiffer argues that enforcement mechanisms can be found in collectives of all natures even though the formality of these mechanisms may vary by degree:

Enforcement of conduct takes place in varied and subtle ways, and there is no reason to think it [is] totally absent in [aggregates] (Pfeiffer, 1990, p. 475).

Taken together, these arguments from May and Pfeiffer show that French's attempt to make a categorical distinction between aggregate and conglomerate collectives, on

the basis of the ‘membership criterion’, fails. Similarly, French’s assertion that collective intention presupposes formal decision-making structures, which are only present in conglomerates, is implausible on close examination.

### 2.2.3 What is in a name?

On French’s view, ‘Gulf Oil’ is a proper name; the name of an independently existing entity with personhood. The name ‘Canby Saloon Crowd’, however, is merely a ‘linguistic convenience’; a name with substitutes for a membership list and which does not imply the existence of an entity other than a particular collection of members. As argued above, it is not *necessarily* true that the term ‘Gulf Oil’ always designates the same corporation regardless of how much change occurs within the organisation. Conversely, it is not always the case that the way we talk about aggregate collectives is merely a ‘linguistic convenience’. Some crowds and informal groups can continue to exist over time and across different instances of assembly, even though the membership changes.

For French, just as ‘The Canby Saloon Crowd’ is merely a shorthand way of denoting the collective’s membership list, statements such as ‘the lynch mob lynched the subject’ are to be understood not as a statement about an action performed by a collective, but as a semantic device for referring to the set of actions performed by individual members of a group. That is, French claims that statements such as ‘the lynch mob lynched the victim’ do not assert that a single entity performed the act, but rather that “a specific list of people performed the lynching” (Pfeiffer, 1990, p. 474). This means that the act of lynching is reduced to a sum of its individual constituent acts, so that, for example, one person tied the noose, two people held the victim, one person placed the noose around the victim’s neck, three pulled the rope and hoisted the victim in the air, one person incited the crowd and twenty others stood, watched and cheered.

This notion is not only counterintuitive; it is also inconsistent with the way that we attribute moral responsibility to collectives such as lynch mobs. While there may be individual ascriptions of blame to those who specifically encouraged the mob, there is also often an ascription of blame that is not simply reducible to a set of

blameworthy individual acts. A lynching does not consist of a series of individual actions. Rather a lynching consists of a series of actions that are specifically performed together for a particular purpose and in an effort to bring about a certain outcome. One person finds the rope and another ties the noose not in isolation but toward a common goal and, moreover, a common goal that can only be achieved by working together. Reducing an action such as a lynching to its component parts makes it very difficult to explain the moral difference between the act of finding a piece of rope one day as I potter about my garden shed and tying it into a noose, and tying a piece of rope into a noose as I and a group of others, some of whom are restraining a fearful individual, are gathered around the base of a sturdy tree. This is because these actions are not performed in isolation but rather they are performed as a contribution to a larger action, which provides both the context and motivation for the sub-action itself. However, it is not only the sub-actions that are related. Those performing the actions act not as isolated individuals but as members of a collective, and it is the relationships between group members which make their individual sub-actions possible and impart meaning and purpose to those sub-actions. Just as members of a corporation may act on its behalf, my tying a rope into a noose in the presence of a group of others gathered around a sturdy tree is sub-action performed on behalf of the group.

The atomistic model cannot account for the influence of spectators, by which I mean that it cannot make sense of the contribution of those members of a group who do not perform a specific sub-action, but who nevertheless contribute to the success of the larger action. Staying with example of lynch mobs, such mobs include individuals who do not perform any specific action in relation to trees or ropes but who embolden those who physically perform the hanging by communicating their approval and support.. Those who stand and watch not only embolden the actors but they also make it difficult for these actors to withdraw from the action itself. This ‘spectator effect’ is a documented phenomenon wherein spectators both increase the likelihood of an action being performed and increase the severity of the action once it is performed. The report by the *Chicago Commission of Race Relations* into the Chicago Race Riot of 1919 documents numerous incidents where spectators contributed to the severity of actions performed by rioters and notes that their presence made these actions more likely to occur in the first place:

Though spectators did not commit the crimes, they must share the moral responsibility. Without the spectators mob violence would probably have stopped short of murder in many cases  
(Chicago Commission of Race Relations, 1922, pp. 22 – 23).

The report notes violence was less likely to ensue when targeted individuals broke free of a crowd of spectators. George Carr was among a number of African Americans chased through the streets by a crowd of rioters when he managed to put some distance between himself and the majority of rioters:

[Carr] outstripped all but the vanguard of the mob by climbing fences and hiding in a back yard. This concealed him from the rest of the crowd, who by that time were chasing other Negroes. The young men who followed Carr left him without striking a blow, upon his mere request for clemency  
(Chicago Commission of Race Relations, 1922p. 23).

During the inquest, the coroner noted Carr's case and said that spectators who 'swell' the crowd urge on those who commit specific acts because the actors "feel that they are being backed up by the balance of the crowd, which may not be true, but they feel that way" (Chicago Commission of Race Relations, 1922, p. 23). French's reductionist methodological individualism cannot account for the 'spectator effect.'

The implausibility of the semantic claim that the name of a crowd merely denotes a membership list becomes evident when we consider real examples. Consider the crowd of nearly one million people that joined the 'Walk for Reconciliation' at the Sydney Harbour Bridge on 29th May 2000. These people walked *en masse* across the bridge to express their support of reconciliation with indigenous Australians and to acknowledge the 'Stolen Generations.'<sup>4</sup> The collective was repeatedly referred to as a single entity in colloquial discourse and in the media, usually as the one 'crowd.' The Australian Broadcasting Commission's current affairs show, *The 7:30 Report* referred to the vast number of people who 'streamed' across the bridge (ABC, 29 May 2000). It is implausible to suggest that the journalist in this instance used the

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<sup>4</sup> The term 'Stolen Generations' refers to generations of Indigenous Australian children who were forcibly removed from their families between 1910 and 1970. It is estimated that 50,000 children were removed, most being under five years of age. According to Australia's Human Rights Commission, this amounted to genocide: "The policy of forcible removal of children from Indigenous Australians to other groups for the purpose of raising them separately from and ignorant of their culture and people could properly be labelled 'genocidal' in breach of binding international law" (Human Rights and Equal Opportunity Commission, 1997, p. 275).

term ‘streamed’ as a shorthand way of saying that ‘crowd member one and crowd member two and crowd member three ... each streamed across the bridge.’ Aside from the fact that the term ‘streamed’ refers to an action that is essentially collective in nature, the word is clearly being used as indication of group action and there is an inference of unity of purpose between members. Streaming across the Sydney Harbour bridge is something that only a large group of people can do. Moreover, it is something that a large group of people can do *together*. Given that there were so many people in attendance that the bridge was closed to vehicles for most of the day, and given that the crowd members walked across the bridge in tightly organised shifts so that some were completing the walk route while others were yet to begin, the compilation of a member-component list for this aggregate seems as cumbersome as that for ‘Gulf Oil.’ However impossible the task of compiling a member-component list may be, its unwieldy nature does not itself prove that the crowd that walked for Reconciliation in May 2000 is either an aggregate or a conglomerate collective. This is a paradigmatic example of collective political action, and yet this collective does not fit easily into either of French’s categories, ‘aggregate’ or ‘conglomerate’; which shows the inadequacy of this taxonomy.

The identity of some crowds seems capable of persisting across changes in membership. The fact that the first few shifts of crowd members finished their walk before the last few shifts of crowd members began suggests that the membership of the collective changed across the course of its lifespan (some members had already dispersed as others were still completing the walk) yet we do not consider that the identity of the collective changed every time an individual crowd member either started or completed their walk. On French’s account, the ‘Walk for Reconciliation’ marchers constitute an aggregate collective. Yet is it clear that his ‘membership criterion’ fails here because it is absurd to suggest that a new crowd was created every time an individual joined or left the march. Rather, there was a *crowd* whose membership was in flux as individuals joined and left over the course of the day. More important, however, is what this example shows about collective moral responsibility. For French, a group of citizens mostly unknown to each other, gathering loosely in one place, with no formal (and certainly no ‘written down’) decision making structure could not bear collective responsibility. Yet, the ‘Walk for Reconciliation’ was designed and intended by its participants as a public declaration

of collective responsibility. The marchers were communicating the message that they take themselves, and the broader Australian public, to share responsibility for historical injustices against Aboriginal Australians, and they were calling on politicians and the general public to face up to that responsibility. Any theory which denies that crowds can bear collective moral responsibility has to explain why people sometimes form crowds specifically for the purpose of declaring collective responsibility.

Similarly, a reductionist, methodologically individualistic approach to the crowd cannot account for the way that a crowd's identity can appear to persist across multiple instances of its assembly. By this, I mean that a crowd can sometimes remain 'structurally possible' even when that crowd is not physically present, because it can be reconstituted. For example, the Aboriginal Tent Embassy in Canberra, Australia was founded in 1972 to protest a government decision to reject a proposal for Aboriginal Land rights (Leslie, 2012). It was forcibly dismantled by police twice that year and occupied a number of settings until 1992 when the Embassy was re-established in its original location. The Embassy marked its 40-year anniversary in 2012. The Embassy is not a corporation and it has existed in several locations with different tents and members, yet we talk about the Tent Embassy with the same sense of collective identity that we use to refer to corporations such as Gulf Oil. We do not describe the reappearance or relocation of the Embassy as the emergence of a new collective but rather we say that 'The Embassy' has relocated or that it is 'back.' The Embassy has an identity that persists across time and thus the collective itself remains structurally possible, even when members have dispersed.

#### 2.2.4 Effective not formal features

May and Pfeiffer have successfully argued that some aggregate collectives appear to possess the characteristics that on French's account appear only in conglomerate collectives. May pointed out that some aggregates have informal decision-making structures that direct group action. Pfeiffer also argued that aggregates have enforced standards of conduct and decision-making mechanisms and that these appear with different levels of formality. Thus, French's attempt to draw a clear boundary between corporations and crowds fails. It does not matter whether a collective has

formal decision making procedures and formally specified standards of conducts or whether it has formally defined roles (particularly when ‘formal’ is conflated with ‘documented’). Rather, I propose that the capacity of a collective – aggregate or conglomerate – to synthesise the individual intentions of members into a morally considerable collective intention depends simply on whether it has *effective* decision making mechanisms.

May has provided an account of aggregate collectives that feature such effective decision making mechanisms. The crowd that stormed the Bastille had no formal structure or central authority. Yet the crowd action of taking the prison would not have been possible without well integrated decision making where sub-groups within the crowd organised to perform the many tasks required to achieve the larger goal.

May’s claims are supported by sociological research on crowd behaviour. For instance, crowds in critically dangerous situations, appear to conform to distinct decision making patterns so that members will gather information and work cooperatively to assist others (Shaw, 2001, pp. 6-8). For example, people will usually look for confirmation that the situation the crowd is in is indeed critical. If this is confirmed, crowd members tend to exit an area calmly and in orderly fashion, and they will be altruistic in assisting others and even in helping rescue personnel (pp. 6-8). This pattern may not be documented and so ‘formal’ but it recurs in similar disaster situations and so is not only effective, but the formation of these patterns is predictable. Similarly, the claim that formal enforced standards of conduct appear only in conglomerates is unsustainable when considered in light of empirical evidence. Sociologists and social psychologists have described and explained norms of behaviour that develop quickly in informal groups. These ‘emergent norms’ define behaviour in ambiguous situations, particularly in crowds. Further, these norms set moral standards that are relative to the situation in which crowd members find themselves so that crowds can quite quickly develop a set of new behavioural norms that are different to the norms observed ‘outside’ the crowd by its members (Baron and Kerr, 2003, p. 122-123). These norms therefore not only guide the behaviour of crowd members but also reference the crowd as the domain within which the norm applies. Crowd members modify their own behaviour in accordance

with rules and expectations they perceive to arise from and express the “sentiment of the whole crowd” (Turner and Killeen, 1972, p. 22).

The claim that there are defined roles only in conglomerates is undermined by empirical research that finds that distinct tiers can emerge in a crowd. Crowd members in these tiers tend to adopt specific roles, even though these are not ‘formal’ in the sense that they are not documented. For example, Hensley and Lewis (1998) describe three distinct tiers of crowds all of which feature in their study of the crowd that came under fire by national Guardsmen at Kent State University in 1970. On 4 May students had planned to protest against the Vietnam war and the presence of armed National Guardsman on their campus but were warned by University officials that rally had been prohibited. Nevertheless, a crowd had gathered on campus by 11a.m.:

By noon, the entire Commons area contained approximately 3000 people. Although estimates are inexact, probably about 500 core demonstrators were gathered around the Victory Bell at one end of the Commons, another 1000 people were "cheerleaders" supporting the active demonstrators, and an additional 1500 people were spectators standing around the perimeter of the Commons. (Hensley and Lewis, 1998)

While the active core was mainly yelling loudly at authorities and chanting slogans, they occasionally threw projectiles such as sticks and rocks at the Guardsmen (Turner and Killian, 1972, p. 162). The cheerleading tier shouted encouragement to the active core, while the third tier of spectators stood nearby and observed events, although their “sympathy lay clearly with their fellow students gathered around the Victory Bell” (Lewis, 1971, p. 270). Other studies, such as that into the 1932 Dartmoor Prison Mutiny in the United Kingdom have identified a larger number of tiers (Brown, 2007, p. 284). However, whether or not the claims in these studies about the number of tiers are generalizable these examples show that tiered structures can develop spontaneously in crowds.

Empirical evidence shows that crowds commonly exhibit defined roles, even though they are informal by French’s standards. Tiers in crowds appear to influence relationships in ways similar to the ways that French claims that defined roles do in corporations. That is, those in the tiers appear to work together to support the action taken by the collective as a whole. Consider the 1985 riot at the Mt Panorama car-

racing circuit in New South Wales. Here a crowd that had gathered at the three day-long event, and who had camped at the campsite, clashed with riot police on the first evening. Sociologists conducted participant observation research during the riot and identified three tiers of rioters within the crowd (Cunneen, 1987). First, the ‘active core’ or front line members who stood 30m from police lines, throwing insults and missiles; second, the cheerleaders who threw some missiles but mainly insults from a safer distance; third, other spectators, with tents pitched or campfires burning “choosing not to participate in the process of the riot – but also choosing not to leave the scene of the conflict” (Cunneen, 1987, p. 97). There were relationships between the tiers that served to effect the overall action that was undertaken by the crowd, so that while the ‘active core’ interacted directly with the police the existence of the other two tiers facilitated this action. The cheerleading tier yelled and jeered at officers, cheered on those in the core and even provided them with missiles, including the bricks from a nearby drinks stall they had banded together to demolish (Cunneen, 1987, p.94). The spectators did not oppose the actions of the other two tiers and provided them with shelter and meals. Just as individual people are able to make and act on decisions based on a corporation’s interest, it appears as though members of some aggregates are similarly able to make and act on decisions on behalf of the collective.

Further, empirical evidence indicates that where these features exist, aggregate collectives such as some crowds appear to act in coordinated ways with reference to a group goal that is distinct from the personal goals of individual members:

A number of studies show that for individuals in a cohesive group the goal of the group success is an individual motivator which is independent of the goal of expected benefit to that individual. And another study found that cohesive groups may come to accept states of affairs which would be considered suboptimal by the individual members if they were reaching decisions on their own (May, 1987, p. 64).

Contrary to the claims in French’s account, the three features of decision making that he believes distinguish corporations from aggregate collectives – structure, defined roles and standards of conduct – actually appear in aggregate collectives. French is wrong to place so much stress on formal structures of decision-making. Formal structures can sometimes be hopelessly ineffective or may be circumvented in practice, while informal structures, which develop spontaneously, may be effective in

directing the actions of group members. Thus, it is possible for aggregate collectives to intend and act just as corporations can. If that is correct then such groups can bear collective moral responsibility just as corporations can. Consequently, the claims about the moral distinction between aggregate and conglomerate collectives and their capacity to bear collective moral responsibility cannot be sustained.

#### 2.2.5 Relationships between members of aggregate collectives

I have argued that the reason that French's distinction between aggregates and conglomerates fails is that it relies on an overly simplistic view of the way that aggregate collectives function. This distinction also overgeneralizes the nature of the relationships between members of such collectives. On French's account, both the relationships between a collective's individual members and the relationship between members and the larger collective are central to an entity having an identity that continues over time. The 'redescription licence' works to build, order and define relationships between biological agents in the corporation and between these agents and the corporation itself in particular ways so that agents make decisions on behalf of the corporation instead of in their own individual interests. It is a foundation of French's account that an aggregate collective has no relationships between members or between members and the collective that are sufficiently binding for them to act in similar ways: "there is no established decision procedure for determining group actions and often no strong bonds of solidarity" ( French, 1984, p. 12).

French's claim here that it is unusual for aggregate groups to exhibit solidarity is simply false. While it may be that some aggregates are formed quickly and while it may be that members of these collectives were erstwhile strangers, it does not necessarily follow that solidarity will not evolve between them. Nor does it follow that, if developed, this solidarity will not be strong enough to facilitate cooperative and intentional behaviour. French does not specify how strong bonds of solidarity need to be so as to function effectively. Although his account seems to imply that solidarity within the corporation is important, French does not clearly explain this importance. Presumably it is through solidarity with each other and with the organisation, that employees of a corporation become committed to the corporation's goals; however if this is so French does not specifically explain how solidarity arises

in the corporation or the particular role it plays in solidifying relations between members and the collective as an entity. There may also be instances when there is very little felt solidarity between members of the corporation. On French's account, then, corporations possess a kind of solidarity that aggregate collectives do not, but this is a false generalisation. Employees may follow rules and procedures even though they feel little solidarity with each other or with the company and a protest crowd may develop a high level of solidarity between members. Solidarity is no better at distinguishing between corporations and aggregates than is the existence of formal structures.

This oversimplification becomes apparent when we consider French's main example of the aggregate collective: the Canby Saloon Crowd. Recall that the Canby Saloon Crowd is presented as a paradigm of the aggregate collective and is constructed as a foil against which French establishes his claims about the moral capacity of the corporation. In this example, only the seventeen people who were at the Saloon appear on the crowd's member-component list. Membership is determined by a selection-exclusion principle, so that the member-component list includes: "Only those seventeen persons were in the saloon at the relevant time, only those seventeen persons are the Canby Saloon Crowd" (French, 1984, p. 20). This stipulation has the consequence of excluding others who were present at the time of the brawl from the crowd's membership list. No bar staff or passers by are considered members and even though French later refers to an example wherein a member of the bar staff is present at the time of the brawl, this person at no time appears on the member-component list. The claim about membership thus extends beyond being connected to a focal event by being in a certain place at a certain time, and instead seems to depend on a person's *active involvement* in that event.

Although this may appear to be a minor distinction, it is nevertheless critical to the point I now make. I have already argued that individual actions in some aggregates should be considered sub-acts that contribute towards a collective goal that can only be achieved by people working together as opposed to working individually. The brawl in the Canby Saloon is such an example. It makes no sense to consider one person's action of smashing a chair on a table and another's of using a broken table leg to smash a bottle of whiskey as isolated and distinct. These actions occurred in

the larger context of the brawl and were facilitated by the relationship that existed, even momentarily, between members of the crowd. However, French makes no reference to either the relations between members of the crowd or to the specific psychological features of crowd dynamics, or to the social, political or historical context within which the crowd forms. On French's account, we are to understand the action of the crowd as nothing more than sum-total of the individual actions of its constituent members. On French's account, the statement: "the Canby Saloon Crowd brawled" is not literally true but is a convenient redescription of a more complex claim about the actions of seventeen individuals. This is simply not plausible. There are many verbs that describe group actions that can only be performed by a group and 'brawling' is one of them. It makes little sense to say that each of the seventeen crowd members 'brawled' individually, as at the very least two people are required to interact with each other so as to satisfy the meaning of the word 'brawl.' Each member of the Canby Saloon Crowd took part in the brawl in the presence of other crowd members so that the experience of brawling is inherently relational. Perhaps out of the corner of her eye, one person saw another aiming a chair at her and ducked after throwing a bottle in that direction. Perhaps two people momentarily cooperated to smash the bar or to lock the doors. However many different scenarios we may envisage, it is a nonsense to suggest that the brawl in the bar is reducible to a sum total of individual 'brawls' performed in relational isolation from each other. A further consequence of French's claim about the way that we talk about crowd action is that we would need a new account of the meaning of these verbs, such as 'brawled' and he does not provide one.

If it is correct to interpret French's notion of the 'member-component list' as referring just to individuals actively involved in a focal event, then the account has the implication that there is only one tier of crowd membership. Only those in the tier that sociologists have labelled the 'active core' are considered crowd members on French's account. Here again we find an oversimplification. Sociological research indicates that even seemingly 'passive' spectators can contribute to the direction and intensity of a crowd's activity by influencing the kind and strength of norms that emerge and the even likelihood of particular crowd actions (Blumer, 1967; Turner and Killian 1972, p. 94). Distinguishing between who is a crowd member and who is not is difficult. Boundaries between the three tiers are not always straightforward,

and instead of perceiving distinct thresholds between them, in reality membership lines are mutable. French simply stipulates that only seventeen people were involved in his example, but in real brawls, it is much harder to draw a sharp line between those who were involved and those who were not. Those who stood on the sidelines and watched or those who only defended themselves against punches but did not attack anyone could be considered to be crowd members as well. There was significant movement between the tiers at the Mt Panorama riot such that the structural relationship between them was symbiotic (Cunneen 1987, p. 96). This means that the 'active core' is in part formed by and is inherently interrelated to the existence of the other two tiers. Members of the active core were not only emboldened and physically aided by the other two tiers, but sometimes also rotated membership between them.

New social media has given rise to an extended tier of spectators who no longer need to be in the same physical location to influence the active core or the 'cheerleaders'. During the 2009 pro-democracy protests in Iran, members of the protest crowd each wore something that was green in colour. Media outlets soon referred to this wave of protests as the 'green revolution' (Hilsum and Beaumont, 2009). Membership of the crowd became identified with the colour green so that crowd members could easily recognise who was joining in the protest, regardless of their tier. Indeed people did not have to join any physical assembly to declare their membership of the crowd or their solidarity with other members. Some with Facebook and Twitter accounts declared their solidarity by adding the colour green to their profiles and 'greening up' their online presence. Others posted regular updates about interaction with the state authorities (Shropshire, 2009). Membership of the crowd became geographically dispersed even though members felt solidarity with each other. Some in the crowd were heartened by the on-line support that also strengthened their resolve to continue their protest action (*ibid.*). The effect of this online support appears to be similar to the effect of the physical presence of the cheerleading tier. Here, the members of the active core were motivated in their actions by the felt solidarity and support of others with whom they have had no other relationship and who may even be in different countries. While French could not have predicted the impact of social networking on establishing bonds of solidarity between geographically dispersed people, the case of new media underscores both the complexity of relationships between all levels of

crowd members and the facilitative capacity of these relationships. It also indicates the limitations of the rigid view that members of aggregates have no strong bonds between them.

Membership of a crowd is complex. Members forge relationships quickly not only with each other but with the crowd itself, that is, with the crowd as a collective entity. These relationships can sometimes reference the social context in which the crowd forms, as is the case with protest crowds such as that in Iran. Alternatively, crowds can form in unexpected circumstances in which strangers find themselves thrown together, as is the case in disaster and dangerous scenarios (Shaw, 2001). To assert that people in such cases feel no strong bonds with their fellow crowd members is a mistake. We are social creatures. We are adept at subtle interpersonal communication and we make connections not only through our spoken words, but also through our looks and gestures. To say that the thousands of people who protested in Iran and who congregated or marched or tweeted together had no meaningful relationship with each other or with the crowd of which they were all members is simply to misunderstand the way that relationships are built in crowds. Solidarity can develop between strangers even in relatively mundane situations. People waiting in line in a bank may roll their eyes to each other to express their joint annoyance at the time it is taking to be served. Studies involving queue jumpers have found that others waiting in line communicate using nonverbal cues in order to express their shared displeasure at the person who has pushed in (Helweg-Larson and LoMonaco, 2008, p. 2379). However, French's account allows no space to explore the importance of the development of these kinds of relationships in aggregates such as crowds.

#### 2.2.6 Problems with the construction of French's crowd example

French constructs the Canby Saloon Crowd from the fictional account of the Ox Bow mob that features in Walter Van Tilburg Clark's novel *The Ox Bow Incident*. Published in 1940, *The Ox Bow Incident* is a western that revolves around two drifters Art Croft and Gil Carter who, on entering the town of Bridger's Wells, walk into the Canby Saloon and from here join a posse that rides out to find the murderers of a local man. The posse finds three men that it accuses of being the murderers and

soon lynches them, only to find out shortly afterwards that the victims were innocent. French introduces the ‘mob’ from the novel but does not go to explore its actions or relational dynamics, instead constructing an account wherein the same fictitious people engage in a brawl in the saloon. This is not because French thinks that the mob is a conglomerate collective while a crowd is not, but because the sociological understanding of a ‘mob’ will divert attention from the points he wants to make about aggregates:

Though I would like to focus on Clark’s marvellous story, I have learned that it is liable to raise difficulties for some sociologists that can cloud the matters I want to pursue (French, 1984, p. 20).

We are not told which sociologists or schools of thought he has in mind or what these ‘difficulties’ are. Instead, the account moves swiftly on to the classification of the fictitious lynch mob as an aggregate collective: “a certain collection of persons who bear the names Gil, Osgood, Bartlett etc.”. (French, 1984, p. 20).

Constructing a fictitious crowd in this way and then using it as a paradigm case has obvious limitations. French gives his fictitious crowd precisely the features he wants and does not then test his theory against the many well-documented accounts of real crowds in the social psychology literature. By not even referring to any sociological literature on crowd behaviour, French’s account of the Canby Saloon Crowd implicitly appeals to common prejudices and assumptions – such as those that consider crowds to be unorganised, unpredictable and often unruly. Consequently, the Canby Saloon Crowd is something of a straw man. It shows us very little about what real crowds are like and it is vulnerable to a host of counter-examples easily gleaned from case studies and research.

The choice of a brawl as a paradigm example of a crowd also prejudices the analysis. A brawl is inherently chaotic: a cacophony of individual violent actions. But, in fact, brawling is by no means a typical crowd action and thus is not necessarily an instructive example to use as a paradigm case. Most crowds appear in far more mundane and peaceable situations, such as waiting for buses, queuing at supermarkets, seated in sporting arenas or even on protest marches. French does not offer a defence for the selection of a brawl as a paradigmatic crowd event, and as

such the claims that are made about this particular fictitious crowd cannot reasonably be extrapolated to other kinds of crowds.

French's account of aggregates and its use of the Canby Saloon Crowd as a representative paradigm case for these collectives is seriously flawed. The atomistic model cannot explain the complexity of the crowd nor can it explain the kinds of relationships that can develop between crowd members. French's argument that aggregate collectives cannot be subjects of collective moral responsibility depends on claiming that such collectives cannot possess internal structure or decision-making capacities, which, in fact, they often do possess. The membership criterion does not effectively demarcate conglomerates from aggregates. French's account also underestimates the complexity of relationships that appear even in the most seemingly simple and spontaneously formed crowd and it appears uninformed about how such relationships can facilitate decision and action. The account also cannot withstand counterexamples presented in many empirical sociological studies of crowds. There are other accounts of crowds in the philosophical literature that offer an advance on the atomistic model. These are discussed in Chapters Four and Five. However, before proceeding to this discussion Chapter Three presents an account of collective intention in crowds. This account of intention appears between the discussion of French's account and the discussion of other philosophical views of the crowd as it will further emphasise the limitations of the atomistic model and the need for a theory that avoids the reductionist fallacy.

### **3. REPRESENTATIONAL ACCOUNT OF COLLECTIVE INTENTION**

In this chapter, I present an account of collective intention that explains how some crowds can coordinate collective actions that appear to be intentional. This account draws on Velleman's (1997) description of shared intention according to which two people can share an intention without sharing a group mind. Velleman's central claim is that when individuals share an intention, they do so by communicating their willingness to share the intention to each other through a series of verbal representations. I extrapolate this account of shared intention to collective intention in order to defend the following two claims:

1. Collective intention can exist without members of the collective sharing a group mind or mental state.
2. Collective intention consists in speech acts that are communicated between those individuals who are collectively intending and that these speech acts are not limited to verbal representations.

These claims about collective intention are integral to my positive account of crowd responsibility that will be elaborated in Chapters Six and Seven. The purpose of the discussion in this chapter is twofold. First, it frames my final criticism of French's account, which is to specifically reject the notion that collective intention requires a state of mental unity between members of a collective. Second, it pre-figures an important criticism of the accounts offered by Held (1970) and May (1987). The criticism is that both accounts implicitly rely on collective intention working in the way I will here describe, even though neither satisfactorily details the specific process by which such intention is developed and sustained. By this I mean that both Held and May make claims about the moral status of unorganised collective entities that presuppose the existence of some form of collective intention, but they do not provide an explanation of how collective intentions are formed or how they function. Such an explanation is largely missing from Held's account and, while May does provide a phenomenological description of feelings of solidarity between members of mobs, his account appeals to a shared mental state without explaining how such a state might be produced. Here, I argue, we need to examine how common knowledge develops in crowds and its function as a precondition for collective intention.

Following Velleman, this chapter presents a representational account of collective attention built on the two claims listed above. In the first section of this chapter I detail the motivation for the representational account of collective intention. In the second section, I follow Velleman's argument, that a group mind or shared mental state is not a requirement for shared intention, by extending it to crowds. In the third section, I argue that the kind of representations that feature in Velleman's account are speech acts and as such do not necessarily have to be verbal; it is sufficient that these are intentional communicative acts, comprehended by the addressee. In the fourth section of this chapter I apply the representational account of collective intention to several cases of recent real world crowd events to illustrate its explanatory value.

### **3.1 Collective intention and a group mind**

The nature of collective intention has been at the core of the debate about collective moral responsibility. This debate is shaped by Aristotelian accounts of individual intentional action and individual moral responsibility, and these concepts provide the bases upon which various accounts of, and moral claims about collectives are made. Collectivists argue that under certain conditions collectives have morally significant agential capacities that are functionally similar to those of individual agents. Collectivists hold that where a collective has these capacities, the collective entity can sometimes bear ascriptions of praise or blame. This argument rests on the premise that the features of our standard account of individual responsibility can be extrapolated to collective entities. On our standard accounts of individual responsibility, an agent can be held responsible for an action if she is generally considered to be a person who forms and acts on intention, reflects on goals, values and actions, and perhaps even has an appropriate emotional response to her actions (Sheehy, 2006, p. 77). In extending this account, collectivists argue that some collective entities have a kind of personhood in that they possess features that, for the purpose of moral evaluation, are functionally similar to the intentional and decisional capacities of individual persons. The argument is that if these features exist in collective entities as they do for individuals, then ascriptions of moral responsibility can be made to the collective as they are to the individual agent. For example, French

(1984) claims that because corporations have features that make them “fully fledged moral persons”, they can be held morally responsible for their actions. Similarly, May’s (1987) account of mobs maintains that solidarity between group members facilitates the formation of a collective intention. May argues that the mob can intend as a single entity, so that individual members intend with reference to the needs of the group rather than to themselves:

A number of studies show that for individuals in a cohesive group the goal of group success is an individual motivator which is independent of the goal of expected benefit to the individual. And another study found that cohesive groups may come to accept states of affairs which would be considered suboptimal by the individual members if they were reaching decisions on their own. The intentions displayed by such social groups may be treated as if they were collective, since they arise out of the relations and structures of the group (May, 1987, p. 64).

Having made this claim of ‘mental unity’, May argues that the intention of a mob is analogous to individual intention, specifically in the way that it directs deliberate action.<sup>5</sup> The defining commitment of the collectivist position is that a collective intention is a *single* intention, shared by many people – not merely a bunch of distinct individual intentions that are somehow coordinated.<sup>6</sup>

French uses the ‘mental unity’ strategy in his account of collective intention in the corporation. Here, corporations are “fully fledged moral persons” who intend and act in morally considerable ways. The individual intentions and actions of members of the corporation are subsumed by the collective’s “Corporate Internal Decision” (CID) structure that acts as a ‘redescription licence’ where the intentions and actions are redescribed to the corporation. This redescription comes about because of the way that the corporation makes decisions. Recall that French claims that corporations exclusively hold certain formal characteristics that constitute the CID structure. These include an organisational chart, enforced standards of conduct and defined

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<sup>5</sup> While May’s account argues for a limited moral status for mobs, it nevertheless considers that the mob, as a collective entity, possesses agential features that are functionally similar to those of individual agents. It is this consideration that directly facilitates its capacity to bear limited ascriptions of moral responsibility. This is discussed in detail in Chapter Five.

<sup>6</sup> It may be the case that a crowd is comprised people who share a variety of shared intentions so that there are sub-groups or even sub-crowds within the whole. This is worthy of further exploration, however this thesis is primarily concerned with whether a collective intention can meaningfully exist in the first instance. Accordingly a discussion of multiple shared intentions is outside the task before me here.

roles, through which certain powers are exercised over others. These characteristics synthesize the acts of the corporation's biological member-components so that there is a degree of uniformity in the intentional actions of each member-component:

The CID Structure licenses the descriptive transformation of events, seen under another aspect as the acts of biological persons (those who occupy various stations on the organisation chart), to corporate acts by exposing the corporate character of those events. A CID Structure *incorporates* acts of biological persons (French, 1984, pp. 41-42).

People in corporations act and intend on behalf of the corporation. The CID Structure subordinates their individual biological identities to the identity of the collective as a whole. By proposing that the CID Structure acts as a redescription license French is attempting to show that people can share in a collective intention that is distinct from their own individual intentions. In the case of the corporation, people intend on behalf of the collective and act to satisfy its business objectives. Even though such collective intention and actions may involve personal benefit (for example, the corporation remains profitable which in turn ensures job security), French holds that these intentions and actions are essentially collective. The human member-components of the corporation share intentions that are not theirs as individuals but are rather best described as the corporation's intentions.

French's approach is both cumbersome and rests on a confused conception of collective intention. It is cumbersome because it requires positing a repository wherein the corporation's collective intention can be located: a repository that is analogous to an individual agent's mind, which on our standard accounts of individual responsibility, houses her intentions. While French argues that there are collective intentions, his account requires that these are instantiated other than inside the minds of individual members of a corporation. Instead, he sets out the CID structure as the entity that produces collective intentions. Collective intentions are therefore instantiated in the corporation; an entity that on French's account exists independently of the specific individuals employed within it. The confusion in this argument lies in the assumption that asserting the existence of collective intentions implies the positing a supra individual corporate 'mind' to house those intentions.

The representational account of collective intention that is set out below offers an alternative explanation of how individuals in collectives not only come to have an

awareness of group goals and aims, but also jointly form them. In this account members of the collective literally share their intentions; they jointly create goals and aims that can only be achieved by the collective that they *together* form. Here, the process of sharing of intentions creates a bank of knowledge that when communicated between people in specific relationships, such as the shared membership of a crowd, creates the capacity to form and sustain a morally evaluable collective intention

### **3.2 Velleman's account of shared intention**

Velleman (1997) argues that collective intention can exist without positing a group mind and that intention itself may not, essentially, be mental. His project is to show that a single token of an intention can be literally shared by people who jointly frame and execute it (Velleman, 1997, p. 29). Velleman follows Searle who himself claims that, "all that's essential to intention ... is a representation with a particular content and causal role" (Searle, 1983, pp. 408-409 in Velleman, 1997, p. 36). He argues that an effective intention is thus a representation that causes behaviour by representing itself as causing it (Velleman, 1997, p. 36). Crucially, this does not need to be a mental state. As an example he imagines a case in which a person who is seated comfortably in an armchair says: "I am going out for a walk" (Velleman, 1997, p. 40). Here the utterance not only causes the person to go for a walk, but it also describes the person as doing so. When we say: "I am going for a walk" we mean to be understood as: "I am hereby causing myself to go out for a walk" (*ibid*). This is not merely a statement because the person is representing something that is now going to happen precisely because she has said so. It is a verbal representation of an intention that has causal influence. An agent may still have gone for a walk if she had not said: 'I am going for a walk', but equally, she may not have gone. However, having made the statement the agent has both verbally represented her intention and also caused herself to go for a walk.

The statement: 'I am going for a walk' is a representational act that expresses the intention that consists in the statement itself. In this way the utterance is similar to the statement: "I promise that X" (Velleman, 1997, p. 41). The statement: 'I promise X' is both an expression of a promise and it is itself a promise. Similarly, the

statement: ‘I am going for a walk’ both expresses an intention and is itself an intention. Despite this significant similarity, there is an importance difference between these statements. Promises are defined by social conventions independent of their causal role so that when an agent makes a promise, she is committed by a socially defined obligation (Velleman, 1997, p. 44). However there is no such obligation when the statement she utters is an intention. While social conventions may motivate the promisor to fulfil their promise, intentions need to be differently motivated. Velleman argues that a statement such as ‘I am going for a walk’ is an intention only if it has causal influence and “only if it has a tendency to prompt the intended action” (Velleman, 1997, p. 44). If the statement ‘I am going for a walk’ is an intention, it must make the speaker psychologically committed to the action and “must therefore play the appropriate role in the speaker’s psychology in order to qualify as a commitment, and hence as an intention” (Velleman, 1997, p. 44).

On Velleman’s account, statements such as ‘I am going out for a walk’ are acts of deciding. These acts of deciding are considered by Searle as “intentions in their own right, because they are representational acts with the content and role characteristic of the will” (Velleman, 1997, p. 41). Consequently by saying: ‘I am going out for a walk’, an agent is expressing an intention that is itself a decision and that causes the agent to go out for a walk. Velleman claims that sharing an intention works in a similar way. Intentions can be shared by statements that are acts of deciding and that represent something that is to be brought about because those doing the sharing say so. A shared intention can therefore be a series of statements, on the condition that these statements are shared as expressed decisions. Following Gilbert, Velleman proposes that an intention is shared when individuals represent to each other that they are joining forces to exercise discretion in order to bring something about. On Gilbert’s account, a plural subject exists when people ‘coordinate their wills’ and personally make an effort to support the group goal which is now not personal but described: “rather in terms of what they must be trying to bring about *in so far as they are members of a particular plural subject*” (Gilbert, 1989, p. 164, original emphasis). When this occurs, Gilbert claims, a member of a plural subject can correctly use the collective pronoun ‘we’ to refer to a plural subject. Velleman claims that this movement from ‘I’ to ‘We’ need not be “mysterious or incoherent” but rather can be seen to occur through representation of willingness among members of

the plural subject. These members may declare to each other that they will join intentions and so long as these declarations are correctly understood by each person as a direction of each person's individual effort toward a group goal, a shared intention is thereby formed.

Consider Velleman's example in which two people decide to go for a walk together. One person says: "I will go for a walk if you will" and the other replies: "then, I will" (Velleman, 1997, p. 45). Velleman sees this exchange as constituting a joint intention because each person has represented to the other an effective and conditional willingness to take a walk "and each statement thereby ascribes to itself a conditional causal power – namely, the power of prompting the speaker to take a walk" (Velleman, 1997, p. 46). These statements qualify as a shared intention because each statement both determines the speaker's action and represents itself as determining action, only in conjunction with the other's statement: each person will go for a walk if the other will accompany them (Velleman, 1997, p. 48). Each speaker has, effectively, issued a conditional intention. Each has given the other a degree of influence over their own behaviour by declaring their intention to do something on condition that the other person does their part. If the first person says: 'I will go for a walk if you will' she has enabled the other person to determine her behaviour, such that if the other replies: 'then, I will' then the second person has done more than commit himself to an action. He has also fulfilled the condition inherent in the first statement and has therefore committed the first speaker to the action as well as himself. The shared intention is formed by a series of conditional intentions issued and accepted by those who are doing the sharing.

It is important to emphasise that these statements are not just uttered between individuals, but between individuals who are in relationship. This relationship need not be long lasting or intimate, but it necessarily requires that each person have a specific kind of attentiveness of the other. When people make these statements to each other, they pay particular attention to each other, not just to hear what is said but also to recognise the willingness in the other person. This attention consists in an awareness of the conditional intentions of the other. Each person thus understands the causal relevance of their decision for determining the actions of the other person. Velleman's condition here is that if a person issues an intention 'like mine', the other

will recognise it for what it claims to be. A person must recognise the ‘willingness in the other’ and to do this, she must be attuned to this recognition, that is, be attentive to its expression. Moreover, each speaker must be cognisant that the other is open to receiving her representation and each must be aware that the other is cognisant that any representations they too make are being received with similar awareness. Each must show this kind of attention so that they can recognise the other as willing to participate in a collective action and so that each can place their behaviour under the joint control of the other.

It is crucial that this awareness (i.e., that each person sharing an intention has of each other) does not constitute a shared mind but rather indicates that there has been a single making up of two minds. This means that the combination of utterances has jointly made up both minds of the speakers simultaneously:

To make up one’s mind, in practical matters, is to become committed to a course of action. Yet each of [the two speakers] becomes committed to taking a walk only by the combination of ... utterances, and not by his utterance alone (Velleman, 1997, p. 48).

Here there is a joint intention and a commitment to a shared course of action that comes about by the interdependent declarations that *two individuals in relationship* make to each other. In later chapters, I will claim that such representations can in fact constitute relationships between people who were previously not connected. I will explain and defend this claim in Chapters Six and Seven when I discuss the ‘cohesive crowd’ and its formation from the ‘aggregative crowd.’

I suggest that Velleman’s account of joint attention can be extended to explain the nature of shared intention in large groups such as crowds. This approach has no need to appeal to a group mind; rather it requires an explanation of how what Gilbert calls a “coordination of wills” may occur. As long as the members of the group stand in the right relation to each other – namely, that they are attentive to each other’s representations of conditional intentions to cooperate in a collective action - then, in principle, there is no upper limit to the number of people who may coordinate their wills. In crowds, however, *non-verbal* communication typically plays a crucial role in the development of collective intention. Although Velleman’s account focuses

primarily on verbal representations of intentions, it allows that other representations such as gestures and signs can function as intentions and conditional intentions (Velleman, 1997, p. 41). Velleman places importance on the content of communications rather than on their form. This means that so long as a declaration is expressed in a manner that clearly represents willingness and is clearly understood to indicate willingness by those involved in the endeavour then both verbal and non-verbal speech acts may serve the same purpose.

### **3.3 Non-verbal representations**

A speech act is 'to do' something rather than 'to say' something, such that it involves the performance of an illocutionary act and engaging in rule-governed behaviour (Searle, 1969, p.378). This means that a speech act is essentially the act of communicating by representing content to another person. Searle has explained the distinction between the communicative content of a speech act and the literal meaning of the words uttered. We often communicate meaning indirectly. For example, I may make a statement that also is a request, even though the sentence spoken is not explicitly a directive. I may be at the dinner table and say to my partner: 'Can you reach the salt?' Here I am not merely asking whether the salt is within her reach, but rather I am asking that it be passed to me. Searle explains:

In indirect speech acts the speaker communicates to the speaker more than he (*sic*) actually says by way of relying on their mutually shared background information, both linguistic and non-linguistic, together with the general powers of rationality and inference on the part of the hearer (Searle, 1979, pp. 41-42).

Within Searle's taxonomy of illocutionary acts, a declaration of conditional willingness would belong to the class of 'commissives' – speech acts that commit the speaker to a future act (or, in this case, conditionally commit the speaker). Recall Velleman's example of two people sharing an intention to go for a walk. Here, one person says: "I will go for a walk if you will" and the other replies "then, I will" (Velleman, 1997, p. 45). Suppose now that the scenario is different. Suppose now that the addressee responds to the statement by heading to the front door, putting on her jacket, opening the door and looking back at the speaker. She has declared that she will go for a walk through a nonverbal representation to her partner. The action of going to the door, putting on a jacket and looking back at the speaker is a

declaration that communicates the acceptance of the conditional intention. This is clearly still a case of joint intention because each has represented to the other an effective and conditional willingness to take a walk “and each communicative act thereby ascribes to itself a conditional causal power – namely, the power of prompting the speaker to take a walk” (Velleman, 1997, p. 46).

Speech acts that communicate shared intention are performative so that they can communicate both direct and indirect content. Non-verbal modes of communication turn out to be particularly important in crowds where the scope for verbal communication is limited. A ‘message’ may be rapidly transmitted through a crowd but certainly not by passing a verbal message from one person to the next. The following examples highlight the significance of non-verbal communication in crowds.

### 3.3.1 The storming of the Bastille

In Paris in July 1789, Jean-Baptiste Humbert of Langres learned that a crowd was gathering at the Bastille, and he wanted to be a part of it. Jean-Baptiste’s eyewitness account of the taking of the Bastille is one of many that appears in Lüsebrink and Reichardt’s (1997) work *The Bastille: A History of a Symbol of Despotism and Freedom*:

I heard someone say that the Bastille was being besieged ... I prepared and greased my gun and immediately set off for the Bastille, loading my gun as I went (Lüsebrink and Reichardt, 1997, p. 102).

Once at the Bastille, Humbert joined the assembled crowd, which was both large and which appeared to be united in a common purpose, that is, to take the prison and to take possession of whatever firearms could be found there:

Veteran armies ... have never performed better prodigies [feats] of valour than this leaderless multitude of persons belonging to every class... One of the [soldiers] opened the gate behind the drawbridge and asked what we wanted. ‘The surrender of the Bastille’ was the answer (Pernoud and Flaiss, 1940, p. 221).

After a short time the drawbridge was lowered, and the apparent common purpose of taking the prison continued to direct the actions of the crowd members:

Everyone with one accord drew up in rows of five or six... We found the gate behind the drawbridge closed: after a couple minutes [sic] an invalide [veteran] came to open it and asked what we wanted: Give up the Bastille, I replied, as did everyone else (Lüsebrink and Reichardt, 1997, p. 102).

When the drawbridge had been lowered, Humbert recounts: “everyone with one accord drew up in rows of five or six” (Lüsebrink and Reichardt, 1997, p. 102). There was no commander, nor were specific orders issued, yet the crowd was able to organise itself into a military formation. It is clear that the assembled crowd members somehow represented to each other their willingness to perform a joint action, that is, to take the Bastille. By drawing up in rows of five or six, crowd members performed an expressive act that represented their willingness to jointly participate in the endeavour. The act of forming into rows was both a self-organisation of the crowd and it was also an *expressive act*. By joining the assembled rows, members communicated their willingness to participate in the crowd action. It is reasonable to assume that some moved into rows moments before others and that others upon seeing them draw up in rows, chose to do the same (it would be extraordinary if all assembled into rows simultaneously).

The case of the Bastille illustrates the process through which a collective intention forms in a crowd. Those who first assembled into rows had a certain awareness of the solidarity that existed between crowd members. As the crowd gathered outside the gates of the Bastille, it became obvious to those assembled that they shared views about the current political situation. In these views they were united. Once some were cognisant of this solidarity, they were able to put a proposal of joint action to others. There they made a declaration - by drawing up in rows - that was both a direct representation of their intention and also an indirect invitation to others nearby to participate in the action. Those individuals who first drew up in rows (inviters) were performing a speech act, namely they are issuing a conditional intention: ‘I will if you will’. Invitees expressed their conditional intention to attack the Bastille and deliberately arranged themselves into a military attack formation. Those who joined the rows only a moment or two thereafter (invitees) accepted this conditional intention; they were declaring their intention to coordinate their wills with the

inviters to attack the prison: 'I will'. Through this declaration the invitees not only accepted the invitation to perform a joint action, but they also committed themselves *and* the inviters to the action itself. By joining the phalanx, invitees joined the inviters and coordinated their wills with the expressed intention of attacking the Bastille. By drawing up in rows crowd members together spontaneously created the organisational structure that could realise their collective intention.

### 3.3.2 The Green Revolution

On 12<sup>th</sup> June 2009, Mahmoud Ahmadinejad was re-elected as President of Iran in an election whose results were widely disputed. Despite polling poorly prior to the election, *Aljazeera* (2009) reported that Ahmadinejad received nearly 63% of the vote, ahead of his popular opponent and reformist candidate Mir Hossein Mousavi who obtained only 34% of votes. Supporters of Mousavi took to the streets of Tehran in protest when the election results were announced on the 13<sup>th</sup> June. Initially 3,000 people assembled and even though there appeared to be no central organisation of the crowd, the number of protesters quickly swelled after Ahmadinejad made a televised speech in which he claimed that the vote had been "completely free" (*Aljazeera*, 2009). On 14<sup>th</sup> June, while Mousavi formally requested that the country's powerful Guardian Council annul the election results, violent clashes between protestors and police resulted in at least seven protestor deaths. The *Guardian* reported that both the results of the election and the violence that greeted protestors had been met with wide international condemnation (2009) and the news outlet ran a continuous blog of the protests, on which crowd members in Iran shared images and reports of injured protestors and of increasing state violence. The next day, Mousavi joined a large demonstration in central Tehran where a crowd of up to three million people had gathered (Siamdoust, 2009). Over the next few months large protest crowds continued to gather throughout the cities of Iran and they were consistently met with violent police response (*Aljazeera*, 2009).

Protestors soon adopted the colour green as a badge of membership of their cause. The colour was originally used by Mousavi during his campaign but was adopted by the protesters after the election as a symbol of their unity and hope for the future (Kavousian, 2009). Crowd members wore green clothes and armbands, painted signs

in green paint and even ‘greened up’ their on-line profiles on social networking sites like Facebook, MySpace and Twitter (Hilsum and Beaumont, 2009). The protest movement became known as the ‘green revolution’ and as the ‘green movement’ (Shropshire, 17 June 2009). During 2009 and 2010, the Iranian Interior Ministry outlawed demonstrations by members of the ‘green movement’ The Ministry consistently banned rallies and did not issue permits for assemblies and ordered special police forces to disperse crowds (Siamdoust, 2009). Concerned that protesters were communicating through text message and organising through social networking sites, the *Guardian* reported that the Iranian government also restricted access to the Internet and mobile telephone networks (2009). Nevertheless, the movement had gained such momentum that some were able to circumvent government restrictions and the colour green was (and still is) employed as an expression of resistance to the regime.

As crowd membership became identified with the colour green, people could easily recognise others who were joining in the protest. The shared wearing of a colour is, in this case, a representation of solidarity; it is a sign of shared sympathies and views, even though this did not necessarily indicate an agreement to participate in any specific actions. By wearing green people could not only identify other sympathisers, but they also knew that they themselves could be identified as one who sympathises with the goals of the movement. Each declared to each other their membership of a group. However, by wearing green, strangers identify themselves to each other and this helped to facilitate group action – such as assembling in protest. Thus displaying the colour green functioned as a representation of a person’s willingness to be part of this action and to stand together with others in the joint expression of their protest about the election result.

Iran’s green revolution typifies the way that large crowds can adopt simple symbols such as colour. Roberts and Ash (2009) examine several civil resistance movements since the middle of the twentieth century and note that in several cases symbols such as colour were adopted as expressions of crowd unity. For example, in Ukraine in 2004 orange was the thematic colour at large-scale demonstrations against results of a presidential election. In Burma, in 2007, democracy protestors adopted ‘saffron’ as the colour of their cause. These became respectively known as the ‘orange’ and ‘

saffron' revolutions. Similarly, in 2006 crowds opposed to the Belarus government used denim as a unifying symbol after a protestor who had been beaten unconscious by police removed his denim shirt and waved it as a flag during a similar protest the previous year.

At a general level, these examples suggest that representations between members of large crowds need to employ simple symbols that can be readily seen and interpreted at a distance. While some crowds may adopt chants, others may adopt visual symbols, but both are employed as expressions to which others respond. The adoption of a particular colour may not always necessarily be an expression of a conditional intention, however it is a signal that a wearer has a particular point of view and a willingness to embark on actions according to such views. As individuals are attentive to each other's expressions of conditional intention, those who have 'branded' themselves with a colour have identified themselves to each other in a way that enables the attentiveness to expressions of conditional intention. Here the colour is an indication of a person's openness to expressions of conditional intention, which then creates the ground on which more specific and structured group actions can be organised. Importantly, signs can function as expressing conditional intentions so that those who initiate the expression are presenting others with an invitation of the 'I will if you will' variety that Velleman describes. Those who respond to this invitation are effectively replying: 'I will'. This means that those who join in the crowd, by wearing a specific colour or by chorusing a chant are not joining the crowd in a trivial sense of being in the same place at the same time, but in a strong sense of communicating to the group solidarity and willingness to participate in collective action.

Consider the crowd that gathered at Bishopsgate, London on 1 April 2009. This crowd was part of a manifestly peaceful Climate Camp that was stormed by riot police as part of the strict controlling of protest crowds at the G20 meeting that was being held in the city. The crowd was "kettled" into a small area, that is, surrounded by riot officers who confined members to a small space from which they were not permitted to leave. "Kettling" is an extremely aggressive crowd control method of where sections of the crowd are detained in a particular area, such as a cordoned off side street, for an indeterminate period by police (Bourne, 2011, p. 201). Campers

responded quickly and *en masse* by representing to each other their commitment to an intentional and collective course of action. They raised their arms above their heads in a gesture of non-violence and together chanted: “this is not a riot” (Dodd and Lewis, 2011). As with the Bastille crowd, it is implausible to suppose that all crowd members performed this action simultaneously. Instead, [footage of the incident](#) (twoheadedboy671, 2009) shows there is a short period where those at the front of the crowd raised their arms and chanted before others in the crowd responded by also raising their arms joining in the chant. Those initiating the action were doing more than communicating their disapproval of police tactics to the officers before them; they were also issuing a conditional invitation to others in the crowd. Through this invitation, others were asked to join in an action that demonstrated a joint non-responsiveness to police provocation. Those who raised their arms and joined in the chant accepted this conditional invitation and in so doing committed both themselves and those who had issued the invitation to a collective crowd action that they *together* performed. As with the crowd whose members drew up in rows of five or six outside the Bastille, the raising of crowd members arms and the chorus of chanting at Bishopsgate was both an act of crowd organisation and the literal sharing of an intention whose joint expression constituted the intention itself.

#### 4. VIRGINIA HELD'S RANDOM COLLECTION OF INDIVIDUALS

Virginia Held's 1970 paper '*Can a Random Collection of Individuals be Morally Responsible?*' presented one of the first philosophical accounts that contested the view that unorganised collectives cannot perform morally evaluable collective actions. For Held, a random collection of unrelated individuals (hereafter 'random collection'), such as those seated together by happenstance in a train carriage, may sometimes be ascribed irreducible collective moral responsibility for the performance or non-performance of a collective action. In the first section of this chapter, I outline Held's argument that a 'reasonable person' criterion can sometimes be extended to random collections of individuals, where a 'reasonable person' would identify a collective action that could and should be performed. In the section of this chapter I outline two problems with Held's extension of the reasonable person criterion to unorganised collectives, even though I do not contest her claim that unorganised collectives may sometimes perform morally evaluable actions or that these collectives can have morally considerable agential capacities.

The first problem is that in simply transposing the reasonable person criterion to the case of the collective Held's account assumes what it needs to explain: that is, the account assumes that a serial collection of reasonable people simply becomes a 'reasonable collection of people' without explaining how this occurs. If a collective is to be regarded, in some sense, as a 'reasonable person' then there must be some explanation of how the elements that constitute the reasonable person criterion come to be held in a collective way by a serial collection of individuals. The second problem I outline is what I refer to as an 'upscaling' problem. Here I argue that the claims Held makes are not generalizable. The cases that Held explores involve a small number of people and uncomplicated scenarios in which the right course of action is relatively obvious. The conclusions Held draws from her simple, small group examples cannot be generalised to more complex situations or to larger groups.

#### 4.1 Held's Account of the Random Collection

Held defends a collectivist position in two ways: first, she argues for the allocation of collective moral responsibility; second she argues for the irreducible nature of some kinds of assessments, so that blame or praise for a collective action is made of the collective itself, rather than of individual members of the group. For the purposes of attributing collective moral responsibility, Held sees no inherent moral difference between an act and an omission; nor does she hold that each action can or should be broken down into its constituent sub-acts:

‘Action’ must here be understood in the wide sense of doing something or causing something to happen or not happen (Held, 1970, p. 471).

For Held, a desired action is “obvious to the reasonable person” (Held, 1970, p. 475) and would be understood relative to the situation and the probability success of compared to various alternatives.

On Held's account, random collections differ from organised groups primarily because they do not have structured or established processes for making decisions:

For this discussion, I shall mean by a “random collection of individuals” a set of persons distinguishable by some characteristics from the set of all persons, but lacking a decision method for taking action that is distinguishable from such decision methods, if there are any, as possessed by all persons (Held, 1970, p. 471).

Held defines a random collection in the same way French defines the crowd: that is, as a collection of people who are in the same place at the same time. Like French, Held contrasts these collectives to organised groups, like corporations, that have a distinct method for making decisions:

Thus passengers on a train or pedestrians on a sidewalk are distinguishable from other persons by their location and destination, in the prosaic sense but possess thereby no distinguishable method for deciding to act (*ibid*).

Against French, Held does not hold that the absence of a decision structure means that these kinds of groups cannot perform morally evaluable collective actions. She explores the situations in which such actions can be performed in a series of three case studies.

#### 4.1.1 Train Scenario One

In Held's first case study seven "apparently normal persons" are sitting in a subway car when trouble occurs:

The second smallest of the seven rises, pushes the smallest to the floor and, in full view and hearing of the remaining five, proceeds to beat and to strangle his victim (Held, 1970, pp. 476 - 477).

No one of the five acting on their own could have subdued the stranger, even though this is obviously what the situation requires. This action, while impossible for an individual to perform, could be achieved through the coordinated effort of two or more of the group. Held considers that the remaining five passengers in the subway car would be held collectively morally responsible for failing to act, (that is, subdue the stranger), if the strangling and beating proceeded uninterrupted by them for ten minutes, by which time the smallest person had died. She reasons that the action (subdue the stranger) was obvious to a reasonable person and therefore obvious to the other passengers. She reasons that had the passengers jointly attempted the action, it is likely they would have brought about the desired outcome (subduing the attacker). Importantly, Held also claims that the *moral* nature of the desired action was obvious to a reasonable person and therefore also obvious to the group:

[The moral nature of the action] can be understood as either the moral import of the kind of action of which it is an instance or as the moral value of the consequences it may produce (Held, 1970, p. 471).

However, while the random collection of passengers must be cognisant both of the action required and of the moral nature of this action, this awareness does not equate to the possession of a complete knowledge of the situation now before them. Rather, these requirements refer to some presupposed set of moral understandings that in turn inform the 'obviousness' of the action that is required. For moral assessments of individual responsibility these requirements:

... preclude holding a person responsible for the thoroughly unascertainable aspects of an action he performs. They require that he be aware of the kind of action he is performing, but not that he know everything about either its empirical or moral facts [*sic*] (Held, 1970, p. 471).

While the random collection does not need to be acquainted with the full details of the situation that calls for action, Held holds that these people may nevertheless be required to act collectively, if the desired action is 'obvious to a reasonable person.'

#### 4.1.2 Train Scenario Two

In Held's second example, five strangers are in a train compartment, which is separated from the corridor by a sliding door. One of the passengers is a doctor who at some point steps outside the compartment into the corridor for a period of time, leaving behind his medical bag. Trouble ensues:

Another passenger, a very large man, begins to have convulsions and, after a few moments, apparently in a frantic search for air, lurches against the door, which opens; he falls out and is killed (Held, 1970, p. 477).

The doctor soon returns to the compartment and on being informed of events remonstrates with the remaining three passengers: "You should have held him down and administered medicine *x* from my bag" (Held, 1970, p. 477). Held's assessment is that the passengers cannot be ascribed collective moral responsibility for failing to perform the action of administering the medicine. Although this action would have led to the desirable consequence of saving the passenger's life, it involved specialist expertise that was not obvious to a reasonable person. To administer the medicine and to save the convulsing passenger, the recognition of the medical import of the symptoms, their correct diagnosis and the identification and administration of the necessary medicine was required. Here Held is building a common knowledge condition into the conception of the responsibilities of the reasonable person. The obligation to act only arises if the knowledge required to act is common knowledge.

#### 4.1.3 Fallen Beam Scenario

Held's final case is more complex than either of her previous two. Here, three pedestrians, strangers to each other, are on an isolated street when a nearby building collapses, trapping a man inside. Then the trapped man issues calls for help, to which the three respond by entering the ruins of the building and locating him:

He is bleeding from a lower-leg injury and needs immediate assistance. All four persons know that a tourniquet should be applied to his thigh, but this cannot be done until various beams are removed, and removing any would require the strength of all three. The three observers do not agree on how to proceed (Held, 1970, p. 478).

It transpires that the three pedestrians, now a random collection by Held's definition, continue to argue for such a time that the trapped man bleeds to death, even though if any one of their suggestions had been followed, he could have been saved. Held

ascribes collective moral responsibility to the random collection, but not for failing to perform the action of moving the beams, even though it is “obvious to the reasonable person that action rather than inaction by the collection is called for” (Held, 1970, p. 479). While the moral nature of the requisite action is also sufficiently known, responsibility is allocated not for failing to move the beams, but rather for the collective’s failure to organise itself in an effective way:

Random collection R [the random collection in Held’s third case study] is morally responsible for not constituting itself into a group capable of deciding upon an action (Held, 1970, p. 479).

The random collection is thus not morally responsible for not moving the beam, but rather for not organising itself into a collective that could have decided on how to move the beam.

For Held, these three scenarios show that serial collections of erstwhile strangers can perform morally evaluable collective actions. Her argument is that that random collections of individuals can sometimes be the object of a moral assessment when they are in particular circumstances and are faced with the performance of an action whose result would be obviously desirable. Held claims that random collections of individuals can sometimes ascertain the moral nature of certain situations and that they can further act intentionally in order to bring about positive results.

## **4.2 Problems with Held’s Account**

I do not contest Held’s claim that some random collections of bystanders can sometimes perform collective actions that are morally laudable. This claim is also supported by empirical evidence. For example Shaw (2001) explains that crowds of strangers in disaster situations will work together and with rescue personnel bring aide to others in obvious need (Shaw, 2001, pp. 6 – 8). Nor do I contest the view implicitly asserted in Held’s examples: that we are adept at cooperative action and that we can communicate effectively with strangers to share concerns and develop collective goals that direct cooperative actions.<sup>7</sup> I do, however, raise two objections

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<sup>7</sup> While Held does not explicitly argue this point, the capacity of individuals in a random collection to act together in the ways that she describes in her case studies crucially requires these abilities.

to her account. First, I argue against the assumption that the reasonable person criterion can be readily and easily extended from the case of the individual agent to the case of the random collection. Second, I argue that while people are generally adept at communication and cooperation, we should not assume that the preconditions for the possibility of coordinated cooperative behaviour are always available and can be taken for granted. I argue that a sophisticated level of shared understanding is required for the performance of even the simplest of collective actions, such as those presented in Held's examples. Further, this level of shared understanding is an epistemic precondition for the kinds of cooperative actions that Held takes to be morally evaluable.

#### 4.2.1 Assuming what need to be explained

Held assumes that the moral obligations of individuals (deriving from expectations of what a "reasonable person" would do) can be directly extrapolated to a random collection of individuals. This, however, is implausible. It may initially seem that this extension of the reasonable person criterion is uncomplicated and that the random collection may be praised or blamed according to whether the desired action was obvious to a reasonable person and whether the outcome of the course of action was "clearly favourable" (Held, 1970, p. 476). Held claims that the right course of action in a circumstance is "obvious to the reasonable person" according to assumed principles:

the action called for in the circumstances specified may be said to have been obvious to the reasonable person. This may be understood, *prima facie*, in terms of such assumed principles as: "A collection of persons ought to try to prevent one of its members from being beaten and strangled," and "Adults should try to prevent children from seriously injuring infants." (Held, 1970, p. 477).

While Held's emphasis is on the action that is 'obvious to the reasonable person,' it is the 'reasonable person' aspect that is of primary importance. Held does not claim that these 'assumed principles' are self-evident, but rather that they are obvious to a person who has acquired the characteristic of 'reasonableness'. Consider the assessment of the random collection in *Train Scenario Two*, where the life-saving course of action was obvious to trained medical professionals but not to ordinary citizens who, although they have no medical training, nevertheless recognised that

something ought to be done to save their fellow passenger. Here the random collection was not culpable for failing to act as the required course of action required specialist expertise that was not commonly known. Thus Held is making a connection between moral responsibility and obviousness, such that moral culpability for failing to act increases as the obviousness of an effective course of action increases. It is important to note Held's insistence that the term 'reasonable' does not equate with 'rational.' She states that she prefers the term 'reasonable' to 'rational' as it gives more scope for the principled aspect of the decisions that the random collection make and thus "has a better chance of retaining ... [the] essential moral component" (Held, 1970, p.478).

While Held's intention may be to keep focus on the moral element in her account, the choice of the term 'reasonable person' is problematic. Held's use of this term does not correspond with the specific meaning of "reasonable person" in tort law, where this notion does not refer to an agent's application of *prima facie* moral principles. In law the 'reasonable person' is a legal fiction; it is a personification of the unexceptional and ordinary person. The *Australian Law Dictionary* (2010) describes the 'reasonable person' as embodying a legal standard to which real people are held in tort law, in which they are expected to behave reasonably and to take reasonable precautions where there are reasonably foreseeable risks. Held's purpose in using the term is to evaluate the actions that everyday people perform when they form random collections. Her project is to consider whether collective actions from some unorganised groups are morally evaluable. However, the term 'reasonable person' invites confusion because while it evokes a legal notion of the everyday person, Held's evaluations themselves focus on moral agents. Further she requires that these agents are not only knowledgeable of accepted moral principles, but also adept at their theoretical and practical application. Thus some implicit premises of the argument are embedded in the term 'reasonable person'; premises which actually need to be articulated and defended.

When Held employs the term 'reasonable person' she presupposes that this person has certain capacities. For example, it is presupposed that an agent has prior knowledge of a range of *prima facie* moral principles as well as the capacity to make

moral comparisons between alternative actions that will bring about the desired outcome:

If an additional requirement is made that for the action called for to be obvious to the reasonable person, the desirability and probability of its outcome, compared to the outcomes of possible alternatives, must be of a certain level, the requirement can be met in these cases even if this level is set at a high point (Held, 1970, pp. 477 – 478).

The ‘reasonable person’ is therefore required not only to know what to do; she is also expected to know how to do it. An agent can only be considered to have a meaningful intention if this intention regards something that she can reasonably bring about, which further requires that an agent be able to assess her own capacity to perform the desired course of action. For individuals, this is a plausible assumption, as an agent can usually quickly assess whether she is able to physically perform an action and whether she has the knowledge or skills required to do so. However, assessing what a particular group of individuals may be capable of doing is considerably more complex than making an individual self-assessment of what one is or is not capable of doing.

The ‘reasonable person’ criterion involves three capacities: first, the capacity to understand certain normative moral principles; second a capacity to apply these principles to concrete situations; and third, the capacity to decide between alternative courses of action to determine which has the best chance of success. While the concept may aptly apply to the evaluation of individual agents, its application to collectives is less straightforward. Held claims that a random collection of individuals can be held morally responsible “when the action called for in a given situation is obvious to the reasonable person and when the expected outcome of the action is clearly favourable” (Held, 1970, p. 476). The implication is that, in such circumstances the random collection can be evaluated in the same way as can an individual agent: that is the random collection itself can arrive at a shared understanding of what the group can do, in just the same way that an individual person can evaluate what she is capable of doing under the circumstances. The assumption that a collection of ‘reasonable persons’ is thereby a reasonable collective, with equivalent moral and agential capacities to a reasonable person is highly problematic. Sometimes random collections are able to achieve spontaneous effective cooperation, but we require an explanation as to how this happens. Merely

projecting certain capacities of individuals onto groups does not provide an explanation of how spontaneous collective action is possible.

Suppose members of a particular random collection are each in and of themselves reasonable people and that as individual agents they each had an understanding of assumed principles so that each knew what ought to be done in a particular situation. Suppose also that each person was able to apply these understandings and also to decide on appropriate courses of action to bring about a desired outcome. We would then have a random collection of 'reasonable persons'. However this is not the same as saying that we now have a reasonable 'random collection of individuals'. A collection of individual reasonable persons does not automatically confer 'reasonableness' on the collective that they together constitute.

While the individual agents may be each aware of what ought to be done in a particular circumstance and while they each may be able to decide and embark upon courses of action, these facts in and of themselves do not support a claim that the same capacities are held in a collective way by the random collection. The extrapolation of the reasonable person criterion from the individual agent to the random collection conflates what it is to know something as an individual (such as the morally correct course of action) with what it is to know this together with other members of one's collective. It also conflates what it is for an individual to decide and embark upon a course of action and what it is for her to do this cooperatively with others.

Held is unclear about what is required for members of a random collection to share an understanding of assumed moral principles that will in turn determine the right course of action in a situation. She makes the epistemic claim that the agential entity must understand the moral nature of the required action.

If we say that, in special circumstances, a random collection can be aware of the moral nature of an act, we do not claim the existence of an inexplicable group awareness over and above the awareness of its individual members, only that we are sometimes entitled to say "random Collection *R* is aware that *p*," even though we cannot carry out a reductionist demand for statements about each individual member (Held, 1970, p. 475).

There is no further detail on what this collective awareness consists of, and no explanation as to how this collective awareness develops or is sustained. While shying away from “inexplicable group awareness” Held implies that there is some sort of shared awareness between members of the random collection as to the moral demands of the situation in which they find themselves. Although this is not explicitly discussed in the account, this shared awareness is a necessary condition for the evaluations that Held makes. It is a necessary condition because Held assesses the random collection as a single agential entity that has an understanding of *prima facie* moral principles. Held claims that this understanding need not be held by *all* of the members, but they must be held in some other way by the collective itself. It is crucial that members share this awareness so that they can coordinate the kinds of cooperative actions that Held’s account evaluates. Just as the individual agent’s awareness guides her individual intention and action so that an ascription of individual moral responsibility can be made, an ascription of collective moral responsibility can only be made when, somehow, there is collective awareness that guides both a collective intention and a collective action.

In the same way that the reasonable person must be able to apply these moral understandings to decide and embark upon a course of action that will bring about the desired result, the random collection must also be able to collectively decide and embark upon a course of cooperative action. In *Train Scenario One*, the collective awareness that the violent passenger ought to be prevented from attacking his victim motivated a cooperative action by the other passengers, an action that was morally required.

While the capacity to decide and embark upon a course of action is relatively straightforward in the case of the individual agent, it is more complex in the case of the random collective. This is because the random collection can only perform the kinds of collective actions that Held sees as obligatory when individual members share understandings of moral principles and when they are motivated by this understanding to work together to perform a cooperative action. This also requires that members can assess whether a course of action has a reasonable chance of bringing about the desired result. In order to form a collective intention to act and then to assess the best course of action and to cooperatively undertake that action, the

members of the random collection must communicate in order to facilitate this organisation. However the “reasonable person” criterion does not capture these communicative acts between members of a random collection. Held mentions conditions external to the reasonable person criterion that are required in order for the random collection to act, but there is no detailed discussion of these in her account. For example, in *Train Scenario One* she suggests that group size may constrain the possibility of effective cooperation: “the group was not so numerous that, if each member had acted, confusion would have resulted” (Held, 1970, p. 476). The implication is that a small group of individuals can act together without impeding each other from contributing to the requisite action. The number of individuals in the random collection must also not be too numerous so that each can communicate with their fellow passengers without gestures or utterances being ‘lost in the crowd.’ It is reasonable to assume that the random collection in *Train Scenario One* needed to be of a certain size so that their actions could be physically performed within the confines of the carriage, and so that members could read gestures or physical signs from other members.

Reading cues from other passengers and not impeding their efforts to contribute to a collective action show that members of random collections must share more than an understanding of assumed moral principles; they must also share an understanding of how to work with others to perform cooperative actions. Members must know how to work with other people, even if they have never met them before. In order to ‘know how’ to perform a collective action, members must have knowledge about the nature of collective action and must be adept at communicating conditional intentions. Just as a reasonable individual agent can only decide and embark upon a course of action that she knows how to perform, the reasonable collective agent can only decide and embark upon a course of action that it has the capacity to perform. Such a capacity requires that members of the collective can work cooperatively to achieve an outcome different to the sum-total of their individual actions.

In addition to knowing how to perform a cooperative and collective action, members of a random collection must be able to assess the kinds of actions that they together are capable of performing. For example, the members of the random collection in *Train Scenario One* were aware that none of them could have overpowered the

violent man alone, but that the act could be achieved if one or more of them worked together (Held, 1970, p. 475). Even if the individuals in the random collection share an awareness of assumed moral principles and more generally about cooperative behaviour, this knowledge cannot be practically applied in a situation without an understanding that members together form an entity that can perform the required action. This means that the passengers in *Train Scenario One* must have not only shared an awareness that there were enough of them to overpower the violent passenger, but also shared an awareness that there were enough of them *willing* to work together to this specific end. Even if all the passengers know that there are enough of them to overpower the attacker, this knowledge alone is not sufficient to coordinate action. It would be very dangerous for an individual to intervene only to then discover that the others are not going to help. In order to, passengers must first communicate conditional intentions to each other: 'I will if you will'. Only once passengers have communicated relevant conditional intentions does effective cooperative action become possible. It is not the mere size of the group that determines a member's understanding of their collective's capacity to act, but rather the shared understanding that members are willing to come together *to* act in a collective way.

However, Held's own discussion of the reasonable person criterion does not analyse the shared understandings that are required to facilitate the cooperative actions of the random collections under consideration. Indeed, such cooperative actions rely not only on shared understandings between members of the random collectives, but also on members knowing that these understandings are shared. For example, the passengers in *Train Scenario One* not only each had an awareness that together they had the capacity to subdue the violent stranger, but each knew that the others knew this too. The awareness was not just common between them in the sense that each knows the conditional truth that if the group acts together it will be able to subdue the attacker. Rather the awareness must be common in the sense that each knows that the others are also aware of their collective capacity for action, and further that each is also aware that other passengers were likewise aware of their own understanding of their collective capacity to act. It is important to stress the reflexive dimension of the kind of common knowledge required for group action. It is not enough that individuals merely have the same understanding of a possible course of

action; they must also share a reciprocal awareness that they all have the same understanding of what might be done.

Common knowledge plays a pivotal role in the moral assessments that Held makes in her account, although it is nowhere explicitly discussed. Only by participating in the dynamic creation of this specific kind of common knowledge can members of the random collection be said to act together to bring about the desired outcome in each case, even if the desirability of this outcome is “obvious to a reasonable person” (Held, 1970, p. 475). The creation of this common knowledge is achieved by communicative acts between members of a collective, who may well have hitherto been strangers. Once cooperation is underway, individuals may need to agree on their individual roles (‘I will lift this end of the beam and you take that end’). However, the *initiation* of cooperation requires the *in situ* recognition that members now stand in a specific relationship to one another because they *together* form a collective entity that is capable of performing a morally desirous action. It is the shared recognition that together people form a first person collective entity, that constitutes an ‘us’ and a ‘we.’ For a group of strangers to coordinate collective action it is not enough that each knows that a certain collective action is a hypothetical possibility. What is required is that each knows that everyone knows that they are able to act collectively. By creating and sharing this knowledge, members can determine whether ‘we’ can perform an action together as members of the collective, where ‘can’ indicates not only a shared intention to perform the action but also a recognition of their collective capacity to act.

When we understand that the dynamic creation of what I will call ‘common knowledge about a collective first person identity’ is a communicative act, we are also able to better understand otherwise ambiguous elements of Held’s account. For example, we are able to understand why Held considers that the performance or non-performance of an action by the random collection is morally evaluable in the first instance. The process of creating the common knowledge about a collective first person identity is communicative but it necessarily entails deliberation. The recognition of the kinds of actions that the entity is able to perform is deliberative, even though few utterances may be exchanged between members in this process. For example, in *Train Scenario One*, the requisite action is performed quickly even

though this performance necessarily involves a weighing up of alternative courses of actions, so that in a *prima facie* way, “the desirability and probability of its outcome compared to the outcomes of possible alternatives must be of a certain level” (Held, 1970, p. 477). Held does not explain how the passengers discussed which of them should hold the violent passenger’s left arm, or which of them should restrain his right leg, but simply asserts a collective action would have subdued him:

It is possible that none of the five, acting alone, could have subdued him; it is extremely possible that action by two or more of the group to subdue him would have succeeded, with no serious injury to themselves (Held, 1970, p. 477).

Appreciating the importance of the dynamic formation of common knowledge about a collective first person identity also helps us to clearly understand the plausibility of Held’s *Fallen Beam Scenario*. Recall that here the morally desirous action is to rescue the man who is trapped underneath a beam in a collapsed building and that even though members of the random collective share an understanding of what ought to be done and even though they suggest various courses of action (that in turn imply they also appreciate how to act cooperatively), they nevertheless fail to agree on which beam to move first. They do not develop a method for making decisions so that agreement can be reached and the victim saved. In this scenario each member was willing to help and by suggesting a series of actions, each member demonstrated an understanding of what they and the others could achieve by working together. Even though the group has thus formed a first person collective identity forms, this does not automatically deliver up a specific course of action. In simple cases it may be fairly obvious what to do but it will usually require some further communication about the options that are available to the group as well as consequent agreement on a plan of action. In the *Fallen Beam Scenario* the group faces a complex mechanical problem and it is not easy to evaluate the various options - especially with little time to act. The complexity of the required action and the number of options that need to be evaluated is thus a mitigating factor in this case. While each person was willing to help and suggested ways that the objective could be realised, agreeing on a plan of action could not occur. It is correct to say that sometimes groups who were willing to act will be less blameworthy for failing to act effectively if the situation in which the action was required involved a complex action. However, even if Held is correct in this assessment, her account does not address the essential question of how that

group of individuals became a ‘we’ in the first place and how they came to regard themselves as morally required to perform a collective action.

An appreciation of the process of the expression and acceptance of conditional intentions is a precondition for the formation of a collective intention and action can also prevent wrongly assigned ascriptions of praise or blame where at least one member of the random collection is uncooperative. Imagine, for instance that in *Train Scenario One*, a sufficient number of passengers understood their capacity to act together as members of a collective agential entity, but that only one of them was willing to act. Held clearly states that one person could not have stopped the violent attack. Nevertheless Held’s account has the implausible consequence of making a moral evaluation of the random collection, even though one of the members was willing to perform the requisite action. However if we understand that coordinated action required the expression and the acceptance of a series of conditional intentions we can see that while one passenger expressed a conditional intention, no other passenger accepted it. The passenger who issued the conditional intention must then be excused from ascriptions of blame made to the random collection.

#### 4.2.2 The upscaling problem

I have argued that Held’s account does not adequately explain either the dynamic creation of common knowledge of the collective first person and that it does not explain the role that this knowledge plays in facilitating cooperative action between members of the random collective. Held’s account is also vulnerable to an ‘upscale problem’. That is, it mistakenly assumes that what is possible for one random collection is thereby possible for another. On Held’s account all that is required for a serial collection of individuals to be collectively responsible for the performance or non-performance of an action is that the moral desirability of the action is obvious to a reasonable person, and that its performance has a good chance of bringing about a desired result. While Held suggests that there may be other morally relevant factors, such as the size of the group, the account does not make this or any other requirement explicit. Clearly a random collection of five passengers who are in the same train carriage and a random collection of several hundred individuals, who are

waiting together on a crowded train platform, have different agential capacities. However Held does not consider the problems in extrapolating general conclusions about collective responsibility from very simple, small group examples.

The communicative capacity of a random collection is mentioned only when Held states:

It is possible that no one of the five, acting alone, could have subdued him; it is extremely probable that action by two or more of the group to subdue him would have succeeded, with no serious injury to themselves; *the group was not so numerous that, if each member had acted, confusion would have resulted* (Held, 1970, p. 476, my emphasis).

The suggestion that communication within a group is related to the number of members in the group is supported by sociological research. This research details the process of communication between members of crowds and also impediments to that communication so that, for example, the ability to communicate accurate information about the logistics of a situation in a crowd is highly dependent on the number of crowd members and the physical environment they are in (Fruin, 2002). In large crowds, information is not always passed directly—from member to member and can be instead passed along chains from one ‘cell’ or small section to another. This process can be cumbersome and risks contaminating information with what sociologists call ‘rumour’, so that the information that crowd members possess in one section of the crowd differs from information possessed by others in a different section (Turner and Killian, 1972, p. 112). In large crowds, different sub-groups within the crowd may possess different ‘information’ about what is happening. They may not be able to arrive at the same conclusions about the best course of action or to assess the possibility of a particular course of action, or to understand the effects of their actions on other sections of the crowd. Although Held claims that it is possible to say that a random collection may be aware of the nature of a situation without each member having individual knowledge of it, this claim is far less plausible once we consider the obstacles to shared understanding in large crowds. For example, at the 1989 Hillsborough disaster, officials attempted to ease the swelling crowd outside the stadium turnstiles by opening side gates that led directly to viewing pens that were themselves critically overcrowded. Those in the crowd that entered via these gates soon became congested in a tunnel *en route* to the viewing pens and stadium seating. Despite this congestion, officials were still directing more people

through the gates and into the tunnel, from where the viewing pens and stadium seating could not be seen. As crowd numbers grew, those in the tunnel jostled forward, sending waves of pressure forward to those who, unseen at the front of the crowd, were grievously or fatally crushed (Taylor, 1990, §59). It is impossible for us to say that members of the Hillsborough crowd were aware of the critical situation that had been unknowingly created. Obvious epistemic conditions were not satisfied in this instance for us to claim that crowd members were aware of the moral nature of their actions.

However, large crowds do sometimes act collectively and cooperatively, even though their members may be some physical distance from each other. Recall the hundreds of thousands of people who marched for reconciliation across the Sydney Harbour Bridge in May 2000. These people were, mostly, strangers to each other yet they were united in a purpose to demonstrate their shared belief about the value of reconciliation with their country's Indigenous people. Demonstrators considered themselves members of a collective that performed a cooperative action, that is, they considered that 'we' marched for reconciliation. The acts of marching with others, of wearing particular colours or of displaying certain messages on placards are communicative; not only of shared sympathies but also of shared membership of a particular collective whose members are together performing a collective action. Thus it is not the case that there is a simple relationship between the size of a group and the extent to which it can be held collectively responsible for what it does. What matters is whether members of these collectives have formed common knowledge about a collective first person. It is this knowledge, formed through a process that is necessarily communicative and deliberative, that facilitates cooperative actions, and not the mere existence of potential barriers to communication, such as the size of the group. Without reference to the dynamic formation of common knowledge about the collective first person identity, Held's account does not apprehend the kind of common knowledge that is a prerequisite for the possibility of collective action, and the relevance of that common knowledge for the assessment of collective responsibility.

Held's account makes an important contribution to the philosophical debate about collective moral responsibility because it considers a class of unorganised collectives

that had previously not been examined. Unlike French, Held does not require that these collectives be centrally structured. Instead she claims that they have agential capacities that facilitate their performance of morally evaluable collective actions. Against French, Held holds that the lack of formality of relationships is not an impediment to ascriptions of collective moral responsibility. The undocumented nature of the relationships in *Train Scenario One* is no impediment to the passengers' collective overpowering the violent attacker or to their capacity to be collectively morally assessed for the action. The suggestion that even serial collections of erstwhile strangers can act cooperatively to perform a morally significant action itself implies that these strangers are in a form of relationship with each other, although Held does not analyse the structure of that relationship. Held's account requires that members of random collections share specific understandings and that they relate dynamically to each other in real time to redress a situation that unexpectedly arises. Relationships appear to transmit collective awareness in the random collection, although again this is not made explicit. In order that bystanders in a random collection are to be collectively aware of something, they must share an understanding with each other *and share the understanding that they share an understanding*.

The role of relationships in Held's account has an interesting implication: in our everyday lives we are constantly becoming members of random collections, for instance when we join queues or catch trains. This kind of group membership may expose us to moral liabilities that are not widely recognised. This implies a pervasive form of moral luck. We may be continually and permanently living with the 'risk' of involuntary membership of collectives whose actions or omissions may be morally evaluated. In our everyday lives therefore our membership of crowds or random collections of individuals, and the responsibilities and liabilities acquired by such membership is thus largely a matter of luck.

In the following chapter I critically discuss Larry May's account of mobs. Pivotaly, this account emphasises relationships between members of seemingly unorganised groups and the way that these relationships facilitate shared understandings and cooperative action. May's account helps us to account for the way that people in

Held's train and fallen beam scenarios come to act collectively and with shared purpose.

## 5. LARRY MAY'S ACCOUNT OF MOBS

In his 1987 book *The Morality of Groups* Larry May argues that some seemingly unorganised groups, such as mobs, can collectively intend and can also be ascribed limited moral responsibility on the basis of this intention. May describes this as 'the middle position' between the two opposing positions of collectivism and of methodological individualism. In establishing this middle position May draws on Durkheim's insight that there is a distinct ontological status to the relationships between members of some seemingly organised groups, such as mobs. He pursues his specific claims about the moral evaluability of mob actions by drawing on Sartre's claim that the relationships between mob members form bonds of solidarity between them that in turn make each member aware of the needs of the collective. Crucially for my purposes, May argues that members of mobs are "individuals in relationship" and that the mob as a collective entity is therefore constituted not just by the members but also by the ontological relationships between.

In the first section of this chapter, I briefly discuss the problematic use of the word 'mob' in May's account. In my view, 'mob' in its ordinary use is a polemical term that indicates the speakers' attitude towards a crowd and this can obscure important points under discussion. Instead, I follow sociologists and crowd theorists Turner and Killian (1957 1972) in their classification of a 'mob' as one type of crowd. In section two, I give an outline of May's account and its specific emphasis on the relationships between members of the mob. In section three, I critically evaluate May's emphasis on the pre-reflective nature of intentions in mobs. I note that May's account emphasises the importance of relationships within unorganised collectives, positing a link between these relationships and a collective's capacity to form a morally evaluable intention. However, while the relationship between members' bonds of solidarity and a crowd's capacity to form an intention is acknowledged, May's account characterises the sense of solidarity as "pre-reflective". Here, pre-reflection is a kind of unconscious awareness "such that individuals are caused to act by the solidarity arising from the group, in ways they would not otherwise act and for goals they are not even aware of having" (May, 1987, p. 65). While the sense of solidarity both motivates and guides the actions of individuals in the crowd, I will argue against the characterisation of it as pre-reflective because in characterising it as such, May

inadvertently accounts for solidarity as a kind of mysteriously given fact between crowd members and does not explain important aspects of how the solidarity forms. In the final section, I introduce an alternative understanding of the way that collective intentions form in the crowd. The focus of this understanding is on the development of specific and shared common knowledge. This common knowledge is a precondition for the emergence of the kind of solidarity May draws attention to, and which, for example, is observed in the Bastille crowd. Such knowledge entails reflective awareness in crowd members. To defend this view, I will explain how this common knowledge arises without explicit verbal communication. May's account explains a crucial component in crowds: the relationships between members and the importance of solidarity for collective action. However we need to further interrogate the epistemic dimension of these relationships. We need to understand how people come to know and stand in such a relationship to others and how the crowd can be transformed by this knowledge.

### **5.1 The mob is a crowd**

In this Chapter I avoid the use of the term 'mob' and instead refer to the collective that stormed the Bastille as the 'Paris crowd'. In this I follow sociologists and crowd theorists Turner and Killian (1972), who suggest that mobs are a specific type of crowd. Additionally, the term 'mob' carries a normative load that can obscure important points when discussing the attribution of collective moral responsibility to crowds such as that that assembled on the streets of Paris in 1789.

Turner and Killian develop a taxonomy of crowds, with three broad axes. On the first axis, the crowd moves between being individualistic and solidaristic according to the 'common concern' that motivated members. The individualistic crowd is one whose member's actions are parallel, similar and may even be competitive (Turner and Killian, 1972, p. 81). A member of such a crowd will act in largely the same way that she would if not in the presence of the other crowd members, although the actions may be heightened by the competition that can develop between members. At times, the members of the individualistic crowd may not even consider themselves as members of a crowd at all. Hopeful shoppers clustered around department store doors form an individualistic crowd: they have a common concern in that they each want to be the first to enter the store when it opens.

Conversely the relationships between members of solidaristic crowds is cooperative and less competitive than those between members of individualistic crowds:

Instead of being parallel and identical, the actions of the crowd members are differentiated, and they supplement each other. Although there is differential participation by the members, the crowd acts in unison  
(Turner and Killian, 1972, p. 87).

Turner and Killian's second axis is based on Blumer's (1951) distinction between an active crowd that seeks to change its environment, usually but not necessarily through violence, and an expressive crowd that seeks a change in the emotional state of its membership (as opposed to a change in its physical environment). Blumer offered the rioting mob and religious congregations as respective examples of each crowd (Turner and Killian, 1972, p. 96). Crucially, any action of the expressive crowd expresses the 'emotional excitement' of members, rather than being directed to changing the environment of the actual assembly. Both crowds still have an object of attention, but the nature of this object, like the nature of the 'common concern' along the first dimension, changes at either end of the dimension:

Members of an acting crowd attempt to manipulate the environment external to themselves, while expressive crowd members have the aim of manipulating self-images and norms of participation  
(Swanson, 1953 in Turner and Killian, 1972, p. 96).

Turner and Killian's third axis, along which a crowd is compact or diffuse, describes the temporal and spatial proximity of members to one another, although it is important to note that a collective at the diffuse end of the axis is not considered to be a crowd by the authors, who prefer the term 'collective' (Turner and Killian, 1972, p. 111). Members of a diffuse collective are scattered across time and space. Social movements are examples of diffuse crowds, whose members may form other compact crowds that have a number of people in the same physical space at the same time. Members of a compact crowd gather in a particular place for a specified event (*ibid*). Turner and Killian consider the diffuse crowd to be "the major mechanism through which new members are recruited into the compact crowd" (Turner and Killian, 1972, p. 195). Thus the diffuse crowd "precipitates compact crowds in other locations".

On Turner and Killian's account, mobs are but one type of crowd. Classifying the mob that stormed the Bastille as a crowd helps us to consider the issue of collective

intention and action with more clarity. It gives us a theoretical framework through which to consider the group, a framework that is empirically based and that places emphasis on the observable features of the crowd's assembly, rather than on perceptions about the motives for its assembly. Thus the term 'crowd' carries a lighter normative load than the term 'mob'. It also gives us an alternative to May's distinction between the two collectives:

I use the term "mob" to refer to social groups which have no decision-making or organizational structures, but which, unlike random crowds, have come together for economic or political reasons  
(May, 1987, pp. 73-74).

May's distinction between crowds and mobs presupposes the capacity of 'random crowds' to organise or to develop decision making capacities and it is based on a judgement about the issue around which members have assembled. The distinction also does not address the pejorative way that the term 'mob' is used to describe those who have gathered for reasons other than of a political or economic nature, for instance sporting crowds who demonstrate against a team's loss. Consequently, I will make reference to crowds rather than to mobs throughout this chapter and refer to the 'Paris crowd' rather than the Bastille 'mob'.

## **5.2 Individuals in relationships and pre-reflective intentions**

May's account begins by establishing a position between individualism and collectivism, which he calls 'the middle position.' He accepts that while some collectives are appropriately dealt with by individualistic accounts and others are properly considered in terms of collectivist accounts, there are also collectives that are not accurately characterised by either of these two approaches. According to this 'middle position' members of some types of crowd are best understood as 'individuals in relationship', where the relationships between them have a distinct ontological status that strictly disallows reductionism.

Rejecting key concepts that underpin methodological individualism, May argues that that we do not base our interactions with others on ideal types ('anonymous individuals') that are generalised from our understanding of human dispositions but rather that social interactions involve dynamic connections with other people. He

rejects the ontological status of these anonymous individuals and argues it is unnecessary to “bring in a whole different class of individuals” in order that we understand social relationships:

What needs explaining ontologically are the ways that individual persons are related to each other in groups and thereby enabled to act in ways that they could not act otherwise (May, 1987, p. 17).

Having objected to the individualist position with respect to social relationships, May also rejects a pure collectivist position. Following Durkheim, he acknowledges that groups are irreducibly social, but against Durkheim he argues that it is not the group *per se* that has an independent ontological status, but rather the *relationships* between members of these groups. He rejects the notion that all social relationships are necessarily collective by arguing that individuals are not subsumed by collectives of which they are members, but rather that they are in relationship with other individual members. On May’s account this means that collectives do not have an ontological status but that the relationships between individuals that constitute the collective do:

While Durkheim has established that there is more going on, ontologically, in groups than can be captured by examining the individual members of these groups, he has not provided the argument to show that there are facts or entities which have achieved independent reality in their own right... A more plausible account is that social facts are best understood on the model of individuals in relationships (May, 1987, p. 20).

May argues that when members of unorganised collectives are viewed as ‘individuals in relationship,’ we see that French’s (1984) distinction between aggregate and conglomerate collectives is unworkable because methodological individualism cannot adequately explain aggregate behaviour (May, 1987, p. 22). The relationships have ontological value for which reductionism cannot account. He argues that French’s emphasis on membership lists is misplaced and that the broad assertion that all aggregates are fully reducible to membership lists is likewise incorrect. Rather, a collective’s capacity to intend and to act is more correctly determined by its structure:

Whether or not a group, and its behaviour, can be reduced to its members, and their behaviour, is determined by whether or not the structure of the group can facilitate joint action or common interest, and not, as French thinks, by whether or not there are fixed membership lists (May, 1987, p. 23).

May contends that the second of French’s sub-classes of aggregates can sometimes form a morally evaluable intention. While he concurs with French’s broad distinction

between two subclasses of aggregate collectives, May argues that some collectives in the second subclass engage in joint purposive behaviour (May, 1992, p. 122; French, 1984, p. 12). May claims that this joint purposive behaviour is morally evaluable as it is predicated on 'pre-reflective' intentions. In order to explain the facilitative nature of these intentions, May forges a link between Sartre's notion of quasi-intentional consciousness and collective intention.

### 5.2.1 The Bastille Crowd

The claim that crowds can form a pre-reflective collective intention that directs collective action is pivotal to May's account. It forms the basis of his further claim that the pre-reflective nature of this intention and action precludes the ascription of full collective moral responsibility to crowds. To explain the role that pre-reflection has in the formation of a collective intention, May revisits Sartre's exposition of the crowd that took the Bastille and cites it as evidence that mobs engage in joint action directed towards specific goals, and that such action is facilitated by feelings of solidarity (May, 1987, p. 59). While Sartre argued that solidarity developed in the crowd that took the Bastille, he also held that crowd members still did not act out of a fully reflective consciousness because this would have required more time for full 'deliberation.' For Sartre, the idea to take the prison was formed very quickly and it did not allow each member time to full reflect on whether to take part in the action. Sartre posited that without full deliberation, no morally evaluable collective intention could be formed. This means that even though the crowd performed a coordinated collective action that was facilitated by a sense of solidarity, crowd members did not sufficiently 'fuse' together into a cohesive group that had the capacity to bear an ascription of praise or blame.

May departs from this view. On his account the pre-reflective nature of this consciousness does not necessarily preclude moral evaluation of such collective intentions. May argues that although the collective intention of the crowd is founded on the pre-reflective consciousness of its members, there is also convincing evidence that members of collectives can be motivated by the needs of that collective. He also holds that the resulting action when it is coordinated and goal directed, is purposeful

and intentional. Consequently, May claims that it is possible that both the action and the intention have some moral status.

May revisits Sartre's description of the crowd that gathered in 1789 in the streets outside the Hotel de Ville, Paris. In July 1789, King Louis XVI had ordered his troops to patrol the streets of Paris where citizens were considered to be "in an open state of revolt" (Sartre, 1960, p. 353 cited in May, 1987, p. 34). Although the soldiers had been stationed in the capital on the pretext of protecting the city against bandits, the troops often treated protestors roughly and soon citizens took to arming themselves with firearms in case such defence was needed against the soldiers. A crowd gathered outside the Hotel de Ville on the 12<sup>th</sup> of the month to protest against the general treatment of the lower classes and against the specific presence of the King's soldiers in the streets of the capital. Jacques de Flesselles, who was provost of the merchants of Paris and thus equivalent to Mayor, promised to have 12,000 muskets shipped immediately for use by the citizenry. However when the boxes arrived and the assembled crowd opened them, they were found to contain rags instead of firearms. Sartre writes that the crowd "felt that it had been tricked" and that a solidarity developed between members who, in believing that they were being treated indiscriminately by Flesselles and by the King's soldiers, came to see themselves as "individual incarnation[s] of the common person" (Sartre, 1960, p. 357 cited in May, 1987, p. 35).

In turn this solidarity between crowd members "created within the members of the crowd a sense of purposiveness" (May, 1987, p. 37) so that:

Solidarity turned the crowd in the Paris streets into a mob. It is the relationship of solidarity that makes the difference, and that makes it possible for the actions of these individuals to be treated as if they were the actions of a single entity. There was no real change in the number or types of entities in the Paris streets; rather, those who were in the streets became related to each other in solidarity and this made it possible for them to act in ways they previously could not (May, 1987, p. 37).

On Sartre's account, the members of the Paris crowd have a "quasi-intentional consciousness" (May, 1987, p. 61) because they had gathered outside the Hotel de Ville in protest and had not originally assembled in order to storm the prison. Each member of the crowd thus had an "indeterminate" objective about any specific

further action that may be taken beyond the assembly of the protest. While individual crowd members fully reflected on their intention to gather in protest outside the Hotel de Ville, the decision to take the prison was formed dynamically and *in situ* so that any intention to storm the Bastille was pre-reflective and not yet fixed as an individual agent's intention (May, 1987, p. 61). While accepting that the nature of an individual crowd member's intention is pre-reflective, May argues that it still motivated them towards purposive action on behalf of the crowd. This is a departure from Sartre. May makes a crucial link between pre-reflective consciousness and collective intention and the concept of solidarity is key to understanding this connection. Once outside the Hotel de Ville, May argues that solidarity began to form in the crowd, which framed the way the members responded to subsequent events. Crowd members interpreted events against a background "... set of common beliefs and interests based on their similar situations and reactions to those situations" (May, 1987, p. 63). The solidarity between crowd members is thus more than a feeling of connection; it also provided a framework of shared beliefs within which events were interpreted and responses formed and shared.

May thus establishes a link between pre-reflective consciousness and collective intention, and uses sociological evidence to provide empirical support for this link. May claims that it is possible that people can intend on behalf of collectives, such as crowds, because social psychological research indicates that it is possible for individuals in groups to have goals that are related to the group (May, 1987, pp. 62-64). Crucially, when crowd members realise they are united - even if this realisation is only partially appreciated by them - they understand that they can achieve things through cooperative collective action that each would not be able to achieve should they act alone as individuals. May employs sociological evidence to demonstrate that solidarity exists in certain groups, such as mobs. If solidarity can exist, then so too can collective intention:

One sociologist summarizing the results of several generations of research said that the common theme through all accounts of solidarity is that a "oneness" is achieved in certain groups. This oneness or unity results from solidarity and allows for collective intentional action (May, 1987, pp. 63-64).

The "oneness" in a mob is also supported by psychological research that indicates that individual members of groups can be motivated by the success of the goal of the

group, independent “of the goal of expected benefit to that individual” (May, 1987, p. 64). May argues that it is therefore possible for crowd members who feel solidarity with each other to have intentions that relate to the goal of the group. Some intentions can be collective in nature and that they arise from the relations and structures in the group, even if they people in crowds are not fully aware that they personally hold the collective intention:

Insofar as the members of a mob may be motivated to act to solve problems, their conduct can be seen as goal-directed and hence as meeting one of the commonly cited requirements of intentional conduct (May, 1987, p. 64).

Using Sartre’s study of the Paris crowd as an example, May argues that historical evidence shows that some crowds clearly engage in collective action, the complexity of which is indicative of a level of intentionality. For example, individual members of the Paris crowd performed separate tasks that purposefully contributed to the achievement of the overall goal of taking the Bastille:

There are written and pictorial accounts of bands of the mob which broke off from the main group in order to perform specific tasks needed to be done at the moment, such as preventing a fire from going out or setting up the barricades to keep out newly arrived soldiers (May, 1987, p. 59).

These were diverse yet coordinated multifarious actions that required a sophisticated division of labour. May argues that this implies that members of the crowd were not only aware of the group goal to take the prison, but that they also purposefully directed their own efforts towards this goal. There is thus a relationship between the individual intention and the collective goal of the group. Moreover, individual intentions and actions are also related to the intentions and actions of others in the crowd even though no formal organisational structure exists. One crowd member may come to the aid of another “in quite complex ways even though there is no authority in the ...[crowd] ... which directs the activity of these members” (May, 1987, p. 59). In addition these actions are not necessarily transitory, but may be sustained by cooperative effort over a number of days.

Although he argues that some crowds can intend, May considers that the intentional state of the mob is still pre-reflective. This means that intentional action (although evidently purposeful) can only be ascribed to the group in a limited way:

While it is possible to attribute pre-reflective intentional action to individual members of mobs, it is also, in a limited sense, appropriate to attribute intentional action to the group, the mob, as well (May, 1987, p. 64).

Here, the pre-reflective nature of the individual intentions of the members of the crowd necessarily means that the collective intention in the crowd is not a ‘full collective intention’:

To say that the group can intend in just the same way that individual persons can intend, is a fiction...The sameness of intention is collective in the sense that it is caused by the group structure, that is, it is group based. Thus, this more limited way of saying that there are collective intentions in a mob simply requires that there is evidence establishing that these intentions are group based (May, 1987, p. 65).

May claims that the limited moral status of the intentions and actions of crowds means that only partial responsibility can be ascribed to the collective.

### **5.3 Problems with pre-reflection**

May’s account highlights importance of the relationship between members of unorganised collectives. It shows that relationships facilitate awareness of the group and can enable solidarity between members. As such, May is able to account for the way that relationships can facilitate an awareness between members that entails recognition of their capacity to *together* perform a collective action. Although the focus on the importance of intra-group relationships for understanding collective action is properly targeted, it is important to recognise that these relationships are not a given fact. Rather, these relationships form and they develop. Moreover they form and develop in some groups, but not in others. To understand collective action in groups without formal organisational structures, it is crucial to understand how these relationships develop, how they are precipitated, and the nature of the processes involved.

I argue against the idea that the sense of solidarity between members is pre-reflective. On May’s account pre-reflective intentions explain how people can spontaneously cooperate in complex purposive actions without prior planning. These intentions are guiding in that they direct the actions of individual crowd members who now work with others to bring about a common goal – a goal that, crucially, can only be achieved by working together. However, the notion of that intentions of crowd

members are pre-reflective seems at odds with the deliberate nature of the actions that are being performed. Aside from the fact that pre-reflective intentions are slightly mysterious, it does not seem plausible that they can account for the complexity of the actions performed that members of crowds like the Paris crowd. These actions require a high level of comprehension of the action that the crowd is attempting to perform as well as an understanding of how the various sub-actions contribute to the overall crowd goal. Additionally, the actions must be facilitated by communication of shared goals and combined efforts. It is simply not plausible to claim that the fundamental guiding intention that gives direction and purpose to all of these activities is pre-reflective. However, it is possible to account for the mechanisms by which spontaneous organisation in crowds. I will offer such an account in following chapters. On my account solidarity develops through communication, which is typically non-verbal and as it does so, a specific kind of common knowledge takes shape in the crowd, that in turn can explain how ‘spontaneous’ coordinated group action is possible.

May suggests that members of crowds share a pre-reflective mental state in which they have intentions but are yet unaware that they have these intentions (May, 1987, p. 79). This state of consciousness is distinct from the state of frenzy or trance that early crowd theorists popularised. Instead May describes this state as “motivational but not yet reflective”, so that while individuals in crowds have control over their own actions, they are not fully aware of the factors that motivate these acts. The solidarity and relationships between crowd members make each of them pre-reflectively aware of the needs of the group and motivates them as individuals to perform actions on its behalf, even though this awareness does not equate to each member being reflective aware of their own intentions.

The claim about this pre-reflective awareness is motivated by two major considerations.<sup>8</sup> First, May’s account follows Sartre’s view that the immediate and spontaneous character of the organised actions does not allow time for reflection and discussion. Second, May suggests that a characterisation of the reflective state of

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<sup>8</sup> I note that there is a third consideration in that pre-reflection accounts for a crowd member’s inability to articulate the common interests that motivate them to oppose the Other (pp. 39-40). However I focus on the two considerations that receive the most attention in May’s account.

crowd members as pre-reflective does “justice” to the fact that people in crowds can act in ways that they otherwise would not. Both the claim about pre-reflective awareness and the considerations that motivate it are contestable.

I argue against the claim that the immediate and spontaneous character of the organised actions does not allow time for reflection and discussion. Indeed, the main example May discusses suggests the opposite: that crowd members must engage in a sophisticated level of reflection and in communicative acts so that they can form and share any intention at all. Members of the Paris crowd not only formed an awareness of dynamically unfolding events, but also the awareness that others shared their perceptions of those events. These perceptions were informed by social and political climate in which the events occurred and they used these understandings to interpret the meaning of incidents as they occurred. These interpretations were then shared such that people recognised their connection with each other only when they were assembled together:

A dialectic established itself at the Hotel de Ville between the constituted authorities, which did not want to hand out the weapons, and which equivocated and found pretexts, and the crowd, which was increasingly threatening ... Everyone [in the crowd] reacted in a new way: not as an individual, nor as an Other; but as an individual incarnation of the common person ... From this moment on, there is ... the dissolution of the series into a fused group (Sartre, 1960, pp. 354-355, in May, 1987, pp. 34-35).

However spontaneous this feeling of solidarity may be, it has its beginnings in existing political and social relationships, as this is where the shared interpretations of events are based. For example, members of the crowd already had a heightened sense of dissatisfaction with the King and with the existing social order and the King’s soldiers and authorities had been known to be violent in their dispersal of other protestors (May, 1987, p. 33). These foundations assist the interpretation of events by crowd members so that for example, the reluctance of authorities to disseminate the promised weapons may be construed as an attempt to disarm the public before soldiers exact more violence upon them. Members of the crowd have “shared beliefs about [their] identity as a member of a group, as well as [about] historical events such as the existence of a common enemy or oppressor” (May, 1987, p. 80). While it has been claimed that crowd members form solidarity with each other as a result of the harsh actions of authorities or those policing them

(Bourne, 2011, pp. 204-205) solidarity is crucially formed through a shared interpretation of the meaning of the actions of others and of unfolding events. Consequently, crowd members engage in a significant amount of reflection. Reflections may occur speedily. As I have outlined in Chapter Three, these reflections can also be communicated non-verbally between crowd members who also reflect on the demonstrated interpretation of the events by those around them.

When the crowd members at the gates of the Hotel de Ville opened the boxes given to them by authorities and found rags instead of weapons, Sartre simply writes that: “the crowd felt it had been tricked” (Sartre, 1960, p. 355 cited in May, 1987, p. 35). The use of the collective noun ‘the crowd’ is significant here. Sartre describes the crowd as a single entity, even though he does not consider that members were ‘fused’ at this point. He does not say that ‘crowd members felt that they had each been tricked’ but rather suggests that members of a collective entity shared a perception in such a way as to justify the use of a collective first person descriptor. If we imagine how this feeling came to be shared, the process involved is more plausibly understood as deliberative. What is being described here is a moment of shared realisation. It may be that some crowd members opened the boxes and discovered the ruse, loudly proclaiming the trickery to those around them, perhaps even brandishing a rag for other crowd members to see or passed them around to others. Word would soon have spread through the crowd and it would have been spread in such a way that people could be in little doubt as to how others perceived the situation, as it is reasonable to imagine shouts of trickery and of mistrust emanated from the crowd. This awareness of solidarity with others thus involves a sophisticated awareness on behalf of crowd members, not only of relationships with others but also of the interpretations others have of unfolding events and of their own interpretations in relation to them. If members of crowds are already equipped with social and political understandings that can facilitate the interpretations of events and of relationships in the crowd, this may mean that perceptions and understandings can be rapidly shared between members. The claim that members of crowds are only pre-reflectively aware of their motivations does not account for the large bank of relational, political and social knowledge that crowd members already possess and that they use to dynamically interpret events as they unfold.

May's claim that crowd members "behave in such a way as to display purposive conduct, but are not reflectively aware that they have such intentions" (May, 1987, p. 65) is in tension with his own account that crowd members have an existing awareness of the social and political context in which the crowd had assembled. The view that members of spontaneous and informally structured crowds are only pre-reflectively aware of their intentions is undermined when we examine cases that illustrate how rapidly deliberation and agreement can occur in a crowd. Indeed moral judgments that we already make about such situations imply an understanding of this process. For example, in November 2011 a horrific multi-car pile-up occurred on the M5 Freeway in England. Media outlets reported that passengers and local residents attempted to rescue motorists who were trapped in burning cars (Rayment and Nikkah, 2011) These people quickly organised themselves so that some contacted the emergency crews and comforted the rescued while others continued in their attempt to rescue as many people as they could:

Tom Hamill, a 25-year-old teacher from Wells, Somerset, said: 'It was suddenly like driving in emulsion paint. People were trapped in vehicles and screaming. I could hear children crying.' Ciara Neno, of Weston-super-Mare, added: 'I got on to the emergency services, and my husband, Roger, dragged people from smoking cars' (Camber and Kisiel, 2011).

These people were praised in the press for their bravery. Norma Lane, duty director for the South West Ambulance Service coordinated the emergency response and explained that pre-existing knowledge helped her to act decisively: "you go into a mode of 'you have to act quickly,' and it's what you do. You react and make decisions and get on with the job" (Morris and Siddique, 2011). Rescuers acted decisively. Rescuers were aware of their collective goal, that is, of the nature of "the job" with which they had to "get on". They divided tasks between them: some calling emergency services, some providing comfort to survivors and others dragging people from still burning cars. Here, agents acted decisively. They deliberated and choose the way that they could help achieve the collective goal. Therefore, they fully reflected.

In the instance of the M5 crash, ascriptions moral praise follow our intuitions, suggesting that the actions were reflective and intentional, even though those praised acted very quickly. Although there was limited time for deliberation and communication between those who rescued the trapped motorists, deliberation and

communication nevertheless occurred. Rescuers interpreted the situation according to knowledge that they already held and they acted cooperatively, dividing up tasks and operationalizing a plan, even though time was limited. It is implausible to understand the motivations for these actions were pre-reflective. To do so does not explain the sophistication of the cooperative tasks performed or the way that tasks were efficiently divided among those who worked to rescue the motorists.

The second consideration that motivates May's claim about pre-reflective intention is that it explains how people in crowds can sometimes act in ways that they otherwise would not act. This consideration is built May's link between quasi-intentional consciousness and intention. He follows Sartre in claiming that members of the crowd are not fully aware of their motivations and that the dynamic nature of events sometimes precludes full deliberation by members. May describes how for Sartre, members of the Paris crowd manifested a "quasi-intentional" consciousness:

It is only quasi-intentional, in such cases as the storming of the Bastille, because members did not necessarily come into the street in order to carry out some definite task, but in order to find others who shared their attitudes towards the king, was, in Sartre's works, "indeterminate" ... At the reflective level, the intention might have been to aid their comrades in the street, but at the pre-reflective level, on Sartre's view, there was also an intention to storm the Bastille (May, 1987, p. 61).

Pre-reflective intentions are not yet fixed as "my intentions" but they motivate a crowd member to purposive action "without having reflected upon what they are thinking and doing" (May, 1987, p. 62). Crucially, the intentions are directed by concerns that are collective, rather than individual; they "seem to arise out of the collective relations of a group such as a mob, specifically out of solidarity" (May, 1987, p. 61). On May's account the idea that pre-reflective intentions are not fixed as "my intentions" but reference the collective concern of the group explains why some people in crowds act in ways that they otherwise would not: "sociologists have claimed that purposiveness in a group is different from what it would be for individuals acting on their own" (May, 1987, p. 64).

May mentions studies that indicate that people in groups make "more risky" decisions in groups than as individuals and that members of groups sometimes measure success according to the fulfilment of a collective goal, rather than their

own individual goals (May, 1987, p. 64). For May, these findings support the way that intentions are derived from the group rather than an individual level.

There are instances of crowds where people behave in ways that they would not. For example, when the police went on strike for 24 hours in Quebec in 1969, ordinary citizens as well as organised gangs smashed the windows and looted 156 shops. There was no typical profile of a rioter or looter and each demographic appeared to be represented:

There were riffraff out that night and maybe some poor people; but also there were so-called respectable, middle-class people. A well-dressed man, with a fur coat over each arm, scampered down St. Catherine Street shouting, 'One for my wife, one for my girlfriend.' ... it was the behaviour of ordinary people at night that caused the most perplexity and anxiety (Turner and Killian, 1972, pp. 71-72).

Just as the Québécois looted stores behaved in ways that they not have as individuals in other circumstances, members of rioting crowds are described as having abandoned inhibitions and having a license to break the rules (Turner and Killian, 1972, pp. 71-72). For May, pre-reflective nature of intention explains crowd members' impulsive behaviour:

There is a kind of pre-reflective conscious state for some mob members which is not a state of trance... This explains why some members of mobs act quite differently in the mob than when alone and reflecting on their behaviour (May, 1987, p. 79).

However, while some people may sometimes participate in crowds in impulsive ways, it does not follow that the intention to act is pre-reflective. If this were the case, we could not account for the actions of those who do *not* behave any differently when in a crowd. Further, there is evidence that people participate in crowd activities in clearly intentional ways that accord with their own personal beliefs and behaviours. Wright (1978) argues that crowds and riots are merely other forms of social organisation and that people participate in them in predictable ways. In studying political crowds across Britain and France in the 18<sup>th</sup> century, Rude (1967) found that people joined crowds to purposefully express dissatisfaction with social and political states of affairs, even when such assemblies appeared to be spontaneous. Behaviour in crowds is not necessarily discontinuous with people's reflectively held values and intentions.

Although some people behave differently in some crowd situations, it is a mistake to take this as *prima facie* evidence that the intentions of crowd members are pre-reflective. Not only does this involve an assumption that what a person does ‘on her own’ is indicative of her reflective intentions, it is not supported by empirical research. Studies such as those undertaken by Baron and Kerr (2003) indicate that crowds can have a disinhibiting effect on members who feel encouraged and authorised by those around them who are similarly and that they feel safe in numbers and less likely to be punished (see also Turner and Killian, 1957 and 1972). Indeed social and psychological phenomena such as ‘emergent norms’ (discussed on p. 36) and ‘the spectator effect’ (discussed on p. 32) offer plausible explanations for these differences in behaviour.

#### **5.4 Knowledge not Pre-Reflection**

May’s account correctly emphasises the importance of relationships in crowds and the way that can facilitate solidarity between members. However I contest the view that relationships between crowd members are linked to pre-reflective awareness. Rather, I argue that they operate as a mechanism through which particular knowledge is shared and made common among crowd members. This knowledge necessarily includes knowledge about the solidarity between members of crowd. The bonds of membership are not formed by a pre-reflective awareness of solidarity but rather by the common knowledge that members stand in a particular relationship to each other as members of a crowd. We do not need to reach to a pre-reflective state to serve as a manufactured repository for a collective intention in crowds; rather collective intention is formed through a shared understanding of members’ relationships to each other.

Generally, the formation of intentions involves very rapidly performed unconscious calculations. For example when forming an intention to dash across the road, I very rapidly calculate when the approaching cars will reach me. I do not know how I do this and I certainly cannot articulate how that calculation is performed. But the intention to cross dash across the road is not thereby “pre-reflective”. Similarly in managing our interactions with other people we make extremely rapid assessments of

their intentions and dispositions, and these unconscious processes are continuously feeding relevant information into our decision-making.

My claim is that we form collective intentions by communicating conditional intentions to others. The rapidity through which this information is (often non-verbally) transmitted and interpreted is not fundamentally different to the rapid calculative processes involved in general decision-making. This speed with which these calculations are conducted are not unique to crowds and are a general fact about how we navigate the world around us in real time. To understand how collective intentions and awareness of shared intentions are formed, we need not look to pre-reflection, but to the way in which conditional intentions are communicated in crowd situations.

To explain this, consider the representational account of collective intention that was detailed in Chapter Three. Here I argued that we could account for the formation of collective intention without invoking the concept of a shared consciousness. This helps us to better understand the motivations of the Paris crowd. In order for Sartre's claim that "the crowd felt that it had been tricked" (May, 1987, p. 35) when the rags were discovered in place of firearms, we must accept that crowd members developed and shared a sophisticated number of understandings and beliefs in a very short time frame. While they eventually responded to the 'trickery' they first indicated to each other that they also felt tricked and reflected this that they knew that each other knew that they felt tricked. May describes that members, united in their understanding of the 'trickery' form a bond of solidarity, however, something more is occurring. People are forming an understanding of the mood and goals of the crowd and what is going on. They are that that others around them share their understanding, or even dynamically forming a shared understanding with those around them. They then use this common knowledge to facilitate coordination and cooperation.

The notion that individuals' actions are guided by pre-reflective intentions is untenable once we consider the kind of communicative and deliberative processes at work. Let us return to the Paris crowd. Angered by the trickery at the Hotel de Ville, the crowd stormed the Bastille in search of weapons. It is at this point that both Sartre and May claim that their solidaristic relationships facilitated their intention to

take the prison and that this intention was pre-reflective, however, the formation of this intention by no means lacked in deliberation. Even if members of the crowd initially assembled for one purpose, the fact that they collectively intended another does not preclude the kind voluntary decision-making that we require of moral agents. Once the “crowd felt that it had been tricked”, each person interpreted the trickery within a social and political framework. Crowd members already suspicious of the King’s activity and of the violence of his agents formed the belief that the trickery was deliberate. They shared this belief with those around them and soon understood that together they formed a group that collectively shared a belief that the trickery was deliberate. The crowd then decided to act and this decision necessarily turned on the shared belief that they had been tricked and on a shared understanding that they together could perform a specific action. In order to form an intention to storm the Bastille, crowd members had to have some understanding of their collective capacity to act.

This necessarily implies that there is an understanding of the ‘group’ in the sense of understanding what that group can and cannot do. Once this understanding is shared, members become aware that they are related to each other as members of a collective agential entity. In the following two chapters I will develop an account that shows that it is this understanding that directly facilitates the collective action and that links individual intentional actions to the larger group goal. Here, however, I simply point out that the relationships between crowd members is complex and involves a set of shared beliefs and understandings, even about the relationships themselves. There is a large bank of knowledge that can be leveraged in the formation of an intention and this bank includes knowledge not only of crowd members’ solidarity but also of the crowd’s capacity to operationalize complex goal directed actions. It is therefore not the existence of solidarity *per se* that facilitates collective intention, but a shared knowledge of this solidarity and of the potential for action that it has. While the claim that crowds consist in “individuals in relationship” is broadly true, it is more precise to describe them as “individuals in relationship with specific shared understandings of that relationship”.

## 5.5 Pre-reflection and moral responsibility

May holds that agents acting on pre-reflective intentions have diminished responsibility relative to agents acting on fully reflective intentions:

Members of mobs have the two chief characteristics which are necessary for the ascription of moral responsibility: participation and intention. But since the intention is not a reflective state for most members, the members of mobs should not be held individually responsible for the harms caused by them (May, 1987, p. 83).

Although individuals cannot be held accountable for their intentions, ascriptions of collective responsibility can be made to the crowd. Such ascriptions do not entail distributional responsibility but “it may be that some members of the mob, especially those who take up a leadership role in the mob, may be singled out for individual blame and punishment (*ibid*).

One of the problems with May’s account of pre-reflection is that it obscures the actual processes that need to be examined, especially with regards to ascriptions of moral responsibility. May claims that ascriptions of collective moral responsibility cannot be distributed to individual crowd members because this ascription is grounded by the solidarity in the group:

The relationships that exist among members may unify the group and allow for joint actions, and these relationships are the crucially important factors for the eventual ascription of responsibility to the group (May, 1987, pp. 80-81).

May argues that the pre-reflective nature of the intentions in crowds prohibit the distribution of praise or blame to individual crowd members; the crowd does not have the formal deliberative mechanisms for such disaggregation. This is contrasted with the way that members of corporations (May, 1987, pp. 83-89) can share in similar ascriptions of blame, particularly in the case of corporate criminality. In these cases, formalised structures and decision-making processes identify members of corporations who have particular responsibility for the actions of the corporation. Organisation charts can identify members of the corporation who may have authority to act illegally. The organised structure of the corporation also may make the supervisors of employees who have committed crimes “at a minimum, criminally negligent” for failing to properly supervise them (May, 1987, pp. 104 -106). Although May claims that some individuals in crowds may bear direct personal responsibility for their contribution to any harm that has resulted from collective

action. Leaders of crowds or others who have played “a conscious causal role” in the crowd’s behaviour can “be singled out for special responsibility for the consequences” of the crowd’s behaviour (May, 1987, p. 109). This may apply to people who lead chants or who deliberately spread rumours in order to incite crowd violence.

While I do not contest that individual members of crowds may play a greater role than others in bringing about crowd actions, May’s argument here is unsupported by his earlier claim that individuals are guided by pre-reflective intentions. While we cannot distribute individual responsibility in the crowd because people are acting on quasi-intentions, it is only possible to ascribe moral responsibility to individuals if they have acted on deliberate, reflective intentions. There is clearly tension here: a member of the crowd cannot be unfit to bear an individual share of collective responsibility for an action on the one hand, but fit enough to bear individual responsibility for their role in the very same action.

While it is true that collective intentions give rise to collective responsibility, it is a mistake to think that individuals participating in crowd actions have diminished individual responsibility or that ascriptions of collective moral responsibility cannot be disaggregated to them because members do not cognitively grasp the intentions that are guide their actions. In subsequent chapters, I will build an account that will show that such claims from theorists from le Bon to May are false, or at least greatly overstated.

In this account I will consider that members of crowds such as those of the Paris crowd are not ‘individuals in relationship’ but rather ‘individuals in relationship with specific shared understandings of that relationship. I will argue that the nature of sharing understandings between crowd members is inherently deliberative, and thus reflective. I will argue that this deliberation, while rapid, can sometimes satisfy the broad criteria in our standard accounts of responsibility so that the actions and intentions of some crowds are sometimes morally evaluable. This account will help us to understand collective intention without reference to a pre-reflective state and it is therefore best considered as an addendum to May’s account of the moral capacity of crowds.

## **6. THE COHESIVE CROWD**

Having explored the accounts of crowds in the philosophical literature, I now set out my account of the ‘cohesive crowd’ - a specific type of crowd whose intentions and actions may sometimes be morally evaluable. I do not claim that all crowds are ‘cohesive crowds’ and neither do I claim that all cohesive crowds necessarily form collective intentions and perform collective actions. Rather, my claim is that cohesive crowds hold a particular kind of common knowledge in which members have a specific awareness of a collective first person identity and that this particular common knowledge is a necessary precondition for collective intention, spontaneous organisation and purposive action in a crowd. I argue that the formation of the awareness of a collective first person identity is a necessary condition for the cohesive crowd to bear collective moral responsibility. In the first section of this chapter, I outline the features of a cohesive crowd, identifying that way that they differ to aggregative crowds. In the second section of this chapter, I make the case that the Paris crowd was a cohesive crowd. In the third section of this chapter I introduce the concept of the ‘extended crowd’ and briefly discuss the impact of social media on crowd membership and cohesive crowds.

My account of the cohesive crowd helps to support the claims made about crowds in the collective moral responsibility literature. Specifically, my account details the relationship between common knowledge and collective intention, so that it supplements the account of May (1987), whose expositions of the moral status of crowds begin at the point after which this specific awareness of a collective first person identity has developed. While May demonstrates that some crowds appear to intend and that solidarity between members is facilitative of collective intention, further explanation is required of the process by which this intention forms. My account of the cohesive crowd aims to provide this explanation and to show that crowds can possess collective intentions can exist within a crowd without appealing to vague notions of shared mental states.

### **6.1 The features of a cohesive crowd**

Crowds come in many shapes and sizes. Sociologists such as Johnson (2000) broadly define a crowd as: “any temporary collection of people who happen to be in the same

place at the same time so that they can affect one another” (Johnson, 2000, p. 48). By this definition, a crowd can fill a football stadium or may have only a few members. Crowds can form for brief periods at bus stops or at train stations or they can also remain assembled for days or weeks, as did the crowd of protestors who gathered in Tahrir Square in Cairo in February 2011. One crowd is not necessarily like another. In earlier chapters I have criticised early crowd theorists and philosophical accounts for failing to distinguish between the great number of ways in which crowds can manifest. I have also outlined the error of extrapolating the analysis of one type of crowd to another as this incorrectly supposes that all crowds have the same features. For example, I criticised Held’s analysis of a random collection of bystanders, in which she broadly assesses that if crowd members generally know the moral nature of a required action, they can be held collectively responsible for its non-performance. Not only do crowds have different features so that one crowd is not necessarily like another, but some of these features may enable ascriptions of collective moral responsibility to be made.

Some crowds, without any organisational hierarchy, are able to act in coordinated ways. While it is true to say that crowds can manifest in a myriad of ways, Here I introduce a distinction between two types of crowds: what I shall call the ‘cohesive’ crowd and what I shall call the ‘aggregative’ crowd. I will argue that this distinction marks the difference between crowds capable of bearing collective moral responsibility and crowds that cannot. The Paris crowd that features in May and Sartre’s discussion is a cohesive crowd as it developed a collective intention that directed its action. By contrast, the crowd that gathered outside the Hotel de Ville were a collection of people who, although concerned about similar issues, were otherwise unrelated. This crowd I call ‘aggregative’ as it can be understood as simply an aggregation of members and also because any ‘crowd action’ is merely an aggregation of the actions performed by individual constituent members. The cohesive crowd evolves out of an aggregative crowd, just as the crowd that stormed the Bastille emerged from the crowd that gathered outside the Hotel de Ville. Unlike the aggregative crowd, the cohesive crowd can perform morally evaluable actions by striving in a unified way towards a common goal that can only be achieved by crowd members working together. Cohesive crowds can therefore bear ascriptions of collective moral responsibility. Although aggregative crowds are unable to bear such

ascriptions they may nevertheless be the objects of moral assessment, in the sense that particular members or groups of members may be held morally responsible for their individual actions in the context of the crowd's assembly.

Cohesive crowds have several features that distinguish them from aggregative crowds. Where these features exist a cohesive crowd may bear collective moral responsibility because the intention and action performed by the crowd is truly collective in nature and cannot be reduced to the individual acts or goals of constituent members. The cohesive crowd is a super-entity that can be ascribed non-reducible collective moral responsibility. This does not exclude the members of cohesive crowds from ascriptions of individual responsibility, as these are mutually compatible notions. Aggregative crowds, however, cannot bear collective moral responsibility because actions and intentions in aggregative crowds can be fully reduced to the individual actions and intentions of its members. Two features distinguish cohesive and aggregative crowds. Firstly a cohesive will understand itself as a collective. Following from this, the cohesive crowd is able to make decisions that direct coordinated action towards a goal that only a crowd can achieve.

#### 6.1.1 Awareness of a cohesive crowd as a collective entity

The cohesive crowd knows itself as a crowd. Members know that in order to achieve the object of focus or goal, they need to act collectively as one. Moreover, they know that together they are one. This means that the cohesive crowd develops and possesses a specific kind of common knowledge, which I call the 'awareness of collective first person identity.' When this common knowledge exists, members of the crowd come to know that *together they are a crowd*. The cohesive crowd knows itself as a crowd, but members also together form a common goal. This common goal is not merely an awareness of common pre-existing social or cohesive conditions or sympathies. Even though crowd members may share this kind of awareness or these kinds of sympathies with other crowd members, the capacity to form a common goal stems from an understanding that together crowd members can perform actions that each of them acting alone cannot perform. This a common goal derives from a specific shared awareness that members of a cohesive crowd have about the potential for joint action. A cohesive crowd is one that knows itself as a crowd where knowing

itself as a crowd necessarily entails an awareness that the crowd exists and can act as a collective entity. People may join an aggregative crowd with the hope that a cohesive crowd will form protesters may hope in advance that a protest march will achieve a particular goal. However this does not guarantee that process through which cohesion occurs will be triggered. Crowds may fail to cohere and remain aggregative despite the desires of individual members.

Michael Hardt's application of Spinoza's concept of love to the protest crowds is helpful in understanding the kind of potential at issue here. Hardt prefers to call protest crowds 'multitudes' because he considers that the term 'crowd' passive and does not properly reflect the capacity of the protest crowd to be a force of possibility:

Have you ever noticed that at great cohesive demonstrations love is in the air? ... I mean primarily a properly cohesive feeling of love. We recognise together what we can share in common, what power we have together and what we can do with each other (Hardt, 2006, p.35).

Here 'common' has a dimension of the possible. Crucially, it refers to the crowd as an entity and to the opportunities that collective action may bring. This commonality is unlike the shared awareness of a social or cohesive condition that for example, Parisians may have had as they protested on the streets against the King and against the conditions of the lower classes in 1789. This 'shared awareness' pre-exists the crowd's assembly and so is passive insofar as it is something that members bring to the crowd. However, the commonality to which Hardt refers is dynamic: it arises from the crowd's assembly, rather than before it. Hardt's notion of 'common' essentially refers to a capacity that the crowd as entity has to bring something about. It refers to the possibility of affecting change, where this possibility arises from the crowd itself:

When I describe this experience of love arising from seeing our common power in each other, I am not suggesting that we are recognising some common faculty or characteristic or quality that pre-exists in all of us. Some notion like "our common humanity" ... No, I have in mind something close to Walt Whitman's love for a stranger. What Whitman recognises is really the possibility of camaraderie – not some common quality that we have always shared, but a common experience and a common power that we can create (Hardt, 2006, p. 36).

For Hardt, 'common' is essentially active and creative so that the multitude or crowd can "work together and create a common power" (Hardt, 2006, p. 37). Members are

united by their common membership of an entity (the crowd) that can aim for and achieve things. In this way there is awareness of the collective entity by members and this awareness is awareness of the crowd as a collective first person entity. By this I mean that the awareness is of an entity that has an identity or character that is understood by members and that is reflected back to them. Crowd members see themselves as crowd members and they recognise others as crowd members and reflect this to them.

The way that crowd members see themselves may be distinct from the way that those outside the crowd may see the crowd. For example, peaceful crowds gathered in protest may be viewed as unruly by authorities, even though they are not, and be heavily policed. An awareness of the way that those outside the crowd view members may have a unifying effect on the crowd itself, but it is important to emphasise that this unity is only aspect of the entity that is perceived by crowd members themselves. While members of a cohesive crowd perceive that *together* they form an entity, they are also aware that they together form a specific entity, that is, *this* crowd. The cohesive crowd has a sense of itself as an entity, and this sense arises from the crowd rather than from outside it, even though this awareness may coincide with an awareness of other ways that the crowd is viewed. Recall, the crowd at the G20 protests in London, 2011, which illustrated how this can occur. In chanting: “this is not a riot”, crowd members displayed their shared awareness of the specific entity that they formed together. Further they asserted this collective self-awareness to the riot police standing around them. The crowd was not defined by the officers outside of it, but rather by its united membership.

#### 6.1.2 Decisions that direct coordinated action towards a crowd goal

The cohesive crowd will act in a coordinated way, even though any action may be dynamic and spontaneous. Nevertheless, the cohesive crowd directs action towards a goal that only a crowd as an entity can achieve so that, for example, the crowd that gathered outside the Hotel de Ville, Paris in 1789 could only storm the Bastille if they were acting together in a coordinated way. The Bastille could not have been taken by any amount of unorganised individual actions. Rather, the Bastille was taken by the coordinated action of a collective entity that acted to realise a goal that

only that a collective entity could have a reasonable chance of bringing about. It only makes sense to say that activity is goal directed if it is obviously volitional and if those doing the acting have a reasonable chance of bringing the goal to fruition through this activity (Duff, 1990, p. 17).

Attributions of intention, in the ordinary sense of that term, imply that the agent is capable of acting in a way that has some realistic chance of bringing about the intended outcome. Having a reasonable prospect of realising a goal is an important aspect of our accounts of moral responsibility. I can only properly be said to be acting towards a goal that I have a reasonable chance of achieving, such as finishing this thesis or saving for a holiday. It would be absurd to say that I intend to win the lottery, even though I may very much like this to occur. My chances of success in this endeavour are, sadly, very slight, and the circumstances that would bring about my winning the lottery are largely out of my hands. Standardly, the moral evaluation of an intention requires that the intention be related to something that an agent has a reasonable chance of bringing about. This requirement also exists in law and is described by Lord Asquith as forming a vital part of the determination of *mens rea*:

An 'intention' to my mind connotes a state of affairs which the party 'intending' ... does more than merely contemplate; it connotes a state of affairs which, on the contrary, [s]he decides that as far as in [her] lies, to bring about, and which, in point of possibility, [s]he has a reasonable prospect of being able to bring about, by [her] own volition  
(Lord Asquith, *Cunliffe v Goodman*, p. 253; cited in Duff, 1990, p. 17).

We assume that most agents have an awareness of what they can reasonably bring about by their own volitional actions. This is why I may be said to have a reasonable chance of finishing my thesis or saving for a holiday but why I cannot be held to account for failing to win the lottery. I can have an intention to finish my thesis or to save for a holiday because I can bring these about by my own efforts. I can forgo nights of cosy reading after a long day at the office so as to edit chapters of my thesis or I regularly put a little money aside to save for a vacation. However, as I have no reasonable chance of winning the lottery by my own efforts, I cannot meaningfully intend to win the jackpot. Any corresponding account of collective moral responsibility must similarly require that the crowd be directed by a goal that it has a reasonable chance of achieving. This assumes that crowd members have an

awareness of what the crowd, as a collective entity of a certain size, can reasonably achieve. Therefore, an essential element of the transition from an aggregative to a cohesive crowd is that crowd members become aware of what the crowd can achieve as an entity.

The cohesive crowd can form a collective intention because this intention specifically relates to the capacity of the crowd as a collective agent to perform a coordinated action that individual members would not be able to achieve if acting on their own. For example, the lynching of an individual is a collective act that cannot be meaningfully reduced to the individual acts of the lynch mob's constituents. Here, it makes no sense to view the individual actions of members as though they were reducible. Even if each member of the lynch mob separately wanted to bring about the lynching, it is not something for which they had causal capacity. Additionally, when we talk about lynch mobs we do not consider that one member of the mob found the victim, another brought her to the tree, and another tied the noose while another still fastened this around the victim's neck. These are not the actions or intentions of isolated individuals, rather these actions and intentions are contributions to a shared action that is directed by a specific goal. It makes no sense to say that any one member of a lynch mob intended to lynch the victim, as they would not be able to bring this about by their efforts alone. Instead we must say that the lynching is the collective intention of the group as this can only be achieved when members come together to perform the action.

Crowds regularly perform collective and intentional actions: crowds gathered, marched and protested together as part of the Arab Spring of 2010 and 2011 and citizens united in their opposition to a shared perception of corporate greed in the Occupy movement of 2011 and 2012. Individuals formed these crowds in order to participate in a purposeful action that could not be achieved by individual agents, but that could only be realised by a crowd. For example, members of the crowd that gathered in Tahrir Square, Egypt in February 2011 shared a goal, that is, they each wanted the removal of the Mubarak government. As individuals, they had no chance of bringing this about. However, as a large crowd that occupied a public space for a period of over two weeks, they together (as events have shown) had a reasonable chance of achieving a change of government.

### 6.1.3 Dynamic coordination of directed action

Even though an assembly, such as a demonstration may have been planned and publicised for some time in advance, the cohesive crowd emerges spontaneously from an aggregative crowd. The cohesive crowd can also absorb and respond to information in a dynamic way. For example, the crowd gathered in December 2005 in Cronulla, ostensibly to protest the use of the local beach by people of Middle Eastern origin, organised itself to perform a collective act of violence. During the initial assembly, some crowd members received information that that Middle Eastern men would soon be arriving at the local train station (Strike Force Neil, 2006, p. 49). This information circulated throughout those assembled and the “large crowd of people left the park, went to Cronulla Railway Station” to meet this train and to confront the expected passengers (Strike Force Neil, 2006, p. 41). The crowd moved to the station according to the particular intention that itself was triggered by the receipt of the information about the expected station arrivals. The information about the arriving train was rapidly transmitted through the crowd and a shared understanding formed that the crowd would, together, respond to that information in a unified way. Crowd members quickly realise that other crowd members intend to go to the station and that members expect each other to join in. At some point common knowledge that the crowd was going to the station developed, even though no authority directed that ‘decision’. A collective decision was evidenced by the decision to move *en masse* to the local station to meet the expected arrivals. The movement to the station was intentional and it was a dynamic response to real time information that was received during the crowd’s assembly. Cohesive crowds can respond dynamically to changing situations and information, but this is not to say that the crowd will behave irrationally or chaotically. While it is true to say that a structure that facilitates decision-making and action needs to develop in a cohesive crowd, this does not mean that any real time action is impulsive. Cohesive crowds can organise quickly, develop sophisticated division of labour arrangements and their actions can be purposeful even though they are spontaneous. When Humbert and his fellow citizens arrived at the gates of the Bastille after their disappointment at the Hotel de Ville, they organised themselves into rows, lining up in military formation,

even though they were described as a ‘leaderless multitude.’ *The Daily Mail* (2011) reported that when Islamic protesters in Tahrir Square were left vulnerable to attacks by authorities as they said funeral prayers for those who had died in clashes with police, Christian protesters formed a human chain around them for protection. Two hours later, these Islamic protestors formed a protective ring around their Christian crowd members as they said Mass for those who had been killed. No formal organisation existed in either the Paris crowd or the crowd of Egyptian protesters, but each crowd responded in an organised and purposeful way to the dynamic environment in which they had assembled.

## **6.2 The Paris Crowd as a Cohesive Crowd**

Consider again the Paris crowd that features in the analyses of collective intention by Sartre (1960) and May (1987). This crowd is a cohesive crowd and it formed from an aggregative crowd. Recall that in 1789, King Louis XVI had ordered his troops to patrol the streets of Paris and those troops began to treat citizens violently. Soon, citizens sought themselves with guns in case they needed to defend themselves against the soldiers. On the 12<sup>th</sup> July a crowd gathered outside the Hotel de Ville in protest against the general treatment of the lower classes and, specifically, against the presence of the King’s soldiers in the streets of the capital. Jacques de Flesselles, who was provost of the merchants of Paris (equivalent to Mayor), promised to have 12,000 muskets shipped immediately for use by the citizenry. However when the boxes arrived and the assembled crowd opened them, they were found to contain rags instead of firearms Sartre writes that the crowd “felt that it had been tricked” and that a solidarity developed between members who, in believing that they were being treated indiscriminately by Flesselles and by the King’s soldiers, came to see themselves as “individual incarnation[s] of the common person” (Sartre (1960), p. 35 in May).

The solidarity with which crowd members became ‘fused’ consisted in their awareness that they were seen as an “undifferentiated, unified collective” by the King’s soldiers, and this awareness combined with a realisation that they can act as a group allows them to act “like a common person, which acts in a concerted but unstructured way” (May, 1987, p. 35). The crowd soon engaged in a concerted effort

to seek firearms and they directed their search towards the Bastille. Word of the search and of its new target of the prison soon spread throughout the streets of the city. Other citizens who had not been present at the Hotel de Ville, who were nonetheless aware of the events that had occurred and joined the crowd that was gathering outside the gates of the Bastille. When, for example, Jean-Baptiste Humbert of Langres learned that a crowd was gathering at the Bastille, he wanted to be a part of it:

I heard someone say that the Bastille was being besieged ... I prepared and greased my gun and immediately set off for the Bastille, loading my gun as I went (Lüsebrink and Reichardt, 1997, p. 102).

Once at the Bastille, Humbert joined the assembled crowd, which was both large and which appeared to be united in a common purpose, that is to take the prison and to take possession of whatever firearms could be found there:

Veteran armies ... have never performed better prodigies [feats] of valour than this leaderless multitude of persons belonging to every class... One of the [soldiers] opened the gate behind the drawbridge and asked what we wanted. 'The surrender of the Bastille' was the answer (Pernoud and Flaiss, 1959, p. 221).

After a short time the drawbridge was lowered, and the apparent common purpose of taking the prison continued to direct the actions of the crowd members:

Everyone with one accord drew up in rows of five or six... We found the gate behind the drawbridge closed: after a couple minutes [sic] and invalide [veteran] came to open it and asked what we wanted: Give up the Bastille, I replied, as did everyone else (Lüsebrink and Reichardt, 1997, p. 102).

The case of the storming of the Bastille epitomises the kind of crowd event that is at issue in this thesis. A crowd of disaffected citizens that gathered outside the Hotel de Ville came to relate to each other in a specific way that enabled them to jointly engage in a goal directed collective action that they could otherwise not perform as individuals. Initially those that assembled outside the Hotel de Ville were members of an aggregative crowd. They were each concerned about the violence of the King's soldiers. However as their attention became directed towards the actions of the King's agents, they shared a response to a specific event, that is, to the boxes of rags. Their concern about the agents of the King was now not only common to each of them but *shared* between them. Crowd members were now not only concerned about the actions of the King's agents, but they related to each other as those who shared this concern. When events unfolded outside the Hotel de Ville, crowd members knew

that they *together* had been tricked; they each noticed and interpreted the actions of the King's agents the presence of other people who were also experiencing the event and sharing similar responses to it. . Consequently, the act of noticing and interpreting the actions of the King's agents was one of awareness of the event and also one of the awareness of the *relationship* that now existed between those who shared this concern. Crowd members now had an understanding that together they formed an entity.

Humbert describes the crowd that gathered outside the Bastille as a 'leaderless multitude' that, despite its lack of organizers, was engaged in a purposeful collective action. When asked about their business by guards inside the prison, the assembled crowd replied in unison and stated an objective that could only be achieved by a crowd of people who worked cohesively together rather than as distinct individuals. Decisions were made that were immediately and collectively interpreted and that people acted as part of a group, even though there was no apparent leader or decision-making hierarchy:

It was decided to start the attack with musket fire. We each fired half a dozen shots. Then a paper was thrust through an oval gap a few inches across; we ceased fire; one of us went to fetch a plank which was laid on the parapet to enable us to go and collect the paper. One man started out along it, but just as he was about to take the paper, he was killed by a shot and fell into the moat. Another man, carrying a flag, immediately dropped his flag and went to fetch the paper, which was then read out loudly and clearly, so that everyone could hear (Lüsebrink and Reichardt, 1997, pp. 103-104).

Importantly, Humbert's testimony shows that he identified as a member of a collective. Terms such as 'we' and 'us' both describe Humbert's relational experience of his membership of the crowd, and also describe of the fundamentally collective nature of the goals and actions of the crowd. These plural pronouns imply not only that Humbert had a relationship with other crowd members, but also that crowd members generally had a specific awareness that they were all members of a crowd that had the capacity to perform a collective action, such as taking the Bastille. It is a nonsense to suppose that Humbert's use of the terms 'we' and 'us' are here linguistic shortcuts for the otherwise lengthy lists of individuals and the sum-totals of their actions, as is suggested by atomistic accounts such as that of French (1984). Those assembled outside the prison and who constituted the 'leaderless multitude' did not one by one attempt to storm the prison, but did so *en masse*, with a

coordinated effort, despite the short timeframe of their crowd membership. The possibility of such an effort presupposes that crowd members understood the crowd's capacity to perform a collective action that members acting as individuals would otherwise not have the capacity to realise. Humbert immediately connects to the crowd as an entity, he does not describe going to the Bastille to perform individual actions as an individual agent, but rather he goes to join an entity that exists outside the prison. Humbert hears that the Bastille is being 'besieged,' and he 'prepared and greased' his gun and immediately set off for the Bastille. He rushes to the Bastille because there is the potential it could be 'taken' by *something*, that is the crowd. Crowd members are significantly connected to the crowd's capacity to act, so that the answer to the guard's question 'What do you want' is immediately comprehensible as being addressed to the crowd, and that the respondents who replied 'the surrender of the Bastille' were speaking for the crowd.

The Paris crowd responded dynamically to events as they unfolded. As the rags were discovered in place of firearms, the crowd not only shared a response to this but they *together* decided to take the prison in search of weapons. The crowd also organised itself spontaneously and exhibited a sophisticated division of labour to support the needs of the group as these developed:

Engravings at the time show bands of Parisians engaging in quite complex behaviour, such as the removing of very large stones from the walls of the Bastille... In addition, there are written and pictorial accounts of bands of the mob which broke off from the main group in order to perform specific tasks needed to be done at the moment, such as preventing a fire from going out or setting up barricades to keep out newly arriving soldiers (May, 1987, p. 59).

The crowd that had gathered outside the Hotel de Ville transformed into the cohesive crowd called the Paris crowd. This transformation occurred as members shared an awareness of the crowd as a super-entity and an awareness of the identity of crowd as a collective first person, including about its capacity to perform actions that individual crowd members cannot perform on their own. People now related to each other and to the super-entity of the crowd in a way that indicated an awareness of a collective first person identity. Terms such as 'we' and 'us' were now used so as to establish a distinction between those who were crowd members and those who were not. A crowd member could now use the pronoun 'We' as an indication not only those designated are relationally connected to each other by way of their

membership, but also as an indication that this relationship is constitutive of the crowd itself. Members of the Paris crowd were not merely in the same place at the same time, but were related through a shared awareness of their membership of a collective first person.

### **6.3 Cohesive, Aggregative and Extended Crowds**

Not all crowds are cohesive crowds. There is an important distinction between cohesive and aggregative crowds and this is a moral distinction based on the crowd's capacity to intend and act in a morally evaluable way. Both cohesive and aggregative crowds fulfil Johnson's broad definition (cited above), wherein a crowd is "any temporary collection of people who happen to be in the same place at the same time so that they can affect one another" (Johnson, 2000, p. 48). By this definition queues at the bank and groups of people waiting at a bus stop are crowds. Here, crowd members are milling around in the same place at the same time and this proximity gives crowd members an opportunity to affect each other. However this broad definition is unhelpful in determining whether some crowds can be ascribed collective moral responsibility. At its loosest, this definition suggests that the general public is a crowd because without clearer restrictions about the location, or about what it means for crowd members to affect each other, a broad social group could satisfy the criteria. For example, the 'place' could be a city or even a country, so that there is an indistinct boundary between the general public and a large crowd. This lack of specificity is further impacted by that it means for a crowd member to 'affect' another. Again at its loosest, it may be that public opinion may fulfil this criterion and thus give us further reason to be satisfied with the precision in Johnson's definition of a crowd. If the task is to decide whether a crowd can be morally responsible, then we need to be precise as possible about delineating the object of a moral assessment. At present this broad definition provided by does little to describe the significant features of crowds upon which moral assessments may turn.

*The Oxford Dictionary of Sociology* (2005) offers a definition that is more useful for our purposes: "crowds usually involve large sums of people, in close proximity with a common concern". This dictionary entry references the seminal work of crowd theorists Turner and Killian (1959, 1972) and states that the 'common concern' may

or may not be a clear crowd goal. If there is no clear crowd goal, the crowd retains a level of uncertainty and suggestibility. Johnson's emphasis in the broader definition on a crowd member's capacity to affect another is fundamentally relational, and here too, there is a relational emphasis. The crowd differs from the general public because there is a focus, even a diffuse one, on a common concern or common object. Consequently, there needs to be a shared focus in a crowd to distinguish it from the general public. Turner and Killian claim that a crowd, even one whose members are dispersed, will focus on the common concern, whereas the general public will characteristically engage in discussion about it:

Dispersed individuals may show, over a relatively short period of time, the same sort of restriction of attention found in the compact crowd, without developing the debate characteristic of the public  
(Turner and Killian, 1972, p. 111).

Turner and Killian thus differentiate between crowds and the general public by requiring that crowds satisfy a 'common concern' criterion. This criterion helps to begin to conceptualise how a collective intention can develop out of a common concern. Once crowd members share a common focus, they can jointly attend to events that unfold in relation to it. In Chapter Seven, I explain how this, in turn, creates common knowledge and the development of conventions that facilitate a morally evaluable collective intention.

### 6.3.1 Differences between cohesive and an aggregative crowds

In both cohesive and aggregative crowds, the members may have a common concern. However the way that this concern is held in common is crucially different in cohesive and aggregative crowds. This is the key difference that distinguishes these classes of crowds and understanding the difference is essential for understanding why collective moral responsibility can be attributed to cohesive crowds. The way that aggregative and cohesive crowds hold common concerns broadly correlates with Turner and Killian's (1972) concepts of the 'individualistic' and 'solidaristic' crowd. On their account, the individualistic crowd is one whose member's actions are parallel, similar and may even be competitive (Turner and Killian, 1972, p. 81). Here members' actions are largely similar to those that they would perform if they were not in the presence of the other crowd members, although they may be heightened in

degree by the competition that can develop between crowd members. The crowd awaiting the opening of the department store's doors is a paradigmatic instance of the aggregative and individualistic crowd. When members of the crowd gathered outside the IKEA store in Edmonton, London in 2005, they shared similar goals, and were openly in competition with each other. They had been lured to the store's opening for a chance to purchase a limited number of £45 sofas and queued early so as not to miss out:

Jilal Patel, 29 from Tottenham said, "I was queuing at 11am. Nothing is going to stop me from getting my sofa." (Finegold and Millar, 2005).

This sentiment is typical of members of an individualistic crowd, whose object of attention is common to all, but is individually held. Here the common object of attention, the attainment of cheaply priced furniture, is also an individual goal for individual crowd members who compete with each other in order to satisfy it.

Conversely cohesive crowds are necessarily 'solidaristic', according to Turner and Killian's account. In the solidaristic crowd, the relationship between crowd members becomes more cooperative and less competitive and it is sharply distinguished from its individualistic counterpoint in the division of labour that it facilitates:

Instead of being parallel and identical, the actions of the crowd members are differentiated, and they supplement each other. Although there is differential participation by the members, the crowd acts in unison.  
(Turner and Killian, 1972, p. 87)

The common concern in a cohesive crowd is shared between members, just as the Paris crowd shared a concern about the treatment of the citizenry by the King's agents. Members share the common concern; but moreover each knows that they share the concern. There is a state of mutual awareness of the sharing. This enables the crowd members on the streets outside the Hotel de Ville in 1789 could meaningfully say: "*we* are concerned about the way that the King's agents are treating *us* (my emphasis).

For an aggregative crowd to become a cohesive crowd, the common concern must develop from that which is individually held, to that which is shared and that references the crowd collective first person. Events external to the crowd may precipitate this development, as they did in the case of the Paris crowd.

Sartre (1960) identifies the treatment of the crowd by the King's agents as the catalyst that transformed the Bastille crowd.

[The action of the military] fused a merely serial ordering of random individual acts into an action which was collective in that the actions of each person were not done as the acts of an individual but as the acts of an "individual incarnation of the common person" (Sartre (1960) cited in May, 1987, p. 35).

An aggregative crowd may also develop into a cohesive crowd in response to other environmental factors. For example, when hundreds of people were trapped in the pens at Hillsborough stadium during the 1989 crowd crush, other crowd members in the nearby stands worked together formed human chains to lift those trapped in the overcrowded pens below to safety (Taylor, 1990, §15). Where crowd members jointly attend to an event and share an understanding of it, they share a concern and exhibit an essential feature of a cohesive crowd. Interestingly, this example shows that different sections of the same crowd may be cohesive or aggregative. Part of the Hillsborough crowd was aggregative, where people in the tunnels are part of a crowd crush that was fatal. These crowd members were not collectively morally responsible for causing the deaths. However, other sections of the crowd became cohesive and responded to the disaster below them, performing morally evaluable actions in rescuing many in distress.

Collective moral responsibility can be ascribed to a cohesive crowd but it cannot be ascribed to individuals in that crowd, because the capacity to develop a goal and to act in a concerted way to the achievement of this goal necessarily comes from the crowd rather than from individual members. Conversely, while aggregative crowds cannot bear collective moral responsibility, people in the crowd may be *individually* culpable for their actions. This claim has counterintuitive implications. Firstly it means that some crowds cannot bear collective responsibility for crowd disasters such as stampedes and crowd crushes. However such crowds are usually aggregative crowds and are thus not acting cooperatively with volition in order to achieve a goal but rather these crowds are individualistic and their members are forced into unpleasant situations. Even when members of these crowds can share concerns in the way outlined above, they will often have very little agency and thus are often not responsible for their actions. For example, crowd members funnelled through

covered walkways that eventually lead to the viewing pens at Hillsborough Stadium in 1989 became trapped in these tunnels as more and more people entered through the turnstiles. As more people entered the stadium, they pushed those ahead of them, so that those tightly packed together in the tunnel and with nowhere to move, involuntarily surged forward. Those at the front of the crowd were pressed against fences that separated the viewing pens from the playing pitch. With no room to move no countersurge was possible. Those at the front were “crushed breathless” by pressure (Taylor, 1990, §77). People in the tunnel were packed together so tightly that they were unable to lift their arms and were swept off the ground as those at the back attempted to push forward. These people thus unwillingly contributed to the surges of pressure that injured 766 people and killed ninety-six, mostly through compressive asphyxia. While this crowd disaster was tragic, and while there is evidence that members of the crowd shared their distress, the density of the crowd was such that members could not move voluntarily and so the crowd was not acting in an agential way.

However, moral assessments about members of aggregative crowds including crowds that are involved in crowd disasters may still be valid. These may include particular ascriptions of blame for those who wilfully engage in violent or destructive action, or who intentionally exploit crowd dynamics in the hope of bringing about a certain action. For example, at the Cronulla race riots of 2005, a rumour circulated through the crowd that 600 men of Middle-Eastern appearance would arrive to challenge the assembled mass (Strike Force Neil, 2006, p. 16; p. 30). The rumour first aired on commercial radio in the afternoon of 5<sup>th</sup> December and was repeated to the crowd by members of a local gang the ‘Bra Boys’ who had joined the crowd as members earlier in the day (Jackson, 2006). The individual actions of those repeating the rumour can be morally evaluable. It is reasonable to assume that those repeating the rumour expected (or at least could have anticipated) that such comments were inflammatory and could have triggered violent acts.

While a cohesive crowd has the capacity to form and act according to a morally considerable collective intention, this is not to say that every one of these crowds will do so. As Held’s account demonstrates, there may be instances where crowds ought to perform collective actions. However, I have shown that in order that these actions

can be performed the crowd must first become cohesive. This is in step with Held's claim that although a random collection of bystanders cannot be held morally responsible for failing to perform instances, the collection can be held morally responsible for not forming a group that was capable of performing the desired action. Suppose that the crowd members in the stands above the crowded pens at Hillsborough Stadium had not been able to agree on and coordinate a collective action to pull those below to safety, we could not hold them collectively responsible for failing to rescue those in distress, because there was no collective entity to which we could ascribe blame. However, it may be reasonable to have expected them to cohere in order to pool their wills and coordinate the desired action. I leave aside discussion of the distribution of such an ascription, noting only that it can be made at all.

A cohesive crowd can bear collective moral responsibility when its actions are determined by a collective intention, which crucially involves the development of a special kind of common knowledge regarding the awareness of belonging to a 'we' - a collective first person. While cohesive crowds may exhibit the two features I have outlined above, the presence of these features does not necessarily entail that such crowds intend and act in morally evaluable ways. Rather these features endow the crowd with the capacity to form the 'awareness of a collective first person' common knowledge. This common knowledge is a condition for the possibility of a cohesive crowd forming a morally evaluable collective intention.

### 6.3.2 Extended crowds

Advances in communications technology, particularly in social networking, have enabled real-time communication over distance to approximate the communication between people who are assembled in the same place at the same time. Social networking also facilitated broadcasting and rapid repetition of a message with exponential growth in the number of recipients at each iteration. Messages and information can 'ripple' through a group of networked users in much the same way and with the same rapidity as a message may propagate through a physically assembled crowd. Crowd dynamics can thus occur in a group of people who are not physically in the same place but who are communicatively connected. People

connected by these interactions are able to have immediate and reciprocal influence on each other. I call this kind of crowd the 'extended crowd'. Extended crowds are not a third category but a manifestation of either an aggregative or cohesive crowd. The extended crowd challenges the notion that crowd members have to be in the same place at the same time to affect one another. Most definitions, such as those above, contain the criterion of physical proximity between members; a concept that readily directs us to the archetypal crowd as a physical mass of people gathered in the one location. However the physical proximity in these definitions is fundamentally facilitative in nature. Proximity allows crowd members to "affect one another" and it is thus considered instrumental in the development of certain crowd dynamics that are essentially communicative in nature. For instance, the proximity of one member to another facilitates the process of 'rumour', where a message can pass through the crowd between members and thus reach "persons who are not in direct or simultaneous contact with one another" (Turner and Killian, 1972, p. 111). In the philosophical accounts of both Sartre (1960) and May (1987), the physical proximity of crowd members creates a unique relationship between them that in turn facilitates collective action. Crowd members shared responses to events that acted as catalysts to the formation of solidarity. The emphasis on physical proximity is therefore an emphasis on a feature that facilitated communication between members and that makes individuals causally proximate to each other, in the sense that crowd members are affected immediately by each other's actions and reactions.

The theory of crowds is better able to account for a range of contemporary social phenomena if the criterion of proximity is understood as 'causal proximity' rather than physical proximity. By 'causal proximity' I mean that crowd members can be proximate to each other so that they can influence and affect each other even though they are not in the same physical location. Cohesive crowds can manifest as extended crowds. For example, after Cronulla Riots, Sydney in December 2005, reprisal attacks were organised by Middle Eastern youths. These attacks occurred at various locations throughout the Cronulla area and police resources were thinly stretched as they attended incidents and dealt with suspects and victims. People used mobile phones throughout the evening to communicate messages about where the attackers would gather (Braithwaite, 2007). Just after midnight, mobile phone calls enabled the converging of three separate convoys of cars driven by the attackers that were headed

for Cronulla (Strike Force Neil, 2006, p. 48). The convoy was so large that upon reaching the intended destination, a number of vehicles were able to evade police roadblocks (*ibid*).

Social media also played a pivotal role in the February 2011 Egypt protests. Only days after the fall of the Tunisian president, groups appeared on internet sites trying to organise protests in Tahrir Square: “Activists spread the word online about Friday's protests, detailing the list of public squares where people should gather” (Naib, 2011). Social networking sites not only publicized the location and times of protests but also allowed would-be protestors to gauge how many people shared similar views about the situation. For example, after the shooting death of protestor Khaled Siad by Egyptian police, a Facebook group was ‘liked’ by nearly 600,000 people and became “a key organizing centre for the ... protests” (Alexander, 2011). Footage broadcast on *You Tube* allowed people who were not at Tahrir Square to share in an understanding of the events that were unfolding. Protestors received morale boosting messages of support from around the world via Twitter as well as practical information from others. Feelings of solidarity extended not just throughout a country but also internationally:

Online activists from Tunisia shared information about how protesters could pour Coca-Cola on their faces as a method of protecting themselves if police use tear gas. Others offered help by submitting emergency numbers for use in case protesters are arrested (Naib, 2011).

Aggregative crowds can also manifest as extended crowds. When Cricketing Australia released tickets to the 2006-2007 Ashes series on the internet site of a ticketing agency, so many people logged on at once in the hope of securing tickets, that the entire website crashed (Conn, 2010). Crashing a website in this fashion is analogous to crowding outside a store, waiting to grab a bargain at a much anticipated sale. Members of the Cricketing Australia crowd behaved competitively just as if they had gathered outside a department store waiting to rush the entrance when the doors were opened. Members had a concern that was common to them and their actions directly affected one another, even though crowd members were not located in the same place. These ‘extended’ interactions can affect crowd members as directly and immediately as interactions with others assembled in the same physical location. A defining feature of a ‘crowd’ is its members’ capacity to

influence each other. As communications technology allows this to occur remotely, there is no longer necessarily the case that a group of individuals must be located in the one place and time for them to constitute a crowd.

The cohesive crowd has a sense of itself as a collective and agential entity. This sense derives from inside the crowd. Cohesive crowds have a shared common concern. Moreover, there is mutual awareness of this shared concern; members know that they share the concern and they know that others in the crowd know that they share it. Members of cohesive crowds can use this bank of knowledge to leverage coordinated actions that they perform as *members of a crowd* rather than as *unrelated individuals*. Collective actions can therefore be directed by morally evaluable collective intentions. In Chapter Seven, I will detail the process through which such intentions are formed.

## 7 HOW CROWDS INTEND

In the previous chapter I described the cohesive crowd. I suggested that this crowd has a specific kind of common knowledge, which I defined as “collective self-awareness”. This awareness enables crowd members to use the collective first person descriptor ‘we’ to describe collective demands or actions. Where awareness of a collective first person common knowledge exists in a cohesive crowd, members may say: ‘we are trying to do this’, where ‘we’ refers to the crowd as a collective but single agent. However, this ‘we-ness’ is not only the specific awareness in which crowd members understand that together they form the crowd, but it is also the awareness that the crowd is capable of acting in a way that individuals are not. In becoming collectively self-aware and recognising that ‘we’, crowd members also become aware that ‘we’ can do things that ‘I’ cannot. In this chapter I explain and defend the claim that the collective self-awareness of a cohesive crowd necessarily entails the collective awareness of a new capacity to act as a single agent. This means that the ‘we-ness’ underwrites a crowd’s capacity to form and perform a morally evaluable collective intention and action.

My argument follows Campbell (2005) on joint attention, Lewis (1969) on convention, and Gilbert (1990) on the plural subject. In the first section of this chapter I argue that crowd members can jointly attend to an object or event in such a way that other crowd members become a phenomenological part of the experience of attending to the object. This means that the experience of attending to the event is not separable from the experience of experiencing of others also attending to the event. In the second section of this chapter I will describe how, in turn, this process of joint attention can transform an aggregative crowd into a cohesive crowd whose members have become collectively aware of their ‘we-ness’. Joint attention thus facilitates the development of collective self-awareness. In the third section of this chapter I argue that once this awareness exists, norms and conventions develop within the crowd. In the final section of the chapter I use Gilbert’s account of the plural subject to argue that these norms and conventions enable members to coordinate collective action as members of a plural subject. Although my account will sketch in outline an idealised sequence in which these events occur, there is no single process by which, in all cases, an atomistic or aggregative crowd transforms into a cohesive crowd. Although

what I will describe can be thought of as a progression, it is important to remember that crowds can transform very quickly so that these elements may appear in quick succession and may even sometimes seem to be simultaneous. It is also important to remember that not all cohesive crowds will go on to form collective intentions or to perform collective actions. However, for a crowd to do these things, it must first become a cohesive crowd. It should also be noted that one or more sections of a larger crowd might itself function as a cohesive crowd. For example, sections of the Hillsborough crowd who were seated in the stands above the overcrowded pens functioned as a cohesive crowd and pulled many below them up to their stands and to safety. Such instances underscore the complexity of crowds.

### **7.1 Joint attention**

In 1919 a race riot occurred in Chicago, USA and lasted for several days from July 27<sup>th</sup> to August 3<sup>rd</sup>. The riots were notable for mob violence between Black and white citizens and for the role that the police played in inflaming the scale of the violence. The riot began when Eugene Williams, a Black youth, drowned in the ‘whites only’ section of a beach. He panicked after several white youths threw rocks at him as he attempted to stay afloat by holding onto a railroad tie. Although witnesses reported a particular white youth to police officer Callahan, he refused to make the arrest, instead arresting one of the Black youths who had made the complaint. The crowd that had gathered on the shore was segregated along racial lines, so that broadly speaking there was a ‘white’ crowd and a ‘Black’ crowd.<sup>9</sup> Each crowd understood Callahan’s actions in a particular way: the Black crowd understood that it meant that they would be denied justice because of their race and that the whites could, literally, get away with murder. The white crowd understood that police would show a high tolerance to acts of violence against Black members of the community. The Coroner’s report emphasised the importance of the way that the assembled crowds understood officer Callahan’s actions:

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<sup>9</sup> Thus underscoring the complexity of crowds noted above.

Distrust of the police increased ... during the period of the riot. With each clash a new cause for suspicion seemed to spring up. The most striking instance occurred on the first afternoon when Policeman Callahan refused to arrest the white man whom the Negro crowd accused of causing the drowning of Williams, the Negro boy. This refusal has been called the beginning of the riot because it led to mob violence of grave consequences (Chicago Commission on Race Relations, 1922, p. 36).

The Black members of the gathered crowd shared an understanding of Callahan's refusal to arrest the accused youth. They shared an understanding that police would tolerate violence against them by white people. The social climate of the time was charged with racial tension and Callahan's subsequent arrest of a Black youth sparked outrage among that youth's community. Within minutes the members of both the Black and white crowds were fighting. As members of both crowds chased each other through the streets of Chicago, other citizens became aware of the situation, taking cues from the police inaction. Members of the Black crowd understood that they were now the target of seemingly sanctioned violence:

The fact remains that the refusal [by Callahan to arrest the accused white youth] was heralded broadcast by the Negroes as the kind of action they might expect by the police (Chicago Commission on Race Relations, 1922, p. 36).

Members of the white crowd shared in this understanding too. They shared a perception that Callahan's actions meant that police would not enforce any restrictions on their rioting, and that violence against Black citizens would also be tolerated. Sections of the white community who were not at the shore to witness Callahan's actions nevertheless came to comprehend their significance. Some directly interpreted Callahan's actions and the similarly lenient actions of his peers as a form of permission to engage in acts of violence against the Black members of their community:

A judge of the municipal court said in testimony before the Commission: 'They [white gangs of youths] seemed to think they had a sort of protection which entitled them to go out and assault anybody' (Chicago Commission on Race Relations, 1922, p. 12).

These collective understandings of both the white and Black crowds were reinforced by the actions of police over the course of the riots. For example, when three Black men were rescued by police from a beating by a crowd of up to thirty Black men, one of the victims was insulted and beaten by a police officer in front of the crowd of whites before being taken away and held incommunicado for six days. Police,

however, did not arrest any of the white crowd members who perpetrated the original beatings (Chicago Commission of Race Relations, 1922, p. 39). Police left Black citizens in the hands of violent white crowds on several occasions, often failing to disperse or quell the crowds (Chicago Commission of Race Relations, 1922, p. 39).

The coroner's report noted this imbalance:

Our attention was called strikingly to the fact that at the time of race rioting, the arrests made for rioting by the police of coloured rioters were far in excess of the arrests made of white rioters. The failure of the police to arrest impartially, at the time of rioting, whether from insufficient effort or otherwise was a mistake and had a tendency to further incite and aggravate the coloured population (Chicago Commission of Race Relations, 1922, p. 36).

The collective understanding that was sparked by Callahan's original refusal to arrest was reinforced and the common understanding was dynamically emphasised for the two groups who were engaged in the riots.

The incident of Callahan's refusal to arrest the white youth who had been accused of throwing rocks at Eugene Williams typifies the phenomenon that is at the centre of my account of the cohesive crowd. From this single incident, a crowd came to have an understanding that was shared collectively and this was communicated to others who were not present at the initial event, so that they too shared in it. This shared understanding determines the crowd's perception of the situation. This shared understanding is also essential for crowd members to recognise themselves *as* crowd members. The Black crowd members at the beach the day that Eugene Williams died understood not just that the police were tacitly allowing racist violence by whites, but that together as a crowd, they could express their outrage.

Collective self-awareness and any capacity to collectively intend in a cohesive crowd begins with joint attention. Joint attention has the capacity to transform relationships between crowd members and to make them aware that together they form a single agential entity. When members of a crowd jointly attend to an object, the crowd experiences a moment of transformation, enabling the formation of a collective identity. The relational nature of joint attention enables members to become aware that they are collectively aware of an object. That is, a person comes to know that she is attending to an object in a particular way and more crucially, that others are

attending to the object in the same way. This awareness of a collective experience begins to forge relationships between crowd members, which can in turn enable them to engage in coordinated collective action.

In a cohesive crowd, a crowd member attends to an event or object in the presence and in the knowledge of the presence of others. For example, people gathered on the beach at Chicago did not merely witness Callahan's refusal to arrest the white youth who had been accused of throwing rocks at Eugene Williams, but rather jointly attended to it. By this I mean that people did not passively observe the event; rather they paid attention to it and they did so *in the presence of others* and *with* others. Those who had seen Callahan's refusal to arrest the accused interpreted the meaning of the act. The others present were quickly able to discern a shared interpretation of events. Crowd members thus become an inherent part of each other's attending to the events on the shore, giving the experience an inherently relational quality.

This claim about the relational aspect of joint attention draws on Campbell (2005) who proposes that joint attention necessarily includes a relational aspect in which the presence of others cannot be separated from the object of attention. On my account this means that crowd members attend to event or situation 'z' not just in the presence of other crowd members but also with an awareness of their presence. Joint attention here means not merely that 'x and y are jointly attending to z' but rather that: 'x and y are jointly attending to z *and are aware that they are jointly attending to z.*'

This awareness of the company of others enables us to understand how the crowd came to share an understanding of Callahan's actions so quickly; it helps us understand that crowd members experience and interpret situations in a dynamic way in the presence of others. Campbell rejects the reductive individualistic account of joint attention by claiming that a person's experience of attending to a phenomenon cannot be separated from her experience of attending to that phenomenon in the presence of another:

On a relational view, joint attention is a primitive phenomenon of consciousness. Just as the object you see can be a constituent of your experience, so too can it be a constituent of your experience that the other person is, with you, jointly attending to the object (Campbell, 2005, p. 288).

Campbell holds that here you and another person pay joint attention to something; it is not the case that the other person is the object of your attention. Rather the other's attention is part of *your* experience of attending to something:

When there is another person with whom you are jointly attending to the thing, the existence of the other person enters into the individuation of your experience (Campbell, 2005, p. 288).

Joint attention is a collective experience because there is a crucial awareness that you are attending this with me. The experience of jointly attending to an object is relational because the state you are in when jointly attending to an object is "an experiential state that you could not be in were it not for the other person attending to an object" (Campbell, 2005, p. 289). The experience of joint attention is crucial to a cohesive crowd, as it enables the formation of relationships between members. Crowd members who are jointly attending to something have a heightened awareness to the responses of other crowd members and this awareness is attuned to subtle gestures and non-verbal messages. Campbell explains this heightened awareness via the 'barking dog' scenario in which he claims that those who are engaged in joint attention are predisposed to receive and interpret information from others, even though this involves no co-ordination of the control of attention:

Suppose you and I look out of our windows at a dog barking in the moonlight. We are attending the same thing, but this does not count as joint attention, because we may not even be aware of each other's existence. But suppose, as we lean out of our windows, that you and I catch sight of each other. Perhaps you and I have quarrelled, so that the mere fact that you are looking at the dog has not the slightest tendency to dispose me to continue looking at it. The fact that you are looking at the dog may actually dispose me somewhat to look away, but in fact I remain fascinated by the commotion. So it is not that you are causing me to attend to the dog, or that I am causing you to. There is no 'co-ordination' between us. I would be attending to the thing whether or not you existed. If, as we look out of our windows, you say to me, 'That dog is barking,' I will on the face of it have no trouble in interpreting your remark, which thing you are talking about or what aspect of it you are commenting on, even though there is no co-ordination of the control of attention (Campbell, 2005, p. 296).

The barking dog example shows that joint attention facilitates efficient communication between those who are jointly attending to an object. Those looking

at the dog do not have the “full openness of connection” (Campbell, 2005, p. 296) and neither are they in a position to coordinate activity related to the object of their joint attention. Nevertheless, the collective nature of the experience of joint attention means that there is an interest in the way that another is experiencing and responding to the object of attention. Thus, those who are jointly attending to something have an increased interest in communication with others who are jointly attending. In a crowd situation, joint attention has an aspect of opportunity, wherein opportunity consists in recognition of shared understanding and recognition of the capacity of the crowd to respond in some way to the situation before them:

Once you have any interest, however slight, in interpreting the other person’s remark, there would ordinarily be some moves towards causal co-ordination by you; and likewise if the other person has any interest in being understood (Campbell, 2005, p. 296).

Members of a crowd that are jointly attending to an object or situation have an interest in receiving and interpreting communication from other crowd members, particularly if the object of attention is unexpected or unusual. They turn to others to help them interpret and understand events as they occur: “confronted with a novel and ambiguous situation ... people do turn to others confronted by the same situation for cues on how to respond” (Turner and Killian, 1972, p 32).

These cues can be subtle and non-verbal. For example, those waiting in a slow moving queue at a bank may roll their eyes or exhale loudly to express their frustration at poor customer service. Even shuffling nervously or standing around milling in an agitated state can transmit messages to which others in a crowd are especially attuned. Crowd members may not even be aware that they themselves are transmitting non-verbal cues, but these cues are transmitted to others regardless:

Human beings milling becomes a form of symbolic communication... Even though individuals may not be conscious of their own restless activity, they interpret the activity of others through role taking. Therefore milling can involve a minimum of verbal and physical activity (Turner and Killian, 1972, p. 37).

Joint attention in a cohesive crowd involves the awareness of the responses to others to an object of attention and it involves the transmission of one’s own responses to other crowd members. This is where collective self-awareness begins. While joint attention does not entail co-ordination, it is a necessary precursor to it:

We should think of joint attention as a more primitive phenomenon than common knowledge ... joint attention can nonetheless contain something of the force, in rendering an action rational, of infinitely common knowledge (Campbell, 2005, p. 295).

Joint attention is thus a precursor to collective self-awareness; it is the beginning of the process of sharing and confirming beliefs that characterise common knowledge itself. Consider the example of the Egyptian tank that entered Tahrir Square in January 2011 during the country's pro-democracy and anti-government protests. When thousands of Egyptian citizens gathered in Tahrir Square in Cairo and called for a change of government led by Hosni Mubarak, the protests were met with a violent response by police officers that were loyal to Mubarak. This included the use of rubber bullets and teargas on the crowd of protestors and some protestors, including foreign journalists, were beaten and tortured (Shenker, 2011). Nevertheless, the crowd of thousands remained in the square. The crowd in Cairo began to call for the intervention of the military, even though Mubarak had ordered the military to enforce a curfew:

"Where is the army? Come and see what the police is [*sic*] doing to us. We want the army. We want the army," the protesters in one area of central Cairo shouted, shortly before police fired teargas on them (Gabbott, Owens, Jones, Siddique and Adams, 2011).

Minutes later a tank entered the proximity of the crowd and its crew did not respond "in any negative fashion" to the protestors, despite the orders of the president. Tense moments followed but the tank crew took no action and the crowd interpreted this inaction as a communicative act. Cheering soon erupted from the crowd, who understood the significance of the absence of violence of the occupants of the tank: "this could be a sign that the army's allegiance is with the people" (Gabbott, Owens, Jones, Siddique and Adams, 2011). Each protestor in Tahrir Square not only attended to the tank rolling into the midst of the crowd, but they attended to this in the presence of others and in the awareness of the presence of others. Each person watched events unfold aware that others around them were watching the same event. Crowd members jointly attended to the tank and to the fact that its crew took no action against the protestors. People cheered indicating a shared understanding of the significance of this non-response and knowing that others around them shared that understanding.

## 7.2 From Joint Attention to Common Knowledge

The united cheer from the crowd in response to the inaction of the tank in Tahrir Square is indicative of the transformative power of joint attention. Crowd members did more than jointly attend to an object or event; they also jointly responded to it. People now shared a response with others and were aware that they shared this response. For example, instead of moving away from the vehicle, people gathered around it as its occupants sat passively inside (Gabbott, Owens, Jones, Siddique and Adams, 2011). In so doing, crowd members indicated to those around them that they were defiant of Mubarak and that they hoped that occupants of the tank would side with them. People could see that others shared their views and they knew that others could see that they held these views too. These simple act of not moving away from the tank allowed crowd members to transmit their shared understanding of the situation and their knowledge that they shared an understanding of the situation. The non-hostile response of the tank's occupants became common knowledge among members. People changed their behaviour according to their common belief that the troops would continue to refrain from hostility. Crowd members chatted with armed troops and milled around armoured tanks unconcerned for their safety (Gabbott, Owens, Jones, Siddique and Adams, 2011).

The case of the tank in Tahrir Square shows the power that joint attention has to transform and to build relationships between members of a crowd. This power is particularly great when the object of attention holds significance in the context of the crowd's assembly. For example, the non-hostile response of the occupants of the tank in Tahrir Square was both immediate and symbolic, in that it was quickly interpreted as indicating not just that *this* particular tank would not fire on protestors but also that the military was siding with the protestors in their stand against the government. Similarly in Chicago in 1919, Callahan's refusal to arrest the accused youth was interpreted by those assembled according to a broader social context in which Black citizens did not feel that the police force dealt with them justly. In both Chicago and Tahrir Square there was a kind of interpretive synecdoche in that the actions of one member of the police or the army was interpreted as providing information about what the police as a whole or the army as a whole would do. In the Callahan case there was a background belief that the police were racist and condoned violence against Blacks and his actions were interpreted as showing the police force

would provide no protection for Blacks. In Tahrir Square there was a background belief that the army might use violence to support the government – but the actions of the tank contradicted that expectation and sent a general message that the army would not act against the protestors. In light of background information, a single event may be interpreted by a crowd as having general importance.

Messages about how to interpret the object of joint attention can be transmitted quickly through a crowd in many ways; for example, by simple statements to others nearby, by a look or glance or even by moving closer to an object of interest. We are social creatures and as such highly adept at sending and receiving messages so that the process joint attention can quickly develop relationships in a crowd. We easily recognise and assimilate the cues through which shared responses to an object of joint attention are transmitted. Gilbert (1989) sees this as a natural capacity. She claims that we are able to swiftly assess another's ability to reason by looking into their face: "We assume that the fact that one is a smooth reasoner is directly perceivable – it shows on one's face" (Gilbert, 1989, p. 189). Our capacity to perceive the sentiment of others and our talent for receiving subtle messages from them also helps to transmit and share our responses to others. For Gilbert, these are 'normal human' capacities:

The kind of grasp of openness I have in mind is the kind I presume normal humans to have, willy-nilly. If I am right, everyone possesses this concept, though most could not define it with any ease. I take such possession to go, generally, with the ability to apply the concept without hesitation when one is in a situation of openness (Gilbert, 1989, p. 468).

Crowd theorists generally equate the state of being in a crowd with a kind of openness. For example, in responding to drastic situations including perceived disaster scenarios, crowd members take only moments to seek "secondary or confirmatory data before they will begin to react" (Shaw, 2001, p. 5). The spreading of a message through the crowd in turn allows norms associated with that behaviour to emerge. This process is "the characteristic mode of communication in collective behaviour" (Turner and Killeen, 1972, p. 32). The fact that crowd members both seek and transmit cues to those around them is thus an inherent characteristic of their membership:

The response in one individual reproduces the stimulation that has come from another individual and in being reflected back to this individual reinforces the stimulation. Thus the interstimulation assumes a circular form in which individuals reflect one another's states of feeling (Blumer, 1986, p. 22).

In a crowd, people gather epistemic information quickly; as this information is sought and transmitted throughout the crowd, common knowledge can develop.

These features are evident in the Paris crowd that gathered outside the Hotel de Ville in 1789, examined in the previous chapter. Here, crowd members jointly attended to the opening of the boxes provided by Flesselles and they jointly attended the discovery of rags instead of muskets within them. Each interpreted the significance of this discovery in the presence of others who, making similar interpretations, shared them with others. People signalled their responses to the discovery of the rags and came to know not only that they had interpreted events in a similar way to those around them, but also that they knew that others knew that they had interpreted events in a similar way. The interpretations of events was not merely shared but collectively *known to be shared* by the crowd members. Each person knew that other people felt the same way about Flesselles' deception and each person knew that other people knew. Once this awareness was shared, those gathered outside the Hotel de Ville were no longer members of an aggregative crowd that happened to be in the same place at the same time. Rather, these crowd members commonly understood the event so that each could say 'we understand the event this way' and they could meaningfully use words that describe a collective first person, such as 'we' and 'us'. Once crowd members become aware that there is a collective first person, they have common knowledge not only of a concern but also common knowledge that they together constitute a single entity, a crowd, which has a kind of agential capacity.

When this awareness exists in the crowd, the crowd knows itself as a crowd, and we can then say that it has become a cohesive crowd. This is not to say that it is possible to determine an exact moment at which an aggregative crowd transforms into a cohesive crowd; nor is it to say that there is no exact moment when collective self-awareness is generated. Rather, my claim is that when crowds, such as the Paris crowd, know themselves as crowds, they cease to be aggregative and become cohesive. It is then that members, such as Humbert, can properly refer to the crowd through the use of collective first person pronouns such as 'we' and 'us'.

When collective self-awareness exists in a crowd, it exists alongside an awareness of the capacity of the entity to act. As crowd members develop an awareness of the collective first person, they simultaneously recognise that the existence of the crowd enables them to collectively achieve goals that could not be achieved if they operated as individuals. Hardt (2006) describes his experience of being a member of a protest crowd as characterised by the recognition of commonality between crowd members. He insists that this recognition involves the recognition of the possibility of collective action: “we recognise together what we can share in common, what power we have together and what we can do with each other” (Hardt, 2006, p.35).

This is not just recognition of camaraderie, but rather of a common relational experience that features knowledge of “a common power that we can create” (Hardt, 2006, p. 36). In knowing itself as a crowd, the cohesive crowd also recognises its capacity to act in a way that individual crowd members cannot. Turner and Killian (1972) describe such recognition as a specific feature of “solidaristic” crowds. Here, cooperative action between members helps the crowd obtain objectives that individuals operating alone could not achieve (Turner and Killian, 1972, p. 87). The recognition of the capacity of the crowd to achieve goals that could not be achieved by constituent members acting as individuals is a pivotal step towards the formation of collective intention in a crowd.

### **7.3 Lewis on Common Knowledge, Norms and Conventions**

The joint attention of crowd members to a situation or event can facilitate common knowledge among the crowd members about that which they are attending, and about the fact that they together form a crowd. Here, the crowd as a ‘we’ becomes collectively aware of its ‘we-ness’. I have argued that this collective self-awareness also entails an awareness of the size and capacity of the crowd itself. However, this awareness does not, by itself, explain how the crowd can organise and coordinate collective actions spontaneously and without the central formal structures of highly organised collectives, such as corporations. While collective self-awareness endows the crowd with a reservoir of solidarity between its members, it does not explain how this resource is employed for joint and purposeful action.

However, this explanatory challenge can be met if we think about the relational structures that develop dynamically in cohesive crowds as types of Lewisian conventions. These informal relational structures develop out of joint attention and through collective self-awareness. They relay information to crowd members about group norms and expected behaviours. When crowd members become collectively aware of these norms and expected behaviours, stable structures develop which enable crowd members to organise collective action. Crowd members become collectively aware not only of their 'we-ness' but also of the 'we' of which they are now a part. By this I mean that people come to share and understand the norms of the crowd so that they can confidently predict the behaviour of those around them. In turn, this depth of commonality allows people to work together because they can rely on and cooperate with each other and so, in turn, coordinate collective action.

Let us return to the example of the Egyptian crowd that gathered in Tahrir Square in January 2011. Joint attention and common knowledge facilitated the development of solidarity between crowd members, but this alone does not fully explain the highly organised and seemingly spontaneous actions of the crowd over the two week period of its assembly. For example, when the protestors clashed with small bands of Mubarak supporters who had infiltrated the assembled crowd, members volunteered to create and staff checkpoints at crowd entry points so that the violent clashes would not be repeated (BBC, 2011). Only a day before the checkpoints were established, Christian crowd members formed a human chain around Muslim crowd members so that they could pray at their regular time without fear of attack from pro-government supporters (Daily Mail, 2011). Similarly, when rioting by pro-government supporters broke out on the streets of Cairo at the end of January, members of the anti-government protest crowd formed a human chain to block entrances to help prevent the looting of the National Museum. This was an unplanned but organised action that clearly relied upon norms and conventions that had developed in the crowd. Omar El-Husseiny was one of those who was part of the human chain at the Museum and he willingly participated in a purposeful collective action that could only have been achieved if crowd members could reliably predict the actions of each other and so cooperate in a spontaneous yet organised fashion:

Me and my friends all held hands in front of one of the gates of the Egyptian Museum to protect it from being destroyed by intruders. There were around a thousand of us. We stayed there until the army forces came. It is secure right now (BBC, 2011).

El-Husseiny's awareness of belonging to a collective is clearly indicated by his use of terms such as 'us' and 'we'. Moreover, he speaks of this collective first person as purposive and of having values, such as protecting the museum and its artefacts. These values are not only common among members but they also motivate collective action. The kinds of collective actions that cohesive crowd undertakes, such as setting up checkpoints or forming human chains, can only occur when conventions exist within the crowd itself. To support this claim I draw on Lewis' work on conventions to explain how these actions can occur and how they serve to organise purposeful effort within the crowd. In order to fully understand the way that norms and conventions operate in a cohesive crowd, we must briefly outline Lewis's account.

Lewis (1969) argues that conventions assist in the communication and in the sharing of understandings. He claims that where coordination problems are solved the coordination is achieved "through a system of suitably concordant mutual expectations" (Lewis, 1969, p. 25). Coordination problems are situations where there are several ways in which agents can coordinate their actions for mutual benefit and "the agents have a common interest in all doing the same one of several alternative actions" (Lewis, 1969, p. 24). A coordination problem will succeed when everybody does their part and when they are sufficiently confident that others will do theirs. However, everybody can only do their part if they know what their part is and when they can make reasonable assumptions about the likelihood of others to share in their endeavour. Therefore for coordination problems to succeed people need to share information and need to be certain that this information has been both received and understood by others.

Essentially, Lewis shows that norms can develop quickly and without deliberate planning. The process of common knowledge requires us to duplicate the reasoning of another in our heads, just as we expect them to duplicate ours. We model the behaviour of others in our heads and we make assessments about those around us



4. *A* indicates to both of us that each of us has reason to believe that you will return.
2. applied to 4. implies:
5. *A* indicates to both of us that each of us have reason to believe that the other has reason to believe that the other will return. *Ad infinitum*  
(Lewis, 1969, p. 53)

Both you and I believe that each of us will return to the same place tomorrow. Moreover, through these higher order expectations, each of us knows that the other knows that each believes the other will return. We each know that the other knows that we know that we believe the other will return. There is thus an understanding of the situation that is not just shared but also commonly understood by us.

Lewis' account helps us to understand how crowd members such as Humbert can meaningfully refer to the crowd as 'we'. Through common knowledge a crowd of people can claim that they have a collective understanding of something. Lewis shows that spontaneous coordination, such as that evidenced in the Bastille crowd, first requires that individuals recognise that they have a 'common problem'. Those with the 'common problem' each must deliberate not just about what to do but also about the reasoning of others in the same situation. Thus, they form higher order expectations. To the extent that I know that you know that my decisions depend partly on being able to model your decisions (and so on recursively) we are aware of each other in a way that binds us together as a 'we' with respect to our shared situation. The moment that we commence to cooperate I receive compelling proof that you really are thinking what I think you are thinking. This is so even though there may have been no verbal communication prior to the moment cooperation commences. The formation of a 'we' from an aggregative group of strangers happens through this process of forming higher order expectations. The 'we' has formed in the reciprocal recognition of the mutual interdependence of our practical reasoning. It has formed before coordinated action.

Lewis' account shows that common knowledge can be generated spontaneously and shared understandings arise organically rather than being disseminated by a central authority. Crowds such as the Paris crowd that stormed the Bastille and the crowd

that formed in Egypt's Tahrir Square demonstrate that through common knowledge members come to share understandings of events and moreover, that they become aware of the collective first nature of their membership; that is that they come to understand that together they form an entity that is the crowd. Lewis's account focuses on the reciprocal representation of deliberations about actions and we can extend the same approach to explaining how a crowd might arrive at a shared interpretation of the *meaning* of an event. In the case of Tahrir Square the (in)action of the tank is a communicative act through which the general intentions of another group (in this case the army) are indicated and higher order expectations are generated. History of the interaction between the army and Egyptian protestors has led the tank crew to know that the crowd members would be afraid that the army would support the government and would attack the protestors. It also led the crowd members to know that the tank crew knew that the crowd members were afraid that the army might turn on them. However 'state of affairs *B*' occurred, in which the tank commander believed that turning the gun to face away from the crowd would be interpreted by crowd members as a sign that their orders were not to attack the crowd.

1. The tank crew and the crowd had reason to believe that *B* held. The tank crew did not attack as some crowd members approached the tank to test the interpretation because they believed that approaching the tank (peacefully) would indicate to the tank crew that they understood what the tank crew were communicating.
2. The continued non-response indicated to the crowd that they had correctly interpreted the intentions of the crew, indicating that there is good reason to believe that *B* holds.

Other crowd members had the same background beliefs and inductive standards as those who approached the tank. Therefore *B* indicates to them that they have correctly understood the meaning of the non-verbal communication between the tank crew and the people around the tank. The belief that the army would not attack was rapidly transmitted through the crowd.

Lewis' account can explain how these understandings can move to the level of conventions that in turn, allow for the intelligent division of labour in the pursuit of a

collective goal, such as taking the Bastille. When there are conventions, we can predict another's behaviour and we can rely on their sharing of our common goal. Conventions have the capacity to communicate common knowledge and awareness of that common knowledge between members of a crowd. Where conventions develop in crowds, they facilitate connection between members. Members observe others conforming to a convention and from this behaviour, intentions can be inferred. The crowd around the tank observed that its occupants would not fire upon them and as this knowledge developed into this common knowledge, other crowd members inferred that they could approach the tank without fear for their safety and that they could continue their occupation of Tahrir Square. Conventions facilitate cooperative and intentional action in cohesive crowds. Insofar as a crowd's actions are cooperative and intentional, conventions provide a basis upon which this intentional action can be morally evaluated.

This specific link between individual intentions and collective action in crowds is a significant explanatory gap in the philosophical literature about collective moral responsibility, a gap that this thesis aims to redress. The focus of the literature has been on organised decision-making and this leaves explanatory gaps in our understanding of crowds and may lead us to make erroneous judgments about the moral responsibility of certain crowds. The account defended here is able to address these concerns. It is knowledge, formed through relationships between crowd members and through joint attention that builds the cohesive crowd's capacity for collective intention and action.

For Lewis, norms develop when conventions are shared and understood by people, who regulate their behaviour in order to conform to them (Lewis, 1969, p. 58). He gives an example of people driving on the right side of the road in the USA:

Drivers in the United States have hitherto driven on the right. All of us have reason to believe that this is so. And the fact that is so indicates to all of us that all of us have reason to believe that drivers in the United States have hitherto driven on the right and that drivers in the United States will tend to drive on the right henceforth (Lewis, 1969, p. 58).

The convention of driving on the right hand side of the road depends firstly on the knowledge that people drive on the right hand side being shared among the population of drivers, and secondly on the fact that everyone knows that everyone



conventions can become formalised, so that for instance the convention of driving on the right hand side can become law. Learner drivers thus learn that they are not just socially expected to drive on the right hand side of the road, but legally required to drive to do so. However, while this may be case in this instance, Lewis' point is that the convention would work even if it were not formalised into law and without a highway patrol to enforce it. All drivers have a strong incentive to conform: they know that everyone knows that vehicles drive on the right hand side of the road, and they know that everyone knows that they know this. When conventions appear in a cohesive crowd, as they did in the case of the tank in Tahrir Square, their emergence presupposes an awareness of the kind of entity that is developing the convention. A member of the crowd in Tahrir square may meaningfully say: "The troops are with us" because she has an understanding not only that the troops are acting peaceably but also because she is aware of the entity (the 'us') towards whom the troops are directing their peaceable action. She knows that "the troops are with us" because of the constitutive relationship that she has with the 'us'. Being a member of a cohesive crowd appears then to be a relational experience.

#### **7.4 Sharing an Intention: Gilbert and the Plural Subject**

Lewis is essentially concerned with coordination problems and his examples depict situations in which people face coordination problems and must achieve a solution by acting on their concordant expectations about each other's' actions (Lewis, 1969, p. 27). For example, in the case of drivers in the USA driving on the same side of the road, Lewis looks to explain how people with competing needs can work together so that a situation can be resolved efficiently and effectively. Lewis' account of conventions can be seen as one that describes the coordination of behaviour as forming the solution to a problem in which people have competing interests. However, it is possible to think of conventions a little differently; it is possible to contemplate that conventions in cohesive crowds do not work to coordinate the behaviour of those with competing interests, but rather work to coordinate the behaviour of those with a common interest.

When the Paris crowd stormed the Bastille members commonly intended to take the prison and seize whatever firearms they could find within the gaol. The coordination

that was needed to achieve this goal did not involve the efficient resolution of different objectives but rather involved the establishing of behavioural norms and expectations that would allow members to reliably work together. Humbert explains that outside the Bastille crowd members lined up in rows of five or six and he further relates that, once inside the Bastille, members came to each other's aid when required. Here, conventions helped members to coordinate their spontaneous actions in the pursuit of a common goal. This was possible because there was common knowledge of a common intention and because members collectively knew that there was common knowledge of the intention. When drivers in the USA drive on the right hand side of the road they are aware that there is common knowledge that it is a norm to share the road in this fashion. Their individual actions, taken collectively serve to resolve the coordination problem. Similarly, the actions of members of cohesive crowds serve to resolve a different kind of coordination problem; they serve to resolve a situation in which people must coordinate their efforts in order to achieve a collective goal that can only be achieved through a collective effort. In order to understand how the goal can be common among crowd members so that conventions operate, I turn to Gilbert's account of the plural subject.

Members of a cohesive crowd identify as part of a collective entity and share relationships that enable a broad range of actions. The 'we-ness' of a cohesive crowd enables members to achieve collective actions that they are not able to achieve as individuals. A consequence of this account is that the collective actions that are possible because of a cohesive crowd's collective self-awareness can be intentional. Further, intentional collective actions by cohesive crowds necessarily rely on members' joint collaboration towards a common purpose and are morally evaluable by virtue of that joint collaboration. This means that a crowd's spontaneous yet purposive action relies on common knowledge of their 'we-ness' and that this 'we-ness' facilitates the emergence of conventions between members. Members act cooperatively in pursuit of a collective intention and this intention can exist only where the crowd does. Individuals cannot meaningfully hold the kinds of intentions that they can hold as members of a cohesive crowd because they cannot undertake the kinds of endeavours that a cohesive crowd can undertake. I have previously argued that morally considerable intention might only exist where the entity intending has a reasonable chance of bringing the desired action about. Moral





is common knowledge among its members. Collective self-awareness is thus constitutive of a cohesive crowd and epistemically prior to the formation of collective intention.

On Gilbert's account members of a plural subject expressly join forces in the pursuit of a collective goal. Here members of a plural subject may say: "Shall we do *A*?" so that members expresses willingness to each other to do *A*. Gilbert calls this an expression condition (Gilbert, 1989, pp. 182 – 183) in which there is an expression of willingness to share an action so that the use of the collective first person descriptor 'we' is both semantically and epistemically appropriate:

It is reasonable to propose that generally speaking one will be deemed to use 'we' with epistemic appropriateness if one has good evidence that the expression condition holds ... I presume that genuine willingness to share in an action often underlies expressions of willingness (Gilbert, 1989, p. 183).

For members of a plural subject to satisfy Gilbert's expression condition two specific things must occur. First, there must be common knowledge of the existence of the plural subject and that the action *A* is something that the plural subject can reasonably bring about. Second, members must be jointly ready to pool their wills so that they can participate in joint readiness (Gilbert, 1989, p. 186). Gilbert's joint readiness criterion requires members to participate in an action only if they know that other members are going to participate in the action with them. *X* and *Y* are jointly ready to do *A* if each knows that the other is also jointly ready to do *A*. This involves communication of each person's readiness, but contra Gilbert I do not think that this necessarily involves the exchange of specific verbal statements between members of a plural subject.

In section 4.2.2 I discussed the upscaling problem associated with Held's account of random collectives. According to this problem, it is mistakenly assumed that what is possible for one random collection is possible for another. All that is required on Held's account for a serial collection of individuals to be collectively responsible for the performance or non-performance of an action is that the moral desirability of the action is obvious to a reasonable person, and that its performance has a good chance of bringing about a desired result. Although Held suggests that there may be other factors may be morally relevant, her account does not include a discussion of these.

If follows from her account that a random collection of five passengers who are in the same train carriage and a random collection of several hundred individuals, who are waiting together on a crowded train platform, can be held morally responsible if they collectively failed to perform a morally desirous action that was obvious to a reasonable person and that the performance of the action was likely to produce the desired result. This holds regardless of each crowds' relative capacity to act in morally evaluable way. While Held's account emphasises the moral desirability of the performance or non-performance of an action, it does not establish what it means for a crowd to have the agential capacity to perform or not-perform this action. Crowds are then judged on what they *ought* to have done without a consideration of what they *could* have done.

The account I present avoids this problem in two ways. First, I distinguish between aggregative and cohesive crowds and argue that morally evaluable intentions can only be formed by cohesive crowds. This means that assessments of crowds cannot simply extrapolated to others, and that some crowds cannot be the subject of moral assessments at all. Second, in emphasising the capacity of a crowd to act in a morally evaluable way as opposed to a morally desirous way, I set out a necessary condition for a crowd's formation of morally evaluable intention, namely collective first person common knowledge. Each time we assess a crowd, we closely determine whether this knowledge formed and existed so that crowd members had the specific common knowledge that they together form a collective 'this crowd' and that as members of 'this crowd' they could act together to bring about something that they could not bring about as individuals. The focus is on whether each specific crowd under assessment could act and intend in morally evaluable ways, rather than on transposing what a reasonable person believed that the crowd ought to have done.

In summary, crowds may be cohesive or aggregative but only cohesive crowds can be collectively morally responsible for their actions. A crowd becomes a cohesive crowd when it develops collective self-awareness, which enables members of cohesive crowds to use the term 'we' to describe actions or demands. Collective self-awareness necessarily entails an awareness of the crowd that can perform actions or make demands. It develops from joint attention in which the experience of attending to an event is not separable from the experience of experiencing others also attending

to the event. Shared understandings that come from instances of joint intention in cohesive crowds can create conventions and in turn norms. When there are conventions, crowd members can predict another's behaviour and can rely on their sharing of a common goal. It is this connection between members, this common knowledge that facilitates cooperative and intentional action in cohesive crowds. The cooperative and intentional action performed by cohesive crowds satisfies the criteria of our standard Aristotelian accounts of moral responsibility. This thesis thus provides a robust explanation to underpin moral evaluations of the collective actions of cohesive crowds, and in so doing enriches our understanding of collective intention and agency.



may disassociate herself from this ascription are much less clear. In the second section of the chapter I set out a minimum standard upon which spectators may disavow themselves from collective responsibility. I claim that up until a crowd member understands the purpose of the action of a crowd, she does not share in any ascription of collective moral responsibility. However if she then remains and watches, without opposing the crowd, then she shares in this responsibility, regardless of her private thoughts or values. This standard reflects the notions of choice that are associated with crowd membership; although it is often not a choice to become a member of a crowd, it is often a choice to continue to be a crowd member. Spectators in a crowd can share in collective moral responsibility by virtue of a complex causal relationship between the presence of spectators and the likelihood and extent of any crowd action. Although building a detailed account of when a spectator can successfully disassociate disavow from collective responsibility lies outside the scope of this thesis, this minimum standard is intended as a starting point for a broader discussion about the culpability of spectators in crowds: an issue that has received little philosophical attention. In building my account, I draw on May's claims about individual responsibility in mobs (1987) and also draw parallels between Råikkå's (1997) and Held's (2002) discussions of shared blame for ethnic violence and the attribution of collective moral responsibility to spectators in crowds, although I argue that the minimum standard set by Råikkå is too demanding.

### **8.1 Spectators and their contribution to the crowd**

In my previous critique of French's (1984) atomistic model of crowds, I argued against the claim that some informal groups like crowds are unorganised and unstructured (French, 1984, pp. 33–42). I referred to empirical research (Brown 2007; Cunneen 1987; Turner and Killian, 1972; Hensley and Lewis, 1998) that indicates that there are distinct tiers of crowd membership and that in each of these tiers, people fulfil specific roles in order to bring about coordinated action. It is worth recalling this discussion here in order to identify which crowd members are the spectators who 'just watch' the action.



cheerleading tier yelled and jeered at officers, cheered on those in the core and even provided them with missiles, including the bricks from a nearby drinks stall they had banded together to demolish (Cunneen, 1987, p.94). The ‘third tier’ spectators did not oppose the actions of the other two tiers and provided them with shelter and meals.

In disputing French’s claim that the ‘membership criterion’ can distinguish between aggregate and conglomerate collectives, I argued that it is a mistake to count only those in the active core of the crowd as crowd members. Atomistic accounts of crowds, such as that of French, claim that only those actively participating in a crowd action are members of the crowd. This is problematic because it cannot explain the effects that cheerleaders and spectators can have on the actions of the active core. Perhaps one cause for drawing the boundary of a crowd too narrowly is misunderstanding the nature of proximity between members of crowds. Scott and Marshall for instance, define “crowds” as “large numbers of people, in close proximity with a common concern” (2009, p. 146). Such definitions accord with popular understandings of a crowd as a physical mass of people gathered in the one location. Although general definitions use the proximity of a crowd member to another in a descriptive way to aggregate the crowd, sociologists Turner and Killian (1972) understand the proximity between members of crowd as facilitative of particular crowd dynamics that in turn can enable coordinated collective action by the crowd. Turner and Killian demonstrate that ‘proximity’ is facilitative and does merely describe the physical closeness of one crowd member to another.

The process through which members of a crowd jointly attend and share collective self-awareness, underscores the *causal* importance of crowd members’ proximity to each other. Proximity, crucially, connects one crowd member with another. For example, members of the crowd that rioted against and threw missiles at police during the bike races at Mt Panorama in NSW, 1985 were connected through their proximity to each other in a way that allowed those in the very centre to band together and repeatedly charge the police line *en masse*. Those at the centre of this crowd were also connected through their proximity to other crowd members just a little further out towards the fringe of the physical crowd, who were not themselves charging the police line. These cheerleaders would supply those in the centre with

























































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