

# Blameworthy but Unblamable: A Paradox of Corporate Responsibility

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## ABSTRACT

*The paradox of corporate responsibility is that while corporations have the features necessary for producing blameworthy actions, they lack the capacities for being angrily blamed. In this article I explain the compelling nature of this paradox, I show why monistic views of corporate responsibility cannot dissolve it, and then I show how pluralism about responsibility can.*

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On April 20, 2010, an explosion occurred at the Deepwater Horizon drilling rig south of New Orleans in the Gulf of Mexico. Authorities searched for but never found eleven workers that were working on the rig, and the workers were presumed dead. Two days after the incident, somebody discovered a massive oil

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leak, which turned into the largest oil spill in history, lasting for five months and discharging nearly five million barrels of oil into the gulf. The effects on marine life and the environment were devastating.<sup>1</sup>

BP owned and operated the rig. I lived in New Orleans at the time, and everyone was angry, particularly as it came to light just how egregious the mistakes and negligence were that led to the enormous loss of human, marine, and environmental life. And yet the precise *target* of all this anger seemed spectral and elusive. Where exactly was BP, the “villain”? To whom or what could we direct our anger? One identifiable target seemed to be the numerous BP gas stations around the U.S. Accordingly, many protested and boycotted those stations. But BP had sold off its gas stations years before, so this reaction, while understandable, turned out to be feckless, and it wound up hurting independent small-business owners.<sup>2</sup> And people struggled to identify other proper targets for their anger. So the anger simmered, but without a clear outlet, it quickly dissipated.

This is the phenomenon I wish to explore, the frustrating and confused societal response to perceived corporate wrongdoing resulting from a deep tension between two very compelling thoughts about corporations: on the one hand, it seems clear that corporations can be agents who are responsible and blameworthy for various harms they cause; on the other hand, it also seems clear that corporations for some reason can’t be properly targeted with angry blaming. That is, when we try and target them with the angry blame we think they deserve, they seem to *disappear* as blameworthy and responsible agents. I will first show why there are powerful philosophical arguments rendering both thoughts so compelling. I will then show why the seeming competition between the thoughts is phantasmal and why they instead reveal something important about the nature of responsibility, namely, its multiple faces. I will then draw from my previous work on responsibility to show how the seeming paradox may be explained and dissolved.

Before I start, though, a crucial note: I am addressing corporate responsibility and blameworthiness in their *non-institutional* guise, by considering corporations as possible members of our informal, interpersonal responsibility exchanges. This work does not engage directly with corporations’ criminal or civil responsibility. BP ultimately pled guilty to several counts of manslaughter and lying, and it agreed to pay \$4.5 billion in fines. Its criminal and civil payments have cost the company over \$42 billion. But criminal and civil responsibility are quite different from interpersonal responsibility, and it will only confuse the matter to include

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1. For details, see *Deepwater Horizon Oil Spill*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Deepwater\\_Horizon\\_oil\\_spill](https://en.wikipedia.org/wiki/Deepwater_Horizon_oil_spill) (last visited Apr. 10, 2019) [<https://perma.cc/TSP4-2MD3>].

2. See Yuki Noguchi, *Gas Station Owners Pay The Price For BP Affiliation*, NAT’L PUB. RADIO (Jun. 14, 2010), <https://www.npr.org/templates/story/story.php?storyId=127747890> [<https://perma.cc/DS8T-33DR>].

discussion of them here.<sup>3</sup> Consequently, I focus on the competing intuitions by thinking of corporations in interpersonal terms, or as one of us.

### I. WHY CORPORATE AGENTS SEEM BLAMEWORTHY

The view that corporations can be interpersonal agents is compelling. The reasoning for this claim is by now quite familiar, so I will spend only a brief time explaining it. The best argument comes from Christian List and/or Philip Pettit.<sup>4</sup> The conception of corporations as interpersonal agents starts with the assumption that three or more people come together to determine how to proceed on some matter that involves inter-connected issues. Each person must first individually form an opinion (i.e. the premises) on each issue. Then, there are two alternative procedures for making a decision (i.e. the conclusion). In the first procedure, each individual votes on all the issues, including what decision to make or conclusion to draw. The majority then determines the collective action. In the second procedure, each individual votes on the various premises, or opinions. Then *those* votes are aggregated and collectively determine the conclusion (the decision). But these verdicts can conflict. This is the discursive dilemma.<sup>5</sup>

Why is this a dilemma? It is because each procedure has serious costs. The first procedure risks having collectives that endorse inconsistent premises and conclusions, but this result makes them incoherent and irrational.<sup>6</sup> But if we are to interact with them interpersonally, we obviously need to be able to make reliable predictions of what they will do and why they do it. We could therefore not interact with such collectives, nor could other corporations. The second procedure, however, which collectivizes reason after the premise stage of deliberation, avoids the first procedure's irrationality. But it does so at the cost of generating collective decisions that no majority—and *perhaps not any single member of the collective*—endorses.<sup>7</sup>

So which procedure should collectives adopt? Pettit argues that there is enormous pressure to adopt the second.<sup>8</sup> That is because most collectives have a

3. See David Shoemaker, *On Criminal and Moral Responsibility*, 3 OXFORD STUD. NORMATIVE ETHICS 7 (2013); David Shoemaker, *Blame and Punishment*, in *BLAME: ITS NATURE AND NORMS* 6 (D. Justin Coates and Neal A. Tognazzini eds., 2013) [hereinafter *Blame and Punishment*].

4. Christian List, *The Discursive Dilemma and Public Reason*, 116 ETHICS 362 (Jan. 2006); CHRISTIAN LIST & PHILIP PETTIT, *GROUP AGENCY: THE POSSIBILITY, DESIGN, AND STATUS OF CORPORATE AGENTS* (2011) [hereinafter *GROUP AGENCY*]; Philip Pettit, *Groups with Minds of Their Own*, in *SOCIALIZING METAPHYSICS: THE NATURE OF SOCIAL REALITY* 6 (Frederick F. Schmitt ed., 2000) [hereinafter *Groups*]; Philip Pettit, *Deliberative Democracy and the Discursive Dilemma*, 11 PHIL. ISSUES 268 (2001) [hereinafter *Deliberative Democracy*]; PHILIP PETTIT, *A THEORY OF FREEDOM: FROM THE PSYCHOLOGY TO THE POLITICS OF AGENCY* (2001) [hereinafter *A THEORY OF FREEDOM*]; Philip Pettit, *Responsibility Incorporated*, 117 ETHICS 171 (Jan. 2007).

5. Christian List & Philip Pettit, *Aggregating Sets of Judgments: An Impossibility Result*, 18 ECON. & PHIL. 89 (2002); LIST & PETTIT, *GROUP AGENCY*, *supra* note 4; Pettit, *Deliberative Democracy*, *supra* note 4; PETTIT, *A THEORY OF FREEDOM*, *supra* note 4.

6. PETTIT, *A THEORY OF FREEDOM*, *supra* note 4, at 110.

7. *Id.*

8. *Id.* at 111.

crucial need to establish a history of decisions and judgments in line with their mission. Past decisions constrain present decisions, generating a *diachronic* discursive dilemma, which is “faced across time with a set of rationally connected issues such that there may be a choice between individualizing and collectivizing reason.”<sup>9</sup> To maintain consistency and coherence of past and present decisions, as well as to maintain public credibility, the collectives will be under rational pressure to collectivize reason.<sup>10</sup>

Once the group has collectivized reason, though, it is vulnerable to its costs, which include the possible generation of decisions that no majority of individuals, or even no single individual, endorses. But as it turns out, this is not too costly after all. It allows the collective to stick to its mission, the very reason for the existence of the collective and the thing that binds its members together. The members’ commitment to that collective conceivably just consists in their commitment to that mission, and so its ability to accomplish it must be their overarching aim. Although the best way to do so occasionally generates decisions neither they nor anyone else in the collective endorses is just the price of doing business as a collective. The collective would not exist for long without collectivizing reason.

Once collectives opt for collectivizing reason, though, they have become collective *agents*, entities that are “subject to mental predications of a non-metaphorical, non-summative kind.”<sup>11</sup> That is to say, collective agents have actual mental properties, and these properties do not just shadow or reduce to the mental properties of their individual members. Among these mental properties are judgments, intentions, desires, and beliefs, all of whose content those agents can articulate. These collective agents make decisions, and they act on those decisions. They can have moral ideals to which they may be held. They can give their word and be held to it. They can be interlocutors. Indeed, they have personalities, and are *persons*, or at least are on a functional par with persons.<sup>12</sup>

So how do we get from collective agency to collective responsibility? The linkage is *freedom*. For Pettit, freedom consists of being under one’s own *discursive control*, that is, being subject to, and moved or moveable by reasons that one finds compelling. Freedom is also being in discursive relations with others wherein the parties engage in the unhindered and nonmanipulative exchange of reasons.<sup>13</sup> And such freedom is conceptually tied to responsibility. One is fit to be held responsible for doing something only to the extent that one freely did it. Being held responsible for something is a matter of having one’s reasons for doing it put under scrutiny. And thus discursive control (agential freedom) and responsibility

9. *Id.*

10. *Id.* at 111–12.

11. *Id.* at 114; *see also* Pettit, *Groups*, *supra* note 4.

12. PETTIT, A THEORY OF FREEDOM, *supra* note 4, at 116–17; *see also* Gunnar Björnsson & Kendy Hess, *Corporate Crocodile Tears? On the Reactive Attitudes of Corporate Agents*, 94 PHIL. & PHENOMENOLOGICAL RES. 1 (2017).

13. PETTIT, A THEORY OF FREEDOM, *supra* note 4, at 65–103.

come together. Where collectives have collectivized reason in order to advance and maintain their missions, they have become agents with judgments and intentions, and they make decisions and act on those decisions. Insofar as they operate in a space of reasons with others (both individuals and collectives), collectives are responsive to those reasons, and if they are not subject to coercion or manipulation in that space, they are both free and responsible. But if collectives are responsible agents, then they must be both blameworthy and blamable when they do wrong. *BP here we come!*

## II. WHY CORPORATE AGENTS SEEM UNBLAMABLE

And yet when we actually try to *blame* BP, we cast about for a precise target of our anger to no avail. Indeed, how can we gin up and sustain anger at a corporate agent? *Where* is it? *What* is it?

We sometimes appear able to cast angry blame in the direction of corporations. Our anger finds purchase when directed at some of the corporation's individual members, e.g., its CEO, CFO, top executives, or press agents. But this is an impure case that is easy to explain: the targets of our anger are fellow humans capable of the full range of interpersonal blaming exchanges. What generates the paradox, though, is the possibility of a *pure case* of irreducible corporate agency. A case in which the collectivization of reason has generated a corporate agent that acts on a decision that no individual member actually endorsed and for which no individual member is blameworthy, but that is nevertheless wrongful. This is the type of case where angry blame seems to have no purchase. And if these irreducible corporate agents are not blamable, it is hard to see how they could also be blameworthy or responsible.

The most compelling advocate of this line of thought is Michael McKenna.<sup>14</sup> He argues that even if we grant "agency" status to some collectives (about which he is dubious, following Bratman),<sup>15</sup> they are not yet persons, let alone morally responsible persons.<sup>16</sup> McKenna instead follows Frankfurt: in order to be a person, one must be able to reflect on one's motivating desires and to consider whether one *wants* to be motivated by them.<sup>17</sup> These are the reflections of a creature capable of *caring* about who it is and who it will be. This hierarchically-structured self is what generates moral status, moral equality, and the possibility of actual freedom of the will and moral responsibility. But it seems corporate agents do not have such capacities.<sup>18</sup>

And even if we grant the functional equivalent of personhood to some collective agents (a la List and Pettit), that still would not be enough to establish their status as *morally responsible* persons.<sup>19</sup> After all, those with certain serious

14. See, e.g., Michael McKenna, *Collective Responsibility and an Agent Meaning Theory*, 30 MIDWEST STUD. PHIL. 16 (2006).

15. Michael E. Bratman, *Shared Intention*, 104 ETHICS 97 (1993).

16. McKenna, *supra* note 14.

17. *Id.*; HARRY FRANKFURT, THE IMPORTANCE OF WHAT WE CARE ABOUT 11–25 (1988).

18. McKenna, *supra* note 14, at 22.

19. *Id.* at 23–26.

intellectual disabilities or mental illnesses may be persons, but they are very often deemed not morally responsible. This is because some of the capacities crucial to moral responsibility are lacking or impaired in them. In particular, moral responsibility requires a robust capacity to recognize and respond to a wide array of *moral* reasons, which requires a more sophisticated psychology than corporations are capable of.<sup>20</sup>

To explain why, McKenna draws from P.F. Strawson's "Freedom and Resentment," an expressive theory of moral responsibility according to which our holding people responsible consists in our having and expressing various reactive emotions to them (such as resentment and indignation). This expression makes sense as a form of communication only if its target also understands and appreciates those attitudinal expressions for what they are, namely, emotional communications that themselves *demand* good will.<sup>21</sup> These exchanges between morally responsible agents are akin to *conversations*, where the things we do in this community express "agent meaning," an analogue of Gricean "speaker meaning,"<sup>22</sup> and these actional conversations are intelligible only within our distinctively human interpretive framework: "When an agent acts, she does so within this context, and she must, if she is a competent agent, stand prepared to adjust her conduct or account for it at later points, with the understanding that her actions can bear meanings in light of this interpretive framework of action assessment."<sup>23</sup> To be a morally responsible agent, then, one must be capable "of mastering a sophisticated interpretive framework of action assessment and appreciating how [its] actions might be interpreted from within it. . . ."<sup>24</sup>

These conversational emotional capacities are what enable agents to grasp "morally salient reasons."<sup>25</sup> To be aptly held responsible via the reactive attitudes, one must be able both to understand and to speak that emotional language, and that same emotional capacity is what also enables one to grasp and respond to the relevant moral reasons to which one ought to adhere. One must be able to resent in order to be aptly resented, for it is only via the former that one can recognize and respond appropriately to the latter's demands, perhaps with guilt or regret (again, depending on what is called for from within the interpretive framework).

Once all this machinery has been laid out, the argument against corporate responsibility is simple and quick: McKenna registers his "extreme skepticism"<sup>26</sup> that corporate agents can meet these rather stringent emotional requirements:

20. *Id.* at 25.

21. *Id.* at 27.

22. H.P. Grice, *Meaning*, 66 PHIL. REV. 3 (1957).

23. McKenna, *supra* note 14, at 28–29.

24. *Id.* at 29; *see also* Paul Russell, *Responsibility and the Condition of Moral Sense*, 32 PHIL. TOPICS 287; Paul Russell, *Moral Sense and the Foundations of Responsibility*, in THE OXFORD HANDBOOK OF FREE WILL 199 (Robert Kane ed., 2d ed. 2011) (discussing the addition of an emotionally-grounded "moral sense" as a condition on responsible agency).

25. MICHAEL MCKENNA, CONVERSATION AND RESPONSIBILITY 82 (2012).

26. McKenna, *supra* note 14, at 29.

“Corporations *qua irreducible agents* are just not entities that, *as they actually are*, can nest themselves so intimately within our social lives.”<sup>27</sup> This conclusion is compatible with still holding that corporations commit moral violations—one can perform immoral acts without being morally responsible for them—so it does not mean we cannot “blame” them, if all we mean by that is that we are either blaming specific individuals who are part of the corporate agent or we are assigning a moral burden to the corporate agent to, say, pay for the damage it caused. Neither of these two alternatives counts as blaming the corporate agent *qua irreducible corporate agent*, though (i.e., what I am calling the “pure case”); that sort of blame has to be given up as there is no intelligible version of such a thing. But if corporate agents are not blamable, then it also seems they can be neither *blame-worthy* nor morally responsible.

### III. THE FUNCTIONAL REJOINDER

McKenna offers a good starting point in providing a philosophical articulation and defense of the intuitive view that corporations are not blamable. But it needs shoring up against some clever recent work by Gunnar Björnsson and Kendy Hess.<sup>28</sup> They push a List/Pettit-style line in arguing that corporate agents can have the *functional equivalents* of emotional, agent-meaning interpersonal exchanges with us. They can be “indignant” at the wrongdoing of others and suffused with “guilt” at their own wrongdoing, at least in ways that are perfectly sufficient for morally responsible agency.

They start by agreeing with List and Pettit that there can be “pure cases” of corporate agency.<sup>29</sup> Such an agent can have the functional equivalents of beliefs, desires, and intentions (that, again, are distinct from those of its individual members). It typically has a mission statement around which it organizes plans, rolls out products, advertises them, changes how they are sold in light of consumer demands, and so forth. It can be diachronically coherent. It has a point of view and predictably acts to express it. It is a point of view that is *the corporation’s own*, not that of its individual members. A corporation is, for all the world, an instrumentally rational agent.<sup>30</sup>

But it is also, for all the world, a *moral agent*. It may have moral commitments: to treat its employees, suppliers, and consumers with due regard, to be environmentally sensitive, and so forth. “Depending on what a corporation’s commitments are, its actions can thus express straightforward analogs to good or ill will.”<sup>31</sup> There is thus no reason to think that corporations have access to any fewer moral reasons than non-moral reasons and so no reason to think they will not have the kind of reasons-responsive sophistication McKenna worries they will

27. *Id.* at 29 (emphasis in original).

28. Gunnar Björnsson & Kendy Hess, *Corporate Crocodile Tears? On the Reactive Attitudes of Corporate Agents*, 94 PHIL. & PHENOMENOLOGICAL RES. 273 (2017).

29. *Id.* at 278.

30. *Id.* at 278–80.

31. *Id.* at 280.

not have. Indeed, to the extent that a corporate agent is constructed by individuals who themselves have access to moral reasons and so can contribute them to corporate deliberations, corporate agents may actually have access to *more* moral reasons than any individual member does.

But what of the *emotional* capacities seemingly necessary to recognize or respond to those moral reasons? What Björnsson and Hess argue is that corporations can have their functional equivalents too. They focus on indignation and guilt. There are several features associated with indignation: a belief that someone has done a moral wrong; an attentional focus on the wronging agent; motivations toward aggression, expression, and treating the wronging agent in a punitive manner; a tendency toward withdrawal of these motivations upon a recognition of the wronger's guilt or willingness to change; and an overall belief in the *aptness* of these responses.<sup>32</sup> They survey a similar range of features associated with guilt, which they take to involve a belief in one's own wrongdoing, attentional focus on what one did, motivations toward changing one's ways, and a belief in the aptness of these feelings and tendencies.<sup>33</sup>

What matters, then, is “not whether corporate agents are strictly speaking capable of these emotions, but whether they are capable of moral equivalents of these emotions.”<sup>34</sup> And it should by now be obvious that they are. Furthermore, even though corporate agents can't experience the painful phenomenology of something like guilt, it would seem, all that's relevant about that phenomenology is simply its *motivational* and *epistemic* role. It motivates us to change our ways or apologize, for example, and it gets us to see what the right thing is. But corporate agents can be moved to change their ways or express apologies, and they can also identify the right moral reasons moving forward. So even though they lack ordinary emotional phenomenology, it doesn't matter for functional purposes.<sup>35</sup> For all the world, then, corporations can be morally responsible persons, and as such, they can be both blameworthy and blamable.

#### IV. BOLSTERING CORPORATE UNBLAMABILITY: THE CASE OF FORGIVENESS

Björnsson and Hess offer a powerful rejoinder to McKenna, but they rely on a very contestable claim to do so, namely, that the emotional phenomenology as such is unnecessary for fully responsible agency.<sup>36</sup> In this section, I will argue that this claim is false.<sup>37</sup>

32. *Id.* at 283–84.

33. *Id.* at 284–85.

34. *Id.* at 285.

35. *Id.* at 286–88.

36. It may be necessary as such for us humans, as it is the feature by which *we* come to be able to recognize and respond to moral reasons, but as corporations have the functional equivalents of these epistemic and motivational capacities without the phenomenology, it is not necessary for generating corporate agential capacities in the way it is for us. Thanks to Gunnar Björnsson for the discussion.

37. After writing this article, I was turned on to Sepinwall's 2017 work, which argues for a very similar conclusion about corporations lacking the crucial phenomenology of *guilt*, which she takes to be necessary for genuine moral responsibility. Although I am deeply sympathetic to Sepinwall's general



I begin by emphasizing that my focus in what follows is on *angry* blame. Blame is incredibly capacious, likely uncapturable by a single theoretical account (indeed, this point will become quite important in the next section).<sup>38</sup> Sometimes it is emotional, but sometimes it is not (as when an exhausted mother dispassionately blames her son for a repeated wrong); sometimes it is directed at the offender, sometimes it is not (as when we blame the dead, or blame the offender only to our friends); sometimes it is for moral norm violation, sometimes it is not (as when a coach blames her players for poor performance). But we are all familiar with it in its angry guise, directed at moral wrongdoers for their wrongdoing, and that is the form I will focus on here. This angry blame seems clearly to *want* something from its target.<sup>39</sup> But what?

We can most easily discover what blame wants by starting at the tail-end of our typical angry blaming exchanges with *forgiveness*, the point at which angry blame is withdrawn or foresworn in virtue of having *gotten* what it wants.<sup>40</sup> Suppose, then, that you have blown off your promise to help me move this morning. I get angry and call you out: “How dare you leave me hanging like this! I was counting on you!” What might you have to do in order to get me to forgive you, to get me to foreswear my anger? In the psychological literature on forgiveness, there are lots of activities that, to some degree or other, successfully predict forgiveness: perhaps you admit fault, or perhaps you apologize to me, or perhaps you compensate me for my burden, or perhaps you resolve not to break your promises to me in the future.<sup>41</sup> But by far the most significant predictor of forgiveness is *sincere remorse*.<sup>42</sup> And this makes sense: admissions of fault, apologies, compensation, and resolutions to change are all typically *manifestations* of

approach, I prefer, as we shall see, to emphasize a different emotion as the crucially missing phenomenological component, as I am granting to Björnsson and Hess that guilt *can* have a functional equivalent in corporations.

38. Manuel Vargas and I make this point in *Moral Torch Fishing: A Signaling Theory of Blame*, (May 10, 2019) (forthcoming in *Nous*) (on file with authors).

39. This datum has been put in terms of *demands*. See, e.g., P.F. STRAWSON, *FREE WILL* 85 (Gary Watson ed., 2d ed. 1962); R.J. WALLACE, *RESPONSIBILITY AND THE MORAL SENTIMENTS* 128 (1994); GARY WATSON, *AGENCY AND ANSWERABILITY* 279 (2004); STEPHEN DARWALL, *THE SECOND-PERSON STANDPOINT* 79 (2006); David Shoemaker, *Moral Address, Moral Responsibility, and the Boundaries of the Moral Community*, 118 *ETHICS* 70 (2007); David Shoemaker, *Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility*, 121 *ETHICS* 602 (2011); Michael McKenna, *Collective Responsibility and Agent Meaning Theory*, 30 *MIDWEST STUD. IN PHIL.* 16 (2012). For hesitations about the demanding form of blame, see Coleen Macnamara, *Taking Demands Out of Blame*, in *BLAME* 141–61 (D. Justin Coates & Neal Tognazzini eds., 2013).

40. This is a strategy I take up in David Shoemaker, *The Forgiven*, in *FORGIVENESS* (Michael McKenna, et al. eds., forthcoming 2020) [hereinafter *The Forgiven*].

41. See Brendan Dill & Stephen Darwall, *Moral Psychology as Accountability*, in *MORAL PSYCHOLOGY AND HUMAN AGENCY: PHILOSOPHICAL ESSAYS ON THE SCIENCE OF ETHICS* 40–83 (Justin D’Arms & Daniel Jacobson eds., 2014); M. Schmitt et al., *Effects of Objective and Subjective Account Components on Forgiving*, 144 *J. SOC. PSYCHOL.* 465 (2004); J.S. Zechmeister et al., *Don’t Apologize Unless You Mean It: A Laboratory Investigation of Forgiveness and Retaliation*, 23 *J. SOC. & CLINICAL PSYCHOL.* 532 (2004).

42. See Bruce W. Darby & Barry R. Schlenker, *Children’s Reactions to Apologies*, 43 *J. PERSONALITY & SOC. PSYCHOL.* 742 (1982); see also James R. Davis & Gregg J. Gold, *An Examination*

remorse, but it is the remorse we are really after. Admissions, apologies, compensation, and resolutions are all actions, and so may be done deceptively—as attempts to convey remorse without any actual remorse—to garner our forgiveness on the cheap. Were we to find out about the deception, though, we would likely take back our forgiveness, for it is the action-motivated-by-sincere-remorse that we seek. And sincere remorse in and of itself is hard to fake—it is what Robert Frank would call a *commitment device*, an emotion signaling our commitment to values that may be costly (painful) in the short run but valuable in the long run, as it lets people know that we are value-committed members of the shared moral community.<sup>43</sup> Given that the hard-to-fake disposition for remorse signals such commitment, its occurrence is what paradigmatically gives the green light to forgiveness, to the foreswearing of angry blame.

What is remorse, precisely? There have been surprisingly few discussions of it in the philosophical literature. But psychologists have been studying it for years. I want to focus on remorse as it is typically characterized in psychological surveys: “I feel really sorry for what I have done. I know how you feel now.”<sup>44</sup> Alan Thomas explicates this notion well: “Remorse, by contrast with either shame or guilt, [is a response to] the destruction of value rather than [to] the infringement of standards of right and wrong.”<sup>45</sup> One feels remorseful, as the psychological surveys presume, when one has made another *feel bad*. Now this can of course happen when one violates standards of right and wrong, when one *wrongs*—disrespects or disregards—the other person. But one can also make others feel bad merely by hurting their feelings, for example, by forgetting their birthdays, telling them hard truths, or failing to live up to the terms of someone’s hoped-for relationship ideal.<sup>46</sup> And even when an individual wrongs another, the individual’s remorse may still be distinguishable from guilt in terms of their differing *action tendencies*, i.e. what the emotion readies one to do.<sup>47</sup> As Björnsson and Hess claim, recall, guilt motivates one to change one’s ways and to apologize, make amends, or, more generally, repair the relationship.<sup>48</sup> But remorse is a distinctly *ruminative* emotion, and its action tendency is to think over and over again about the loss in value one caused. The remorseful agent typically relives the events he caused again and again, bemoaning his damage. Wronging someone

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of Emotional Empathy, Attributions of Stability, and the Link Between Perceived Remorse and Forgiveness, 50 PERSONALITY & INDIVIDUAL DIFFERENCES 392 (2011).

43. ROBERT FRANK, *PASSIONS WITHIN REASON: THE STRATEGIC ROLE OF THE EMOTIONS* (W.W. Norton & Co. 1988).

44. Schmitt et al., *supra* note 41, at 469.

45. Alan Thomas, *Remorse and Reparation: A Philosophical Analysis*, in REMORSE AND REPARATION 130 (Murray Cox ed., 1999).

46. David Shoemaker, *Hurt Feelings*, 116 J. PHIL. 125–48 (2019).

47. NICO FRIJDA, *THE EMOTIONS* 80 (1986); Andrea Scarantino, *The Motivational Theory of Emotions*, in MORAL PSYCHOLOGY AND HUMAN AGENCY: PHILOSOPHICAL ESSAYS ON THE SCIENCE OF ETHICS 156–85 (2014).

48. Gunnar Björnsson & Kendy Hess, *Corporate Crocodile Tears? On the Reactive Attitudes of Corporate Agents*, 94 PHIL. & PHENOMENOLOGICAL RES. 273, 286–88 (2017).

may thus yield these two distinct—and familiar—action tendencies: (a) ruminating on the damage to the relationship one caused via one's wrongdoing, and (b) striving to repair it.<sup>49</sup>

Remorse is also painful, or at least uncomfortable. But this fact raises a question: if I felt no pain or discomfort when I caused the loss of value in you, why should I feel pain or discomfort when I ruminate on it later? The answer is that the rumination is no mere memory; I must instead be seeing the loss through fresh eyes, namely *yours*. Remorse is the painful acknowledgment of what I did to you *from your perspective*. For me to be remorseful in the way required to satisfy the demands of forgiveness, I must be able to take up your perspective, to feel what it was like for you to have been hurt in the way I hurt you, and to carry that pain back to my own deliberative perspective.<sup>50</sup> This *pained empathic acknowledgment motivating rumination* is remorse's essential feature.<sup>51</sup>

Forgiveness withdraws or foreswears angry blame, which requires a change in attitude toward the forgiven.<sup>52</sup> What people take to be the leading reason for doing so flows from the wrongdoer's sincere remorse, constituted by his pained empathic acknowledgment of how he made the forgiver feel in causing damage to her or to their relationship, whatever it is that made her angry. What the forgiver is scanning for is the wrongdoer's eureka moment, the moment when he recognizes the loss in value that he caused from the forgiver's perspective. The wrongdoer may manifest this acknowledgment in various ways (via admission of fault, apology, etc.), although those actions may also mislead. But given our incredible facility at reading the subtleties of others' emotional experiences off their faces and body language,<sup>53</sup> we can often "know it when we see it." Sincere remorse really is hard to fake. Once we see it, forgiveness seems appropriate.<sup>54</sup> Presumably, then, being a proper target of the angry blame that forgiveness foreswears is to have *failed* to have the empathic acknowledgment that such angry blame wants in the first place.<sup>55</sup>

As should by now be clear, though, this is a purely phenomenological component of our interpersonal responsibility practices that has no functional equivalent

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49. The distinction between remorse and *shame* is made in similar fashion, by focusing on distinct action tendencies. The tendency of shame is *hiding* from the gaze of others, insofar as one has failed to live up to certain internalized ideals. But that does not require rumination at all.

50. Again, I say much more about this idea in *The Forgiven*, *supra* note 40.

51. One might, nevertheless, insist that guilt has this sort of ruminative feature as well. Feeling guilty often involves thinking again and again about how one wronged another. That is fine for my purposes. Whether one takes the ruminative phenomenological aspect I have identified here to be constitutive of a distinct emotion—remorse—or merely one crucial feature of guilt, it will serve to make my point in the text, that there is an essential phenomenological component of blamable and forgivable agency that corporations cannot fulfill. Thank you to Michael McKenna for discussion.

52. Lucy Allais, *Wiping the Slate Clean: The Heart of Forgiveness*, 36 PHIL. & PUB. AFF. 33 (2008).

53. See Chris D. Frith & Uta Frith, *Social Cognition in Humans*, 17 CURRENT BIOLOGY 724 (2007).

54. I am officially neutral here on whether the "appropriateness" of forgiveness means one has a reason to forgive, one has an obligation to forgive, one has a permission to forgive, or one would merely be a kind of an asshole *not* to forgive.

55. *The Forgiven*, *supra* note 40.

in corporations. The phenomenology of remorse is not fundamentally about motivation or epistemic considerations; that is, it is not (merely) instrumental in getting me to do something or providing me with knowledge of some sort. It rather consists in a *pure perceptual stance*: what we demand to make forgiveness apt and to restore wrongdoers' places in the interpersonal responsibility community is that they *see* what they did to us from our perspectives. While you can act *as if* you have felt remorse, and so apologize, make amends and so forth—and while these intentions and actions do have clear functional equivalents in corporations—were we to find out that these activities masked your lack of sincere remorse, our reason for forgiveness would disappear.

This is the type of blaming exchange with which we are very familiar in our interpersonal human lives, but it is a type of exchange that cannot take place with corporations, given their incapacity for the phenomenological component of remorse. Appealing to remorse is the way to shore up McKenna's original argument against the "functional equivalent" rejoinder by Björnsson and Hess. To the extent that corporate agents cannot feel remorse, we cannot sensibly demand it of them. But insofar as angry blame consists in precisely this demand, corporations cannot be sensible targets of angry blame. And insofar as they are not blamable precisely in virtue of lacking the capacities to adhere to the same demand for acknowledgment whose violation triggers angry blame in the first place, they seem to be neither blameworthy nor responsible agents as well.

#### V. MONISTIC SOLUTIONS

The paradox of corporate responsibility is driven by compelling philosophical arguments that push us in opposite directions. On the one hand, List's and Pettit's account of the drive to irreducible corporate agency (via the discursive dilemma), as well as the kind of discursive control such agents can have, seems sufficiently compelling to assign freedom, responsibility, blameworthiness, and blamability to irreducible corporate agents (in the pure case). On the other hand, a shored-up version of McKenna's account of the highly sophisticated emotional capacities required for being a member of our interpersonal responsibility communities is also compelling, enough to suggest that any attempt to angrily blame corporate agents (as such) makes no sense, for they lack the emotional phenomenology and empathic capacities to be sufficiently sensitive to agent meaning and our interpersonal demands for acknowledgment in a way that could make angry blame—and its withdrawal in forgiveness—intelligible as a form of communication to them. This seems to imply, therefore, that they can be neither blameworthy nor responsible agents. Corporate agents thus seem both responsible (because they are *blameworthy*) and not responsible (because they are *unblamable*).

The unspoken (and unacknowledged) assumption behind this apparent paradox is the *monist* conception of responsibility: the view that there is only one type of responsible agency, with one set of agential capacities that make one a responsible agent, so if someone is responsible and blameworthy given those capacities (when they have done something bad), then that agent must be blamable as well

given those same capacities.<sup>56</sup> Consequently, if we are monists, then we need to tweak the conditions of blameworthiness and/or the conditions of blamability to get rid of their mismatch and dissolve the paradox. In this section, I explore a leading strategy for doing so. I think it fails because of the assumed monism. I then offer my own pluralistic solution in the next section.

Angry blame, I have claimed, seeks empathic acknowledgment; to be successfully discharged and be given adequate grounds for withdrawal, it must secure uptake in the blamed offender. Corporations cannot secure angry blame's uptake and cannot meet its demands, given their emotional incapacities. Perhaps a plausible way around the paradox, then, is to show that blame's core feature doesn't need to secure uptake, that it is not emotionally communicative in the way suggested.

Several theorists in recent years have done just this, arguing that blame's core feature is *protest* instead of emotional communication.<sup>57</sup> And one can aptly and successfully protest blameworthy corporate agents without any emotional exchanges between the parties. Consequently, if blame is really about protest, and corporations can be protested and thus be blamable, then they can also be blameworthy and responsible.

To see how the model works, consider a seventeenth-century American slaveholder. Suppose his slave angrily blames him. The slaveholder may be unmoved—and even amused—by this response from such a “lesser.” Nevertheless, the slave's blame seems perfectly apt and the slaveholder perfectly blamable, even if the slaveholder cannot secure uptake of any emotional demands the slave is making (because he cannot see the slave's interests as reason-giving). This must mean that apt and successful blame must depend on something other than successful emotional communication. The slave's blame is apt and successful because he is (aptly and successfully) standing up for himself. He (aptly and successfully) *repudiates* the slaveholder's violation of the norms of due regard and good will. By doing so, the slave is, most generally, protesting the slaveholder's violation of these norms, regardless of whether the slaveholder “gets it.”<sup>58</sup> *Protestability* does not require the protested agent's understanding, appreciation, acknowledgement, or a change in light of the protest. However, if protest is blame's core aim, corporate agents may be blamable because, even if our *anger* at corporate agents cannot be successfully emotionally communicated to them (given their incapacities for securing emotional uptake and properly acknowledging

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56. Of course, there may be reasons not to blame a blameworthy agent—perhaps he has beaten himself up enough already [Angela M. Smith, *On Being Responsible and Holding Responsible*, 11 J. ETHICS 465 (2007)]—but that would not make him unblamable in the sense I have laid out.

57. See, e.g., Pamela Hieronymi, *The Force and Fairness of Blame*, 18 PHIL. PERSP. 115 (2004); Mathew Talbert, *Moral Competence, Moral Blame, and Protest*, 16 J. ETHICS 89 (2012); Smith, *supra* note 56.

58. See Angela Smith, *Moral Blame and Moral Protest*, in *BLAME* (D. Justin Coates and Neal Tognazzini eds., 2013); Matthew Talbert, *Moral Competence, Moral Blame, and Protest*, 16 J. ETHICS 89 (2012); Pamela Hieronymi, *The Force and Fairness of Blame*, 18 PHIL. PERSP. 115 (2004).

anger's demand), so long as we could protest their actions, it may still count as blame and be both apt and successful.

Protest can of course demand things of protested agents, but what it demands in any event is *action*: "Change what you're doing," it demands, "stop treating us this way!" But corporations *can* secure uptake of those demands; as we already know, they are capable of actions, so they are capable of responding to protest's demands for action in a way they cannot respond to anger's emotional demands.

It is true that blame sometimes takes a merely protesting—non-emotional and non-hostile—form, and when it does, it does not need to secure uptake to be an apt and successful form of genuine blame. For example, I may unemotionally, and without concern for securing any uptake of my criticism, blame you for a rude comment on my Facebook Wall by publicly criticizing and unfriending you. Whether you acknowledge my protest or me is irrelevant to my response constituting blame. After all, my repudiation of you certainly will have been registered by *others* who saw it, reflecting a way of standing up for myself against you and repudiating your rudeness.

But the protest story cannot be the entire story about blame. To illustrate, consider cases of protest that are not blame. When Sister Helen Prejean leads a candlelight vigil in front of a prison to protest an execution, what makes the protest so powerful is precisely that she's *not* blaming via her protest. Rather, she is simply trying to draw attention to what she takes to be a regard-violating practice. Similarly, when parents protest the actions of their young children in an attempt to teach them better, they (typically) are not blaming their children.<sup>59</sup>

*Enforcement* of norm violations is absent in these cases of blameless protest. While Sister Helen and the parents draw attention to the norm violations for educational purposes, action required to actually enforce the norms may differ depending on the circumstances. Perhaps circumstances may limit one's attempt to enforce the norms of due regard to simply standing up for oneself and publicly repudiating a wrongdoer's actions. This may serve to shore up one's own commitments and potentially reassure and bind together other members of one's moral community. Anger in such cases may well seem pointless. But what if it *were not* pointless? Suppose that the slave's angry blame snapped the slaveholder out of his moral torpor. Suppose that, as a result, the slave owner came to empathize with the slave and horrifiedly acknowledged the wrongdoing. Would we not feel a much deeper satisfaction with this outcome? In other words, would we not feel that blame's *fullest* aims had been achieved?

So not all protest is blame (or is not blame-at-its-fullest). But neither is all blame protest. To protest a wrongdoer, one's protest must be directed at someone who does not endorse the protestor's moral standing or importance. If a wrongdoer through his actions makes the false claim that someone can be treated poorly and without regard, this claim poses a threat to that person and others if left

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59. Shoemaker and Vargas, *supra* note 38.

unchallenged.<sup>60</sup> “Blame, on this view, is our way of protesting such false claims about our own moral status or the moral status of others.”<sup>61</sup> But again, this cannot be the story of *all* blame. For sometimes we blame those who are already on our side, like a loved one who, say, simply screwed up, perhaps acting out of weakness of will or perverse curiosity. “Protesting their threat to our moral status” would be pointless and inapt because they already (and always did) endorse our moral status.<sup>62</sup> In such cases, blame must be something other than protest.

The blame-as-protest attempt to make blamability and blameworthiness “match” depends on an inadequate “one size fits all” theory of blame. Importantly, there are plenty of cases of both blameless protest and protest-less blame. Perhaps, then, all blame is angry blame that seeks to secure emotional uptake. But this claim, too, is false: as previously articulated, sometimes blame is perfectly passionless, a “mere” protest. What we should allow for, then, is the possibility that a “one-size-fits-all” account of blame does not exist, that instead there are multiple types of blame. And if these different types of blame “match” different types of blameworthiness, multiple types of responsibility may also exist. And this move, I believe, is the key to resolving the paradox.

## VI. A PLURALISTIC SOLUTION

If there are multiple types of responsibility, corporate agents could be responsible, blameworthy, and blamable under the rubric of one type of responsibility, but not another. What might independently motivate pluralism about responsibility, though? There are a few other pluralistic theories on the books,<sup>63</sup> but I do not believe that any of them can adequately address the corporate paradox I have raised here.<sup>64</sup> Only my version of pluralism can do this, so I will draw from my previously published work on the topic.

My pluralistic theory is a tripartite theory of responsibility, motivated by a kind of ambivalence we feel about the responsibility-status of so-called “marginal agents.”<sup>65</sup> We have many emotional responsibility-responses to ourselves and others, including admiration, disdain, shame, pride, regret, disappointment, approval, anger, and gratitude (among many others). Much of the time, we may feel that this entire range of responses is available for the agents we come across, but for some agents we hesitate, feeling that only *some* of these responses are appropriate, whereas other responses would be inappropriate. This is true, I suggest, of

60. Pamela Hieronymi, *Articulating an Uncompromising Forgiveness*, 62 *PHIL. & PHENOMENOLOGICAL RES.* 529, 546 (2001).

61. Amy J. Sepinwall, *Blame, Emotion, and the Corporation*, in *THE MORAL RESPONSIBILITY OF FIRMS* 143–146 (Eric W. Orts & N. Craig Smith eds., 2017).

62. I am grateful to Michael McKenna for this point.

63. See, e.g., DANA K. NELKIN, *Psychopaths, Incurable Racists, and the Faces of Responsibility*, 125 *ETHICS* 357 (2015); MICHAEL MCKENNA, *CONVERSATION AND RESPONSIBILITY* (2012); GARY WATSON, *AGENCY AND ANSWERABILITY: SELECTED ESSAYS* (2004).

64. The reason is that none of them have an independent notion of *answerability*.

65. See DAVID SHOEMAKER, *RESPONSIBILITY FROM THE MARGINS* (2015).

some people with mild intellectual disabilities, including also those at the high-functioning end of the autism spectrum, people with mild-to-moderate Alzheimer's dementia, those with depression, those with obsessive-compulsive disorder, psychopaths, and those from morally-deprived upbringings.<sup>66</sup>

As it turns out, our many responsibility-responses can be grouped into three rough categories, the members of which each respond to different agential capacities. Admiration and disdain constitute the paradigm positive and negative emotional pair that aptly evaluate and respond to agents' *quality of character*. They are emotions responding to people's character traits, which are constituted by what matters to them. The capacity for quality of character consists in the capacity to care about and/or be evaluatively committed to things. To have these capacities, and thus to be an apt target of admiration and disdain (as well as their emotional cousins), is to be *attributability-responsible*.<sup>67</sup>

Pride and regret constitute the paradigm positive and negative emotional pair that aptly evaluate and respond to agents' *quality of judgment*. These emotions—as well as their third-person analogs of approval and disapproval (and associated criticisms)—track people's decisions, which are a function of their evaluative judgments. The capacity for quality of judgment obviously requires one to be rational, and also requires the ability to evaluate the worth of various reasons for doing things or having various attitudes. To have these capacities is to be *answerable*, to be able in principle to answer the question, "Why did you do that?"<sup>68</sup>

Finally, the paradigm casts gratitude and anger as the positive and negative emotional pair that aptly evaluate and respond to agents' *quality of regard*. Regard for others involves having sufficient consideration for them as fellows, and, in its most pure form, consists in perceiving facts about their interests in a "reasonish" way—seeing those facts as at least putative reasons to respect from within one's own deliberative framework. For me to take you sufficiently seriously, I must see certain projects and interests of yours as *you* do—as projects and interests worth pursuing and preserving, as *valuable ends*—and so as constituting for me putative reasons of some sort (to help you pursue them in various ways, say, or to not interfere with your pursuit of them) when I am considering which actions and attitudes to take. But, of course, to fully appreciate how you view your ends, I must be emotionally vulnerable to the same extent as you are to the prospect of those ends being set back or destroyed. The capacity for regard therefore requires that one be able to see and feel those projects as others see and feel them, as deliberatively and emotionally resonant. But this is just to have the capacities for emotions and empathy. To have these capacities is to be *accountable*.<sup>69</sup>

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66. *See id.* at intro.

67. *See id.* at ch. 1.

68. *See id.* at ch. 2.

69. David Shoemaker, *RESPONSIBILITY FROM THE MARGINS*, at ch. 3 (2015).



Attributability, answerability, and accountability are the labels for three distinct types of responsibility (drawn from labels already in the literature). They are different *types* of responsibility insofar as they are grounded in very different capacities (respectively: character, judgment, and empathic regard). Nevertheless, they are types of *responsibility* insofar as they implicate different features of practical agency, the agential sources of attitudes and actions to which we have praising or blaming responses. But we deploy different subsets of praising and blaming responses in response to the manifestations of different types of agential sources: admiration and disdain aptly respond ultimately to the cares and commitments making up agential character; pride and regret (and approval/disapproval) aptly respond to evaluative judgments and decisions; gratitude and anger aptly respond to empathic and emotional (dis)regard.

This tripartite theory of responsibility predicts and explains the ambivalence we feel in response to marginal agents. Such agents are not *partially* responsible, and their responsibility status is not *uncertain*. Rather, the ambivalence is due to the fact that they have and can exercise the capacities for some types of responsibility but not others.<sup>70</sup> Consequently, only some subset of responsibility responses is apt for them. But as it turns out, different combinations of responsibility-status vary across different types of marginal agents—a function of their specific and differing capacities and impairments.

Consider a few illustrations. Given their serious empathic and judgmental impairments, psychopaths may be neither answerable nor accountable. But they may be attributability-responsible in virtue of the fact that they do have character traits, defined by the few things they care about (e.g., they enjoy being able to do whatever they desire; they get a kick out of hurting or manipulating others). Psychopaths may thus be cruel, and merit our disdain, without meriting our anger or moral disapproval.<sup>71</sup>

By contrast, those with certain forms of clinical depression may be accountable but not attributability-responsible (and have mitigated answerability). In other words, they may be fully capable of empathic regard for others—indeed, high empathic scores tend to *predict* depression—but their patterns of manifested attitudes do not reflect their cares and commitments (i.e., their characters) in a way that merits our disdain.<sup>72</sup>

As a final illustration, those with mild intellectual impairments may be accountable and attributability-responsible, without being answerable. They tend to have no empathic deficits, so they can fully regard others in a way that merits gratitude and anger. They also have plenty of character traits they manifest all the time. But they may have too much difficulty making and applying the abstract

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70. On my telling, the three types of responsibility are radically independent, so one might have the capacities for any of them without having the capacities for any other.

71. See SHOEMAKER, *supra* note 65, at chs. 5–6.

72. See *id.* at ch. 4.

judgments about the worth of various normative reasons to be answerable for their attitudes and actions.<sup>73</sup>

By now, it may be obvious how to resolve the paradox with the help of the tripartite theory. Corporate agents are *answerable* but not *accountable*.<sup>74</sup> Following List and Pettit, corporate agents (as such) can judge as to the worth of various reasons, make decisions, and execute those decisions—or at least, following Björnsson and Hess, they can do all the functional moral equivalents of these things. This is all that is necessary, in principle, for them to have the ability to respond to the answerability question, “Why did you do that?” But answerability is the appropriate domain of only the responsibility responses of regret, pride, and their third-person analogs of disapproval and approval (and associated criticisms).<sup>75</sup> Instead, blaming anger is appropriate for the *accountability* domain, where what is implicated is the capacity for (dis)regard, which, at its root, is the capacity for emotional empathy. In order to sufficiently regard others—to *acknowledge* them—and so to participate fully in our most fundamental and widespread interpersonal blaming practices, one requires the ability to take up an empathic perceptual stance, to see and feel what others have gone through, or will go through, from their perspectives. But corporate agents cannot do so. This explains why angry blame feels so inappropriate for them: they are not acknowledging creatures, and angry blame demands acknowledgment; they therefore remain beyond angry blame’s grasp.

But of course, as previously explained, we can aptly and successfully *protest* corporate agents. That is to say, there *is* a kind of blame we can engage in when responding to corporate wrongdoing. Protest is a criticism of evaluative judgment and decision-making, an expression of disapproval for *answerable* agents. These are agents who, essentially, must be capable of discursive control (reasons-responsiveness), and they must have the ability to act in ways expressive of policy change. Corporate agents are capable of all of this. But protest is not the only type of blame, and once we start engaging in angry, communicative blame,

73. *See id.* at ch. 6.

74. They may also be (somewhat) attributability-responsible, insofar as they at least manifest commitments across time, although they lack the emotional caring aspect of character that makes for full attributability. It is complicated, in other words, and I lack space to say more here, as my main aim is to point the way toward resolving the paradox as presented, a paradox which does not really implicate attributability.

75. A couple of points are worth making here. First, approval and disapproval aren’t natural emotions (referencing some human psychological kind), but they are labels meant to capture the analogs of first-personal regret and pride, which are the paradigm answerability emotions, and so are about our emotional responses to what we might deem the *regrettable* and the *pride-worthy*. Second, one might wonder whether corporate agents could themselves feel regret. While they of course lack phenomenology, I believe they could well undergo the functional equivalent of regret. Regret’s emotional syndrome appraises one’s own decision or judgment as poor, and its action tendency is toward *policy change*, revising how one makes such judgments and decisions in the future. *Daniel Jacobson, Regret, Agency, and Error*, 1 OXFORD STUD. AGENCY & RESP. 95–125 (2013). Corporate agents can certainly do these things, so the phenomenology may indeed be unimportant for the answerability emotions.

corporate agents cannot be apt or successful targets. Consequently, corporate agents may be blameworthy and blamable in answerability terms, but not blameworthy or blamable in accountability terms. Paradox dissolved.

#### VII. OBJECTION, CONCESSION, CONCLUSION

There is one objection to consider and one concession to make before concluding on a hopeful note. The objection is that corporations may still in fact be capable of the moral/functional equivalents of sincere remorse:

*Objection:* Suppose I write BP an angry letter or sign a public one and that BP's response is directed to me personally or to all those who have contacted them or had been harmed by BP's actions. This reply makes it clear that BP is taking their wrongdoing(s) seriously, has a company-wide ongoing investigation into factors relevant for what happened, involving independent experts, is recognizing that it has not sufficiently considered safety nor the potentially massive impact on people and wildlife, and will do all that is reasonable to mend the damage done. They also schedule meetings regularly to go over their progress and consider what they might have done differently. Further suppose that this communication were framed in a way that expressed a clear understanding of the outrage, and that I concluded that these reactions were basically non-strategic, that is, not just things BP said to get us off its back. This, it seems, could get me to foreswear angry blame akin to if the agent were an ordinary human moral agent. So, if what BP is doing is *not* yet a sincere expression of remorse (they are even ruminating!), why would any such additional expressions be needed for angry blame to be satisfied, as it were? Have they not done enough? It is simply unclear why the additional phenomenology of remorse would be relevant to such an exchange.<sup>76</sup>

*Reply:* Note that these are all *decisions and actions* that BP is engaging in; indeed, that is the extent of what corporate agents are capable of. But, in human blaming and forgiving exchanges, decisions and actions are merely the signs and signals of what angry blame demands, namely, emotional acknowledgment. To the extent that corporate agents can neither feel emotions nor engage in empathic perspective-taking, they are capable of neither component of what angry blame demands.

Of course, I do not want to deny that the corporate agent has certainly done *something* to ameliorate *something*. But what seems a better description of what has happened is that the corporate agent has met my demands of *protesting* blame, which only requires decisions and actions on the part of the protested agent to get it to aptly dissolve, so that I withdraw my protest because it does not matter what the motives and attitudes behind BP's decisions/actions are. But

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76. Most of these words are those of Gunnar Björnsson, in private communication (quoted with permission). The objection was also pushed in similar ways by Jada Twedt Strabbing and Miranda Fricker.

angry blame seeks something more, and corporations cannot deliver this. Suppose that I become suspicious in the above scenario, wondering whether BP was *sincere* when it apologized (after all, apologies can mislead). What could I possibly find out to resolve my uncertainty either way? In the pure case of irreducible corporate agency, there is nothing *to* find out. All the facts are already on the table. The answer to the question of whether BP's apology and remorse was sincere is *metaphysically indeterminate* because BP lacks emotions and empathy. There is nothing in virtue of which I could ever get an answer to my concern. And this is the relevance of the phenomenology: it answers the question of sincerity at the core of our angry interpersonal exchanges.

This point leads to a concession on my part, however,<sup>77</sup> for maybe *sincerity* matters more than the phenomenology of remorse per se. Perhaps what remorse consists in is rumination and empathic acknowledgment, but these are merely our human ways of signaling sincerity to one another. If sincerity is what blame actually demands, when the blamed agent is engaged in various reparative activities (e.g., apologies and recompense), sincerity might just have a corporate functional analog, at least enough to generate some degree of corporate accountability. For example, most large companies now post detailed accounts on their websites of their environmental contributions, and they compete to make the Global 100, a list of the most sustainable companies (listed by *Corporate Knights* since 2005).<sup>78</sup> There are certainly self-interested motives in such cases, as doing so increases performance, longevity, and long-term stakeholder value. But there is no necessary conflict between sincerity and long-term self-interest. Indeed, as already mentioned, Robert Frank's powerful project intended to show precisely how our human emotions evolved as commitment devices that signal our commitment to norms in ways that cost us in the short-run, but benefit us in the long-run by making us excellent cooperative partners in others' eyes.<sup>79</sup>

What we may demand, for corporate agents to have anything like human accountability, then, could be the institution of some sort of commitment device, a response automatically triggered when corporate agents commit wrongs and operates *regardless* of any short-term setbacks to their bottom line (along the lines of a "doomsday device" during the nuclear years). This device must not be considered a mere "cost of doing business" or a kind of fine that corporations need to pay. Rather, it would have to generate significant (short-term) costs, as it would have to convince us of the corporate agent's sincerity about making amends and righting the wrong. If corporations installed a significant enough response, they could well generate a functional equivalent of remorse, and so be sufficiently ameliorative of angry blame to be co-members in the accountability

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77. I am very grateful to Cheshire Calhoun for raising this possibility, as well as for conversations with her, Philip Pettit, and Steve Darwall about it.

78. See Jeff Kauflin, *The World's Most Sustainable Companies*, FORBES (Jan. 17, 2017), <https://www.forbes.com/sites/jeffkauflin/2017/01/17/the-worlds-most-sustainable-companies-2017/#4842f8104e9d> [<https://perma.cc/R4X5-S7PL>]. Thanks to Cheshire Calhoun for pointing me in this direction.

79. ROBERT FRANK, *PASSIONS WITHIN REASON: THE STRATEGIC ROLE OF THE EMOTIONS* (1988).

community. This would be a way of “scaffolding” corporate agents into accountable agents.<sup>80</sup>

This is certainly the best corporate agents could do. However, it would obviously involve corporations doing *much* more than they do as of now. So, while we currently do not have accountable corporate agents, per my arguments above, I concede that we *could*, at least to some extent. Indeed, perhaps it is our obligation to make them so.

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80. See Victoria McGeer, *Scaffolding Agency: A Proleptic Account of the Reactive Attitudes*, EUR. J. PHIL. (2018); MANUEL VARGAS, *BUILDING BETTER BEINGS: A THEORY OF MORAL RESPONSIBILITY* (2013).