

# **ETHICAL EVALUATION IN FILM:**

## **Exploring the Moral Responsibility of the Filmmaker**



Liana Alexander

Supervised by Hallvard Fossheim and Jesse Tomalty

Department of Philosophy,

University of Bergen

May 2024

## **ACKNOWLEDGMENTS.**

I would like to start by thanking the University of Bergen for providing me with the opportunity to pursue this degree in Bergen, Norway. I would like to thank my supervisors Hallvard Fossheim and Jesse Tomalty for their kindness and direction, which were instrumental in making this thesis come to fruition. I also want to thank my friends and family for their love and encouragement throughout this process. Very special thanks to the heroic Bernt Ivar Barkved and Tina Firing for helping me with this thesis and responding to me at all hours. To Fra, Carlota, and Caiti for the emotional support over many coffees; to Ant and Henrik for your conviction in my mental ability. And finally, the most important and heartfelt thanks to my incredible wife Marnie who could always see my light when I could not, and without whose steadfast love and support this could not have been possible.

## ABSTRACT.

In this thesis, I argue that the influential capabilities inherent in film as an artform are grounds on which to pursue an ethical evaluation of a film. Based on the ethical evaluation of that particular film, I concluded that the filmmaker is *eligible* for moral responsibility for any resulting harm that the influence of the film caused. I argue this by explicating the *emotional impact* and *scope of influence* that film uniquely possesses and by exploring the vulnerability of audience members as either *susceptible* or *stigmatized* groups of people. I defend and promote the ethical evaluation of film and suggest that *malleable moderate moralism* be used to approach it. My position that film can be ethically evaluated is independent of whether art, in general, is subject to moral evaluation, due to the unique impact of film. I suggest that the identity of the “filmmaker” can apply as a singular, plural, or as a collective group of people. I propose a set of three original *Principles of Eligibility for the Moral Responsibility of Filmmakers* (*principle of control*, *principle of competence*, and *principle of intention*) that are sufficient to determine who among filmmakers is eligible to be morally responsible for a film. This thesis acts as a starting point for more expansive investigation into these topics.

## SAMMENDRAG.

I denne masteroppgaven argumenterer jeg for at de innflytelsesrike evnene som er iboende i film som kunstform er begrunnelse til å etisk vurdere film. Basert på en etisk vurdering av en spesifikk film blir det konkludert med at filmskaperen kvalifiserer til moralsk ansvar for enhver skade som filmen har forårsaket. Jeg argumenterer for dette ved å forklare at film er unik i dens *emosjonelle påvirkning* og *innflytelsesomfang* og ved å utforske publikums sårbarhet som enten mottakelig eller stigmatisert. Jeg forsvarer en etisk vurdering av film, og foreslår at en *formbar moderat moralisme* blir brukt som fremgangsmåte. Min posisjon er at film, grunnet dens unike posisjon, kan bli etisk vurdert uavhengig av om kunst, mer generelt, er åpen for etisk vurdering. Jeg foreslår at identiteten *filmskaper* kan omtale en eller flere eller som et kollektiv. Jeg legger ned tre prinsipper (kontroll, kompetanse og intensjon) som tilstrekkelig for å fastslå hvem av filmskaperne som kvalifiserer til moralsk ansvar. Denne masteroppgaven kan opptre som et utgangspunkt for mer ekspansiv undersøkelse av disse temaene.

# **TABLE OF CONTENTS.**

## **INTRO.**

## **CHAPTER 1 -**

### **JUSTIFICATION AND METHOD FOR THE ETHICAL EVALUATION OF FILM**

#### 1.1 Film's Emotional Impact and Scope of Influence.

##### 1.1.1 Danger for Vulnerable Peoples.

#### 1.2 Positions in the Ethical Criticism of Art, and Malleable Moderate Moralism

##### 1.2.1 Two Filmmaker Worries

#### 1.3 Is Film Art? The Possibility of No.

##### Recap.

## **CHAPTER 2 -**

### **FILM AND COLLECTIVE RESPONSIBILITY**

#### 2.1 Collective Moral Responsibility.

##### 2.1.1 The Causal Concern.

##### 2.1.2 The Distributive Concern.

##### 2.1.3 The Practicality Concern.

#### 2.2 Modified Collective Responsibility.

##### Recap.

## **CHAPTER 3 -**

### **PRINCIPLES OF ELIGIBILITY OF MORAL RESPONSIBILITY**

3.1 Context

3.2 Principle of Control.

3.3 Principle of Competence.

3.4 Principle of Intention.

Recap.

**OUTRO.**

**Bibliography.**

# INTRO.

Seated in a dark cinema theater, a group of people have gathered to watch a “moving picture,” a “talkie,” a movie, a film<sup>1</sup>. The film might elicit emotions from this audience, some people feel the same things, and some people feel different things. Some minor emotions and some intense, some excited and some horrified, some saddened and some motivated - but all are feeling a rush of emotion in response to the visual and audible cues happening in that movie theater. By the end of the film, our audience members all have been influenced in one way or another by what they have just seen, heard, felt, and experienced.

Pursuing the subject matter of this thesis is important because it addresses a fundamental aspect of the human experience which is the relationship between art and morality. By exploring ethical dilemmas in our interactions with art, and film in particular, we can provide valuable insights into the ways in which art shapes our values, beliefs, and behaviors as people in society. Negative media portrayals of minority communities or cultures play a role in how those particular people are viewed and treated in the world. This discussion contributes to the discussion of art and morality, has the potential to deepen our understanding, and encourages our appreciation of both.

A film that has allegedly influenced acts of violence in the world is the film *Natural Born Killers* (1994). It is credited for inspiring many audience members over several years to commit extreme acts of violence, including murder. In one of these cases, a couple went on a shooting spree and later named the film as inspiration and admitted to mimicking the acts of the lead characters. Filmmakers were blamed and brought to court in a search for responsible parties, a lawyer for the prosecution described the film as a “murder manual” (Brooks, 2002) and the husband of a victim said, "I think [director] Stone was just as wrong as the kids who shot my wife," (Shapiro, 2008). Can it really be said that filmmakers are morally responsible for actions such as murder?

---

<sup>1</sup> While the word *film* “can denote both the medium based in moving images and the material that became the basis of that medium,” (Gunning, 2014, p. 663), for the purpose of this paper *film* is not meant to refer to the material of film on a reel unless specified. It is used as an all-encompassing term for the medium of moving images, be they on a roll of film or in digital form, also known as “Filmed Entertainment: The filmed entertainment industry includes companies operating in the Movie & Video Production, Television (TV) Production and Internet Video Production industries. The primary sources of revenue in this industry are physical and digital product sales, subscription service fees, and box office receipts,” (Granados & Zwagerman, 2020, p. 18).

How about causing prejudice and bias towards minorities? Can film be said to be morally responsible for *those* actions? For example, the representation of transgender people in film and television is often as villains or as victims of violence dehumanizing them in the eyes of the viewer. This kind of repetitive depiction sends a clear message to audiences that these people are othered and that harmful attitudes and behaviors against them are permissible (Reitz, 2017, p. 3). In this way, filmmakers have helped support and perpetuate systems of prejudice that are harmful toward trans people; due to that contribution, it seems that filmmakers could be held morally responsible for that harm. If this is the case, exactly *who* is to blame? The directors, the actors, the producers, the crew? These are the questions this paper is concerned with.

The thesis of this paper is: *film is uniquely positioned to receive ethical evaluation and filmmakers are eligible to receive that evaluation in the form of moral responsibility*. I argue that film is unique through the experience they create and the availability to the audience, this gives film a greater influence on people's emotions and beliefs/attitudes than other art forms and can thereby inspire audiences to commit harmful acts towards others; therefore filmmakers have a moral responsibility in the content of the films that they create and release for public viewing.

I will argue this by explicating the *emotional impact* and *scope of influence* that film uniquely possesses through technique and examples of film and history, as well as by exploring the vulnerability of audience members as either *susceptible* or *stigmatized* groups of people. Further discussion on the connection between art and ethics is utilized to argue for the ethical evaluation of film. The discourse over whether art can be ethically criticized has been ongoing across many people over many years, and while it may be arguable that some art *can* be ethically evaluated, I will show that film can be ethically evaluated whether or not *art* is open to moral evaluation.<sup>2</sup>

It is for these reasons that filmmakers, as those who are in possession of that power of influence, should be held morally responsible. The question then becomes: if filmmakers are held morally responsible for the content they create, who are the responsible parties? To answer this question, I do two things: analyze and explore the concept of collective moral responsibility to determine a position that accounts for the distinct and collective nature of filmmaking. Then I establish an original set of principles to determine precisely who among all members of a film's

---

<sup>2</sup>It is essential to recognize that this paper accepts that morals and perspectives change over time and I account for this expectation by choosing flexible approaches whenever possible.



production are eligible for the moral responsibility of the ethically evaluated film: the *principle of control*, the *principle of competence*, and the *principle of intention*.

This paper consists of three chapters with four to five subsections in each. In Chapter One, I justify the ethical evaluation of a film by exploring three main points: (a) film is eligible to receive ethical evaluation due to the unique qualities it possesses to harmfully impact vulnerable audience members, (b) how film can be subject to moral evaluation by engaging with two opposing positions in the ethical critique of art and develop a version of one that I suggest fits the ethical evaluation of film, and discuss the censorship and auteurism as potential concerns for the position; (c) whether film can stand up to anti-ethical art criticism positions by exploring the possibilities of film as artwork and film as technology.

With the consideration that film is a collaborative medium, in Chapter Two I argue that a notion of collective responsibility is needed in order to allot moral responsibility appropriately within filmmaking. Utilizing scholarly works, I defend collective responsibility against three main arguments and end by proposing a modified version of collective moral responsibility.

In acknowledging the modified version of collective moral responsibility, in Chapter Three, I close the paper by introducing an original set of three principles of eligibility for the moral responsibility of filmmakers. I propose that each of these principles are sufficient conditions for eligibility and provide clarity and reasoning when determining who is eligible for responsibility on a case-by-case basis, be they individuals or collectives. The explanation and support of the principles utilizes film examples and real legal circumstances that alleged filmmaker responsibility. The film *Natural Born Killers* and the legal case brought against its filmmakers will be utilized in this chapter as an example of a film that allegedly inspired audience members to commit acts of harm. By showing the structure of the filmmakers who created it and the legal accusations levied against them and the studio body that produced it, I use this film to support the three principles sufficient in determining who has moral responsibility for a film.

In closing the introduction, some helpful clarifications before commencing with Chapter 1. The discussion in this paper is focused on narrative works of fiction in particular. This includes propaganda films and films that can be *based* on true events, but not documentaries or educational films. Furthermore, the focus here is *not* on the ethics of human behavior or

structures that occur within the act of filmmaking itself (that is the practical work of pre-production, production, and post-production which all contain innumerable people subject to moral and immoral acts every day in the form of hiring, firing, child labor, sexual harassment - just to name a few). Questions like, “Should we consume art made by immoral artists?” or “Should we consume art made in immoral ways?” are ones that this paper will leave to the audience member. Additionally, although I am using a legal example to illustrate points throughout the paper, it is acknowledged that the legal does not equal the ethical. The laws that govern society and the legal systems in place are human-made and so are bound to be flawed to an extent, there are illegal acts that are not immoral, and there are immoral acts that are not illegal. What this legal case *can* do is assist in determining who in general can be considered the key players in terms of moral responsibility. Further clarifications will be footnoted as they become relevant.

## **CHAPTER 1. JUSTIFICATION AND METHOD FOR THE ETHICAL EVALUATION OF FILM**

In this chapter, I discuss three building blocks that solidify the ability to evaluate the film product on an ethical basis. The first section argues that film is eligible to receive ethical evaluation through unique attributes that have the potential to cause harm. The second section discusses two positions within the ethical criticism of art and develops an adjusted position to engage in that evaluation that is curated to the uniqueness of film. Then I address the possibilities of censorship and creative freedom, in the form of *auteurism*, that could emerge from an allowance of ethical and moral scrutiny. The third section defends against a potential claim that film is not art and whether that kind of position endangers this thesis.

## 1.1 Film's Emotional Impact and Scope of Influence

The reason film is uniquely subject to moral criticism lies within two key points that set it apart from other mediums of art. Firstly, it has an enhanced *emotional impact* on audiences because film utilizes modes that access many of the human senses lending to a very visceral experience,

Film, as a distinct art form, does not only tell a “story”, but creates an “aesthetic experience” by addressing vision, hearing, and embodied perception, providing alternative opportunities to relate to, empathize with, and learn from what is presented, (Biehl & Schönfeld, 2023, p. 1612).

A film combines the artistry of multiple mediums into one package which in turn enhances those by combination: audio (including music, dialogue, foley effects,<sup>3</sup> and sound effects which signal changes in theme, portray perspective, or change pace - especially effective in theaters with surround sound), visual (including live action actors and landscape, animation, image perspective, color theory, and use of light are key elements in storytelling and mood setting), and physical (some theaters have chairs that are linked to the digitization of the movie so that it moves and shakes along with the action in the film). For that audience, the visceral and emotional responses elicited when participating in the film experience are vastly heightened in comparison to when a person is experiencing another art medium like painting or literature (Gaut, 2010, p. 247). The combined power of these attributes in film results in a strong *emotional impact* on audience members. Secondly, the *scope of influence* film has in regard to the large, and increasing, amount of viewership means that film entertainment is reaching audience numbers into the millions. Films can be viewed in an individual or group event, in a public theater, or a private home. Additionally, since films are now extremely accessible thanks to the modern advancements in technology with the creation of SVOD<sup>4</sup> streaming sites, audiences can watch and rewatch movies in near perpetuity,

---

<sup>3</sup> Foley is the term for the sound effects that artists recreate and create in post-production to enhance the film's soundscape. For example, cracking celery stalks to imitate the sound of bones breaking for an action film, or walking on crunchy cereal to simulate movement in snow.

<sup>4</sup>“Subscription Video-on-Demand: A type of digital media delivery whereby subscribers are charged a re-occurring fee for unlimited access to a library of audio and / or video productions. Common SVOD providers include Amazon Prime Video, Hulu, Netflix and Spotify. SVOD can also be described as subscription streaming,” (Granados & Zwagerman, 2020, p. 18).

Moana,<sup>5</sup> released on Disney+ in late 2019, continues to engage audiences, topping all other movies in 2023 with an all-time high of 11.6 billion viewing minutes...Since Nielsen began measuring streaming, audiences have watched nearly 80 billion minutes of Moana, which translates to watching the full movie 775 million times. (Pierce, 2024)

These attributes of *emotional impact* and *scope of influence* position film at the peak level of consumption and so is also at its peak level of impact onto the largest audience since the invention of the moving picture, far over the scope of other artistic mediums.

The impression from watching a film is received so quickly and effectively that the imparting of mindsets and philosophies, biases and prejudices, might go unnoticed. The emotions that we experience in viewing a compelling movie can motivate beliefs we have during that experience, fear of a thing, love of a person, connection with a character or storyline, and so on (Gaut, 2010, p. 245). “Film is a significant vehicle for cultural dissemination, a primary means of mass entertainment...and a powerful medium for educating citizens or inculcating ideas,” (Yang, 2023, p. 1), and this need not always be in a negative way. The beliefs and behaviors encouraged by the viewing of an artwork can also be good, after watching a video of a flower growing in a polluted junkyard accompanied by a heartfelt orchestral underscore, an audience member can receive an environmental commentary which motivates them to begin working in conservation. That flower video can be credited for this person’s positive action and the video creator also receives accolades for influencing the audience member’s positive world view. Art can be, and is, used to promote messaging - whether moral or immoral. Just as the flower motivates an objectively positive attitude, another image can motivate a person to an objectively negative attitude.

For example, propaganda films have utilized the unique abilities of film throughout history. In the era pre-World War II, Adolf Hitler and his team knew that paper media would not reach those who were not already indoctrinated to the Nazi party lines, so they intentionally pursued cinema theaters to play their propaganda shorts ahead of feature films (Chrystal, 1975, p. 29): “Here [in a theater] a man needs to use his brains even less; it suffices to look...and thus many will more readily accept a pictorial presentation than read an article of any length.” *Wort und Tat* (*Word and Deed*, 1938) is an election film released in theaters to gain support for the Nazi party. It displays many images, some falsified, including various levels of debauchery and the immoral unwashed masses, taking special note of communists and Jews. It then shows

---

<sup>5</sup>An animated feature film.

images of Hitler as the valiant and honorable leader and what the Nazi party can do for the common man; increase in jobs, economic power, and pride for Germany, all underscored with triumphant music (Chrystal, 1975, p. 45). The juxtaposition of imagery showing Germany at risk to its potential for glory gave a clear message to the audiences to vote for Hitler and the underlying intent of brewing disgust towards the Jewish people. Audiences had no control over what kind of shorts would appear ahead of the features they came to see, and so being subject to repeated viewings of election and propaganda films such as *Wort und Tat* and worse, the indoctrination machine was well underway. Audience members watching the films connected strongly with the citizens on screen and the vision of Germany that they wanted to create. Through this connection, they received and were influenced by the underlying messages of what must be overcome and grew to favor the ideology of the Nazi party.

### **1.1.1 Danger for Vulnerable Persons.**

The kind of morally wrong messaging that propaganda films deliver goes beyond a simple moral preference: the usage of swear words, revealing clothing, and other topics of moral claim that may seem frivolous. But when we make an ethical evaluation of a film, it is not just academic because there are real-life consequences that can occur on the back of an immoral message which might endanger vulnerable persons. The potential that emerges from *emotional impact* and *scope of influence* are consequences in the form of activation of a *susceptible* group of people leading to the *stigmatization* of another group of people. The usage of the term *vulnerable persons* in this paper refers to people falling into those two groups, the *susceptible* and the *stigmatized*.

Some audience members may not be as sensitive to cruelty on screen as a critic with a more discerning eye and are in the category of those who might be influenced into adopting those immoral attitudes. Those *susceptible audience members* are vulnerable to influence and may be inspired to take action toward or encourage harm to others. Continuing with the example of propaganda films, we see the effect that films like *Triumph of the Will* (1935) and *The Birth of a Nation* (1915) had on susceptible audiences. The reaction to *Triumph* was instrumental in pushing the Nazi party to political success, and the rise in interest and ultimate revitalization of

the Klu Klux Klan occurred after *Nation* was released into theaters (Tyler, 1988, p. 99). *Nation* is one in a long line of “vigilante films” aimed at enemies of the supposed status-quo. It is racially motivated, but others in this category can include a multitude of viewpoints, such as anti-communist sentiments portrayed during the Red Scare<sup>6</sup> eras. The evaluation of a work of art depends on the artist's creative output as well as on the subjective experience of the audience. A critic can make an ethical critique of a work but that critique is made through a particular lens. For example, we can objectively see the ‘wrongness’ of what was portrayed in *Triumph* today from a historical perspective just as future critics will watch movies made this year and potentially see problems that we are not currently aware of (Fishman, 1963, p. 6). The *susceptible* audiences are often in a state of preparedness for the kinds of prejudiced messages of these films; perhaps sheltered, lost, searching young adults who find direction and a sense of connection to the films that they view. These are just two examples of films that have influenced *susceptible* people to adopt beliefs or take actions resulting in a *stigmatized* minority group, creating an environment of danger for members of both.

*Stigmatized* people are most easily represented (in the USA) as non-white or racial minority groups including immigrants, non-heterosexual groups or LGBTQ+, non-males, and people who identify as any combination of those. This means that it is more likely that one or more of these groups would be targeted by negative beliefs or behavior than a person of prominent standing would. For example, any number of films wherein a heterosexual white male is a villain or anti-hero - all the *Godfather* movies (1972-1990), *American Psycho* (2000), *The Wolf of Wall Street* (2013), etc. However, despite the massively flawed nature of these characters, the crimes they commit, and the influential immoralities that they engage in, it seems to be the case that people are not motivated to seek out and harm hetero-white males in real life. This could be because they are generally deemed to be the power-holders in American society, or because it is easiest to point fingers at those in the ‘other’ category, outsiders, those in a racial or gender minority group. The reactions to *A Clockwork Orange* (1971), a film centered around the leader of a gang of young men and their hedonistic violent behaviors notably against women, were very loud in concern for what kind of imitation or copycat crimes could occur from glorifying the film’s characters (Krämer, 2013, p. 21). Through film's unique ability to connect

---

<sup>6</sup>Refers to different eras in American history that experienced a moral panic towards communism, for example the film *The Commies Are Coming, the Commies are Coming* (1957) depicts the USA being overtaken by Russia. The popularity of Russians as villains in films encouraged anti-communist sentiment and McCarthyism which engaged in persecution of any American citizen suspected of communist ties; these were often unsubstantiated allegations (Storrs, 2015).

us with the imagery we are watching, young men have been viewing *Orange* and identifying with it and mimicking its violent lead character ever since the film's release (Krämer, 2013, p. 101). Even though this character does things that they *know* are wrong and illegal, audiences are still identifying with him (Adams, 2016, p. 152).

Vulnerable persons are also impacted by harmful perception and bias which *can* lead to acts of violence but do not necessarily lead to violence. Passive forms of racism, sexism, and more, infiltrate everyday life and support systems of oppression that subsequently can *become* violent. Films that perpetuate harmful stereotypes, biases, and misconceptions in their portrayals of characters in vulnerable groups add fuel to discrimination and increase the alienation that exists among people. By relying on stereotypes, filmmakers limit the audience's understanding of minority groups and their unique and diverse life experiences. The film industry has a strong historical record of misrepresenting, appropriating, and exploiting cultures, in a behavior known as whitewashing, white actors have been cast to portray many diverse roles over time, including Native American, Arab, Chinese, Mexican, and Black. In many cases, the characters of color that were written in stories, comics, novels, and real-life accounts that films are based on, have been written out of adapted screenplays entirely. In 2017, the British TV series *Urban Myths* received major backlash from the public when it was leaked that Joseph Fiennes had been cast for the role of Michael Jackson in the episode, "Elizabeth, Michael and Marlon." Due to the backlash it garnered the episode was pulled and never aired. Few, if any, are as well known as Jackson, and would not receive such a wave of defense to their characters.

The erasure of POCs<sup>7</sup> in film and television is damaging because not only does it elevate and perpetuate the white imagery that is already shown, but it diminishes the achievements and existence of people of color. The film *Hidden Figures* (2016), based loosely on a book by the same name, was released to huge critical and commercial success. Not only was it an incredible show of representation of Black women in film, but also a true portrayal of the women who held key positions in the NASA space program during the 1960s. The existence of this film might be the only reason that an untold amount of people worldwide now know that Black women were not only employed at NASA but were employed as engineers and mathematicians executing crucial calculations. The representation of these women not only exposed millions to an

---

<sup>7</sup>People of color.

important moment in history but also certainly inspired many young girls of all races to pursue or feel validated in their pursuit of a future in STEM,<sup>8</sup> a notably *positive* influence on the audience.

The above examples of the impact of film across race, gender, and identity illustrate just how important the influence of film messaging is on audience members who are in the position to absorb and identify with the imagery and messages on screen. “Cinema develops its own forms of narration and myth-making, creating genres that can challenge and question, but also justify and confirm, all sorts of significant cultural values, ideological beliefs, and ethical forms of meaning,” (Sinnerbrink, 2016, p. 7). If a film exalts prejudiced beliefs or the mis-portrayal of minority peoples, communities, or cultures, it can inspire *susceptible* viewers to adopt those views and engage in the real-life *stigmatization* of others. We ought to be able to evaluate those morally problematic films from an ethical standpoint. It is for these key elements present in film, *emotional impact* and *scope of influence*, that we can see why film is uniquely subject to ethical evaluation.

## **1.2 Positions in the Ethical Criticism of Art, and Malleable Moderate Moralism**

We now see that we *should* evaluate films on a moral ground, but *how* could we go about that? How film can be subject to moral criticism can be found by exploring moral positions in the ethical critique of art. Within the realm of art criticism, there are many positions regarding the legitimacy of the ethical evaluation of art and whether it should or should not exist, and in what kinds of ways. In this section, I first outline two of the established views in the discourse of the ethical criticism of art. Then, develop an adjusted version of one of those views that I suggest is the position best suited for the needs of ethically evaluating film. I then discuss *ensorship* and *auteurism* as two potential concerns for filmmakers who face ethical evaluation of their art and the moral responsibility that might follow.

The first position is the *autonomism* argument against the ethical judgment of art. This is the farthest position on one end of the spectrum which stands firmly in support of the artist’s freedoms (also known as *radical autonomism*). *Radical autonomism* has been chosen here

---

<sup>8</sup>STEM - science, technology, engineering and mathematics.



because it is the most fervent in intent to de-legitimize the use of ethics in art and instead prefers the ethical and aesthetic fields to co-exist only outside of each other, as well as political or any other kind of systematic structure.<sup>9</sup> *Radical autonomism* is synonymous with the slogan, ‘art for art’s sake,’ and the ethical criticism of art is always inappropriate or irrelevant for proponents of this view. The main points of this position are that moral criticism should not affect the aesthetic value of the artwork in any way, and not place any kind of responsibility onto the artist, “an artist no more exists than does a reader or spectator who is simply the passive receptacle of artistic impression,” (Hauser & Northcott, 1979, p. 427). This seems to be a large issue of discussion for many philosophers in the lacunae where aesthetics and ethics overlap, the insistence that any judgment outside of the realm of aesthetics, ethical/political/social, would affect the artwork’s *aesthetic value*. A negative judgment on any of these grounds would affect the experience of the audience and therefore diminish the value of the work. However, the effect that a judgment would have on the *aesthetic value* of a film is *not* a necessary or sufficient condition for this thesis. The form of ethical evaluation that we are interested in functions as an aim towards the moral responsibility of the filmmaker, not the artistic *value* of the film they have created. If the radical autonomist’s concerns lie with aesthetic value, then there is little reason for this thesis to be affected by their argument.

The second position is *moderate moralism*.<sup>10</sup> *Moderate moralism* allows for the ethical evaluation of art (moral message present) and also allows for the existence of some art in purely aesthetic terms (no moral message present). For the moderate moralist, ethics and aesthetics can and should co-exist. Moderate moralism accepts the concern of the radical autonomist by asserting that an ethical evaluation does affect the artwork’s aesthetic value, and is held to such a degree that people *need* to be able to glean moral messages from films in order to be able to fully engage with the art (Conolly, 2000, p. 312).<sup>11</sup> Although, importantly, not in *every* case. If it was the stance of this paper that aesthetic value was at stake, this lesser value combined with the low ethical value of the film would create a twofold reasoning as to why a filmmaker should be concerned with an ethical evaluation that is made. From the *moderate moralist* position, an

---

<sup>9</sup> Gaut 2001, Carroll 1996, Hauser & Northcott 1979, Conolly 2000

<sup>10</sup> Rather than examine the stance on the opposing end of the spectrum from *radical autonomism* (*ethicism/moralism/radical moralism*), I have selected *moderate moralism* instead as it gets us closest to what is needed in a position for ethically evaluating a film.

<sup>11</sup> This version of moderate moralism is described by Conolly as *standard intrinsic moderate moralism*, (Conolly, 2000, p. 312). Conolly’s discussion of moderate moralism includes other sub-versions as well, which other scholars do not do. It will be known here as *moderate moralism*.

ethical concern begets an aesthetic concern, and to have a diminished artwork would not be a desirable outcome for the filmmaker. However, as stated, it is *not* a requirement of this position that the aesthetic value of an artwork be degraded due to an ethical evaluation. While it is not the sole reasoning on which we judge a film, it would not be a bad idea for the filmmaker to be concerned with the moral value affecting the engagement audiences have with their film.

In taking the parts of *moderate moralism* and moving away from aesthetic value, a new position can be formed. I propose to replace *value* with *investment*, it seems a legitimate point that audiences can lose aesthetic investment in a film if it has bad moral value. If audiences are aware of the negative ethical evaluation of a film, that it promotes objectively morally reprehensible acts or beliefs like genocide or racism, it is conceivable that they will be less likely to see the film.<sup>12</sup> “For inasmuch as narrative artworks engage our powers of moral understanding, they can be assessed in terms of whether they deepen or pervert the moral understanding,” (Carroll, 1996, p. 229), this quote reiterates the point that if films engage in moral concerns of any kind, then examining them in a moral evaluation is a relevant pursuit. If a position in the ethical critique of art must be claimed it can be an adjusted version of the moderate moralism position and tentatively called *malleable moderate moralism*. The *MMM* position has four tenets: (a) it allows for ethical evaluation of some films; (b) it allows for some films to be exempt from ethical evaluations, if they do not portray any kind of moral messaging; (c) it does not assert a change in the aesthetic value of a film based on ethical evaluation (and so evades the aesthetic arguments), and; (d) it assesses films on a case-by-case basis, thereby not ascribing to one particular moral theory over another.

### **1.2.1 Two Filmmaker Worries**

There are two large potential concerns that filmmakers, and artists in general have when it comes to the discussion of the ethical evaluation of art and moral responsibility. The first is that any position in support of ethical evaluation could eventually promote censorship through the concern of the morals being depicted, and eliminate those films from the public sphere. To be clear, I am not promoting censorship in this paper. To dampen that uneasiness, the way to

---

<sup>12</sup> It is not impossible to imagine one or more people having difficulty, or inability, in appreciating any artistic beauty present in a film like *Nation*, once knowing the hatred it motivated.

proceed is to acknowledge that moral and ethical views change over time, especially from a historical perspective, and mindfully determine which works to engage with as useful examples and learning mechanisms, and which works should be called attention to as reprehensible and warranting further attention. For example, *The Adventures of Huckleberry Finn* (1884), in literature and film (*The Adventures of Huck Finn* (1993)), is recognized as a classic piece of Americana and is an honest showing of how life may have been during the era of slavery. The use of racial slurs and stereotypes throughout the piece requires that it be navigated with care in the present day and this opportunity for dialogue and meaningful engagement shows a reason that ethical critiques are relevant in film. The ethical perspective on the film shows its worth in terms of artistic evolution, influence, and development of the medium's social impact. We can still watch this movie and see it from a contemporary perspective knowing better than the audience did in the time period it was created. These overall dimensions allow for a deeper understanding of works by the viewer which creates a more enriched and well-rounded appreciation of the work. Many older films portraying racist or harmful stereotypes are currently available on streaming sites and some people hold the position that those should be withdrawn from public use. The fact that both sides have impassioned and eloquent perspectives shows that ethical evaluation of film and the discourse around it remains relevant. So, far from the notion that we should be rejecting ethical critiques of film, we should be encouraging them. Art critics and viewers should be open to exploring the ethical possibilities of artworks, examining how they portray ethical issues, dilemmas, or perspectives, and considering how these elements contribute to the work's meaning and impact. Regardless of the resulting ethical evaluation of a film, engaging with moral questions in this way can only enhance our experience with any particular film, not diminish it.

The second potential concern for filmmakers is that their *auteurism* might be affected by this proposed openness to receive ethical criticism and moral responsibility. If filmmakers begin to create their art with a concern towards what is morally right then it could stifle creativity and affect artistic output and freedom.

The concept and goal of *auteurism* in the early days of film was as terminology to help solidify the notion of film as an art and therefore identify filmmakers as artists known as *auteurs*. The term *auteur* is shaped after the term *author*, mirroring literature of the era, which implies that

only one person is the filmmaker (Gaut, 2010, p. 101).<sup>13</sup> As filmmaking has progressed over time, the notion of the auteur has also developed from an author of cinema drawing “more than the equivalent between pen and camera,” to an artistry channeled into a robust expressive position and profound title for a filmmaker, denoting the creation of a complete film oeuvre<sup>14</sup> (Gerstner, 2003, p. 6). While film is far more collaborative today, the auteur is still seen to be the captain of the ship, injecting a specific style and personal expression into the piece setting it apart from others and often with a marked style or uniqueness that ties various films in an oeuvre together (Gerstner, 2003, p. 10). A title most commonly attributed to the director of a film production. However, the ethical evaluation and moral responsibility that I intend to employ towards film analyzes such things as the characters or issues portrayed on-screen and the effect these subjects have on the audience, not the stylistic methods or skillfulness of the director. The latter attributes are what highlight a director as an auteur, along with an identifiable vision and style that sets that director apart from the rest in their field. While it might be posited that moral concern could stifle creativity, it is possible that moral choices in filmmaking can actually heighten a film and make it more intriguing, or at least more relatable to audiences.

An example to illustrate this possibility can be found in a current auteur in the film industry, Australian film director Baz Luhrmann. Whose list of directorial film credits set him out as one of the most recognizable stylistic auteurs of the modern day filmmakers. Not just in one genre but across the board: original works, classical remakes and adaptations, and a biopic, all of which are very evidently in Luhrmann’s unique style. We can use Luhrmann’s auteurism to show that he has been able to create and deliver groundbreaking films of significant creativity and substance while simultaneously making certain positive moral decisions and provoking ethical thought and discussion; just as we hope a piece of art would do. For example, in analyzing how Luhrmann recreated *William Shakespeare’s Romeo + Juliet* (1996) and specifically how he re-envisioned the role of Mercutio by casting Harold Perrineau, a Black actor, going against the standard Hollywood grain, his choices can be seen as progressive. Since many people hold hard and fast to the alleged ‘reality’ of the time period wherein people of color would not have likely been portrayed in positions such as this, Luhrmann’s choices are all the more poignant. This adherence to original works is a common objection to casting people of color in any re-make or period-piece, despite whether or not the original piece assigns race (or

---

<sup>13</sup>There will be further discussion on filmmaking as an individual or collective act later in this paper.

<sup>14</sup>A collection of works.

gender or sexuality, etc) to the characters within. Additionally, Luhrmann's Mercutio is played as flamboyant and falls under the Queer umbrella due most notably to two scenes. First, in utilizing Shakespeare's masquerade scene, Luhrmann sets out Mercutio in a brief but symbolic moment of drag performance set to the disco song "Young Hearts Run Free." The implications of these character traits express a positive interpretation of both Black people and Queer people, and an even potentially more discriminated minority group - Black Queer people (Radel, 2009, p. 19). This is not the only scene where Mercutio is Queer coded, Perrineau plays other dialogue with verbal and behavioral flourishes and emphases which strongly imply that he is not heterosexual. Secondly, in the climactic scene for this character, an accentuated line of dialogue delivered by Tybalt<sup>15</sup> towards Mercutio, "Mercutio, thou art consortest with Romeo?" in which an implication can be interpreted that Mercutio and Romeo have had, or are having, a love affair.

Luhrmann took an already bold and rambunctious character and amplified those traits by pushing Mercutio into a duality of minority groups in both race and gender expression. While it is known that the character as written is not entirely objectively 'good' in some moral perspectives (as he focuses heavily on sex and teasing Romeo into deviance), Perrineau's portrayal of Mercutio is exciting and widely considered to be an all-time great performance; a phenomenal piece of acting combined with the vision of Luhrmann creates a valuable character that encourages the audience to favor and think positively of this Black Queer personage. One could evaluate that the decisions made to cast and direct the film, and specifically Mercutio, in this way was a morally right decision in considering the impact it had on audiences of the late 1990s. Whether or not your preferences favor the artistic style of Luhrmann, we can see that as an auteur he adapts creative liberties in storytelling that *benefit* societal morals while still arguably staying authentic to the original story. Using Luhrmann as a representation of auteurism we can illustrate the major flaw in this concern and see clearly that ethical analysis or critique can be a framework for understanding a unique artistic voice.

The claim of moral responsibility and reception of ethical evaluation does not *require* a filmmaker to make morally good art but merely to take on board a moral responsibility for the art that they do create. In this way, we see that there is plenty of room for creative liberty in co-existence with ethical evaluation. Regarding both concerns of censorship and the limit on auteurist freedom, the ethical evaluation that we pursue does not insist on, nor expect, practical

---

<sup>15</sup>The secondary antagonist of the story.

punishments or consequences such as these onto the filmmakers necessarily; only that they accept a level of moral responsibility for their works.

### **1.3 Is Film Art? The Possibility of No.**

So far, I have discussed why film as an artform *should* be ethically evaluated, and proposed the method it should be evaluated through is the approach of *MMM*. But what if film is *not* an art form? Is it possible to suggest that film is instead only a tool or a mechanism? If that is the case, can it still be ethically evaluated? I quickly refute these ideas, and the final assertion I make in this chapter is that film *is* an art form.

In the early days of cinema, the perspective of film as a tool was a reasonable one, it involved more ingenuity in mechanics rather than any artistic vision and the concern for a long period of time would have been getting the moving parts to work properly before filmmakers could begin thinking about what they would film or why. If the nature of film had stayed this way it might be conceivable that it would have been a tool for science and then judged through scientific ethics. But film did develop, and even if someone holds the position that it is still *not* art, it remains that film can be ethically evaluated by virtue of its non-artness. The qualities of film that have been discussed in this chapter - its multifaceted attributes that impact emotion and influence audiences, its nature as a collaboration, advances in distribution, and online streaming for worldwide accessibility - are all still true regardless of the position that film is art. Even if one were to take on board the confounding notion that film is *not* a form of art, it could still be ethically evaluated due to those factors.

Once adept enough, filmmakers *were* able to put a story behind what they filmed and further edit the pieces to express certain thoughts and ideas. The natural progression in the development of film led to a skillfulness in the creators to utilize this technology as a form of representational work. This representational ability is considered to be an essential aspect of art (Gaut, 2010, p. 21). The representational nature of film is just one reason that it should be considered an art form, all of its other attributes add to this qualification (use of color, light, sound, etc.). It is important to thinkers on this topic that art be able to be studied, interpreted, and considered thoughtfully; we know now that film allows for all of these to be true (Gaut, 2010, p. 33). Furthermore, it is clear that we are watching a film when we are watching it, no matter how

realistic the imagery might be we *know* that we are not seeing the reality of what is on display.<sup>16</sup> These factors culminate in the resulting distinction that filmmaking is art (Gaut, 2010, p. 36). The continuing developments in film only serve to expand the artistic possibilities in filmmaking; these advancements encourage creativity and exploration of ourselves and the world around us, through non-fictional or fictional means (Gaut, 2010, p. 43).

This paper moves forward with the position that film *is* art.

## Recap.

This chapter discussed the unique traits that film has in the form of an *emotional impact* and in its *scope of influence*. I also highlight the consequences that can result from those traits that affect *vulnerable persons* in two groups, through the activation of a *susceptible* group of people which can lead to the *stigmatization* of another group of people. I then explored opposition perspectives of ethical criticism and determined that a version of moderate moralism, *Malleable Moderate Moralism (MMM)*, which is best suited as a perspective of ethical criticism in art due to the four tenets listed in section 1.2. Two concerns for ethical evaluation were then quieted by explaining that this paper does not support censorship and that the freedom for the artistic creativity of the *auteur* does not stand in jeopardy which I supported through film analysis of the auteur Baz Luhrmann. Finally, this chapter explored how film can be perceived as an art form, as well as *not* an art form, and how the ability of ethical evaluation persists for either designation.

Film is uniquely positioned to receive ethical evaluation, and there is a lens with which to use in that evaluation in the form of *MMM*. This being the case, the next step is to explore the moral responsibility of the filmmaker, notably “who is *the filmmaker?*” Part of the uniqueness of filmmaking is the involvement of many different people, so I also ask “is it possible for more than one person to be responsible for the same thing, at the same time?” Questions like these drive the investigation of the following chapter.

---

<sup>16</sup>Much like Magritte’s surrealist painting *Treachery of Images* which was the image of a tobacco pipe with the line written underneath “Ceci n’est pas une pipe”/“This is not a pipe;” because it is a painting and not a pipe.

# CHAPTER 2. FILM AND COLLECTIVE RESPONSIBILITY

There are philosophers and theorists who have discussed how we can learn morals from film, but there is minimal discussion on who is morally responsible for the portrayal of those morals. Directors and principal cast members are the high profile contributors when considering the filmmaking process, but, as a part of the unique nature of filmmaking, there are many unseen people in the background working in collaboration to complete the project. The collective nature of filmmaking makes it unique and interesting and sets it apart from other forms of storytelling; hundreds of crew members contribute to major studio films and if such a film is subject to moral evaluation, are all of these people responsible for the result of that evaluation? Are some more responsible than others? In this chapter, I will argue that a form of *collective responsibility* is necessary to consider when determining how to attribute moral responsibility amongst filmmakers because the production of a high-budget film, of the kind established in Chapter 1 with *emotional impact* and *scope of influence*, is a combination of companies and individuals. By affirming that collective responsibility does exist apart from the concept of individual responsibility, I am then able to develop a method of collective responsibility that applies to this thesis. I will first briefly introduce collective responsibility and a brief explanation of blame is presented as well. Then I will defend the possibility of collective responsibility against three main objections and will suggest that the relevant type of responsibility for this thesis is a modified form of collective responsibility which includes a type of shared individual responsibility.

## 2.1 Collective Moral Responsibility.

Philosophers in the field of moral responsibility are divided when it comes to the nature of collective responsibility, most specifically whether it does or does not exist separate from the



concept of individual responsibility.<sup>17</sup> Most parties to the debate on collective responsibility agree that collective responsibility has to do with the moral and causal responsibility of groups and that what sets it apart from *individual responsibility* is just what its name implies - rather than affiliating responsibility with distinct individual agents, *collective responsibility* attributes any moral or causal responsibility to *groups* and based on the collective wrongdoing of those groups. Collective responsibility is also concerned with the blameworthiness that is ascribed to the groups who have harmed. To explain the usage of the terminology *blame* and *blameworthiness* within this paper I take several assumptions on board moving forward. Blame is not a punishment, but can result in punishment, and importantly indicates a kind of moral wrongdoing on the part of the agent. Blame as a concept exists emotionally by affecting people who are both directly harmed by the act and were spectators to the act, “a belief the person in question has acted badly or has a bad character; and a corresponding desire that the person not have acted badly or not have character,” (Smith, 2008, p. 35),<sup>18</sup> in behavioral expressions such as vocalizing that blame and protesting, and because blame itself is rooted in morality it supports the moral claim this paper makes that filmmakers can be morally responsible for their films. An interpersonal and conversational theory of blame also assists in the process of moral responsibility as human beings in reality who value the relationships we have with others, and so have a reason to care about being blamed by others (Smith, 2008, p. 37), *conversational blame* holds room for a response from the blamed and a result of the exchange that can be satisfied with as little as an apology. This kind of engagement in the discourse of responsibility is exactly the kind of outcome that occurs as a result of the moral evaluation of a film. *Blameworthiness* is more or less equivalent to being *morally responsible* for an outcome and is used to describe those who are eligible to receive blame as *blameworthy* (Zimmerman, 1985, p. 115) (much like the *eligibility* to be morally responsible which will be explored in Chapter Three).<sup>19</sup>

There are three main concerns against the common notion of collective responsibility. The first is a *causal* one that challenges the aforementioned moral qualification stating that collective responsibility might only be a causal concept, not a moral one. That is, how can some

---

<sup>17</sup>Once again it is found that this important part of our concern has a very large field of expertise, and so I will not explore in depth the branches and intricacies of collective moral responsibility, but will instead engage in the more encompassing viewpoints.

<sup>18</sup>George Sher’s “two-tiered account of blame” in *In Praise of Blame*, 2005.

<sup>19</sup>There is discussion regarding blame that revolves around the notion of free will in moral agency and intention. The greater debate concerning free will exists on a grand scale and is not going to be engaged with here, moving forward this paper assumes the existence of free will in all moral agents.

members of a group<sup>20</sup> be held morally responsible for things they did not directly cause? The second concern challenges that collective responsibility cannot be *distributed* fairly among the members of a group. Collective responsibility from this perspective dilutes responsibility once distributed across the membership, diminishes individual responsibility, or unevenly doles out responsibility to members not involved in the acts of others (guilty by association). The third is a *practicality* concern which holds that collective responsibility cannot be executed in practical terms. I will discuss these in turn and through that investigation I develop a modified approach to collective responsibility that answers each concern.

### 2.1.1 The Causal Concern.

The notion of causal responsibility is focused on outcomes through cause and effect; if I throw a computer into a swimming pool and it short circuits, I am causally responsible for the short circuit; if I push a plate off of a table and it breaks then I am causally responsible for the breakage. This *causal concern* against collective responsibility is that the concept can only account for *causal* responsibility but not *moral* responsibility. For opponents, this kind of morality is rooted in intention and since their stance is that group thought and group intention cannot occur, whatever actions or decisions made in a group are based on the intention of the *individuals* within those groups, and therefore only individuals can be held morally responsible (Sverdlik, 1987, p. 62). An example of collective causation is one person trying to push a car off of a cliff but cannot do it alone, it takes at least four people to do so. If three people join the first person they will push the car off of a cliff together and all four participants are responsible as a group because the result could not have been produced by any smaller number. This can also be seen as a *contributory fault*, meaning that a group member may not have directly caused an act by themselves (since one person alone would not have made the car move), but they contributed to its execution as a group (Reiff, 2008, p. 217). This shows us that if a filmmaker claims to not have intended harm and should not be morally responsible, they participated in the act of making the film and so are responsible at least by *contributory fault* for the results that occurred. The intention to a *result* is relevant here because each person has the intention to push the car off of the cliff, and each person is aware that this can only be achieved through group action (Sverdlik,

---

<sup>20</sup>‘Group’ and ‘collective’ will be used interchangeably.

1987, p. 72). A high-budget studio film cannot be completed by an individual person, and while it may be conceivable the reality is that it would be extremely difficult to create an independent or even low-budget film with one person. The production team is always aware that without the joint efforts of the group, the result would not occur.

To expand the example, let us say that when the car was pushed, it crushed and killed people at a campsite below the cliff. The ‘pushers’ are still causally responsible for the *result* of killing those people even if they only *intended* for the car to fall. This line of thinking is applied to negligence as well, that it is just as potent as action and those agents are also culpable, the negligence in this case might have been not investigating what would be affected by the car if they were to push it over the cliff (Sverdlik, 1987, p. 68). They are, as a group, causally responsible for the car falling but in what way can collective responsibility show that they are also *morally* responsible as a group? A different example from Sverdlik (1987, p. 63) illustrates moral responsibility through *inaction*. In this example, a tree has fallen onto a hiker and there is one person who is trying to lift the tree off but cannot do it alone, it would take four people to lift the tree. A group of three people walk by but they refuse to help, and the hiker dies as a result. Those three people are collectively morally responsible for the death of the hiker because they made the decision *not* to help. However, it still seems hard to conclude that they held this moral standing as a *group*, and not merely as each individual on their own. Both examples do well to re-iterate group action but not yet a morality that is rooted in intention. I contend that proponents of collective responsibility need to narrow the form of collective moral responsibility and utilize an approach under a different understanding of morality in relation to groups.

This assertion is supported by philosopher Kenneth Shockley (2007) who suggests an account of collective responsibility that does not claim the collective to be a moral agent and so redirects the focus of morality back where collective responsibility intends it to be, in the act or wrongdoing. It is important to acknowledge the influential power of collectives and the ability they have to create environments in which individuals are made capable of exercising and acting on beliefs in ways that would have otherwise not been possible in a solo capacity. This kind of group should not be seen as a ‘hive mind’ with group intention, but rather as an entity necessary for the creation of certain states of affairs (Shockley, 2007, p. 448). “In other words, we might want to associate agency with *producing* and *creating* in our efforts to develop a notion of moral responsibility that makes sense in the context of groups,” (Smiley, 2010, p. 196). If the morality

of a group is based on collective action and the morality of individuals is based on intention, then these are two different conceptions of morality entirely and *cannot* be considered or scrutinized under the same terms. In removing the requirement of an intentional moral agent, I find that the terms in Shockley's *programming account for collective responsibility*<sup>21</sup> most appealing for attributing moral blame or praise onto a collective:

(1) that collective plays an ineliminable role in the explanation of the production of some harm or benefit; (2) that collective serves as an enabling condition for individual blameworthy agents to perform actions which lead to that harm; and (3) the harm generated by means of that collective is the result of an aggregation of independently blameworthy acts of individual members of that collective. (Shockley, 2007, p. 442)

To illustrate these requirements, consider a mafia gang with certain goals or customs that members must take on board as part of the common identity of the group. Let's call the mafia gang 'the Family.' Through a set of rules and leadership structure, members participate in harmful ventures through channels established by the Family. Instead of robbing the local liquor store alone, members are now engaged in group harm on a grand scale by trafficking in large quantities of heroin. Individual members of the Family participate in these acts by demand of the gang, through conditioned behaviors learned in the system of the gang, and only with access to the gang's large network of connections and strength could such a drug operation be carried out. To connect this example to the program model for this account - the existence of the Family plays the ineliminable role in the production of the harm (trafficking heroin), the Family functioned as an environment that enabled individual members to perform actions to achieve that harm (drug network, delivery contacts, strength in numbers, etc.), and that resulting harm was created by the aggregate blameworthy acts of individual members (stealing a truck transport, shooting a security guard, selling to an addict, etc.) (Shockley, 2007, p. 448). This shows that while individuals are morally blameworthy by performing smaller acts of harm it is only because of the *collective* that they were able to execute this *kind* of harm that an individual alone could have never achieved, and for that reason, the collective as a whole is considered morally responsible.

Note that this can also be true when substituting benefit for harm, the Family could have also engaged in volunteerism or philanthropy of a different kind than its members could have,

---

<sup>21</sup>This model also accounts for several other intricacies that will not be explored but all result in the existence of a kind of collective moral responsibility.

and so would have been praised. This model of collective responsibility also accounts for *inaction*, where group norms like the previous example enable individuals to *not act* when they should have, and *contributory action*, where individuals can have different motivations within the group but through the *group*, those actions total one (not necessarily the same but at least related) end and the individuals recognize their contribution to that group (Shockley, 2007, p. 446).

By recognizing that there must be a different conception of morality for collectives than there is for individuals, the existence of a particular account of *collective moral responsibility* can exist and is found in Shockley's *program model of collective [moral<sup>22</sup>] responsibility*. In which the role the collective plays is key. To be held morally responsible, collectives in this account must be causally essential to a resulting *kind* of great harm or benefit which is different to the *kind* that can be caused by an individual. This account shows us that collective responsibility *is* both a causal and a moral concept in certain cases and is a convincing reply to the purported causal concern against collective moral responsibility.

### **2.1.2 The Distributive Concern.**

The distributive concept of moral responsibility allows us to assign moral responsibility to individuals in a nuanced way by acknowledging that different roles contribute to results in different ways. Opponents of collective responsibility raise concerns about how a collective moral responsibility would be distributed among the members of a *group*. This *distributive* concern asks questions like, does collective responsibility hold individuals responsible for actions directly caused by another member of the group? Isn't collective responsibility just applying individual responsibility to people who also happen to be members of a group? Would it redistribute the responsibility of one individual and dilute it across many members of a group (if 10 people are in a group are they each only 10% responsible rather than one person being 100% responsible)? Investigating the distribution of responsibility can help guide us in deciding whether we should place the same amount of responsibility on the director of a film as we place on the director's personal assistant. An ideal version of this is that each member of a production gets a fair amount of responsibility attributed to them relative to their involvement, be it praise or

---

<sup>22</sup>My addition.

blame, is that something collective responsibility can achieve? This section explores *distributive collective moral responsibility* and searches for answers to these kinds of questions.

Utilizing the term *guilt*, some philosophers claim that moral responsibility can be expressed as guilt and so can be distributed to all members of a community, including those who stand by while their fellows produce harm. For example, many feel that ‘the German people’ as a whole are responsible for the atrocities brought about during World War II. Many Germans feel guilt about the treatment of the Jewish people during that period, even if they did not have any role in it they still feel guilt for being a part of the community that allowed it to happen and so they are expressing their claim of moral responsibility onto themselves (Jaspers, 2009, p. 57). While the connection is to the greater German community, this appears to still be an individual form of responsibility, and speculatively one person might not impose their version of guilt onto their neighbor by measurement, but likely just expects that some form of guilt exists within all of them.<sup>23</sup> Guilt is perhaps useful as a marker of which individuals could *potentially* be seen as morally responsible, but the two should not be equated (especially because not all those who commit harm feel guilt for it but should certainly be held responsible). This kind of ‘metaphysical guilt’ is taken on board in cases where the individual took no part whatsoever in the harm in question, and thereby is not relatable to a question of moral responsibility (Kelly, 2011, p. 198). Notably, the German people are simply a grouping of individuals who happen to live in proximity to each other and share a common identity as ‘Germans’ rather than being a part of a constructed collective with a mission statement and standards, for example. It may be worth mentioning that a source of support for the Nazi party was a result of heavy sanctions imposed on Germany following World War I, including intense reparations to be paid from Germany to varied allied powers. These economic penalties contributed to German citizens being in a state of crisis, including citizens not at fault for the war and likely many who opposed it, which means that an unfair casting of moral responsibility *had* been placed onto some members of a collective (Bassiouni, 2002, p. 248).

Other terms used often in discussions of responsibility are *liability* and *fault*. Joel Feinberg deems liability akin to a kind of acknowledgment and acceptance of a forthcoming response to a harm, that is if one is causally responsible for harm then they can expect some kind

---

<sup>23</sup>This ‘expectation of guilt’ is written from the 2020s perspective, while it is (more than) likely that this notion would have been felt more intensely in the years immediately following the war. And with more of an action/inaction type of guilt felt, rather than a historical expression of guilt.

of response to that harm. Feinberg further explains that the faulty causal act that led to the harm makes the agent at *fault* (Feinberg 1968, p. 674) (faulty for Feinberg seems to mean immoral in some way). This concept of fault allows Feinberg to grant responsibility to a member of a group who may not have had a causal connection to the harm, or even to the person who committed the harm, but if they shared in the faultiness of the harm then they are liable for responsibility. Through this *vicarious liability*, a corrupt employee may be at fault for stealing from a client, but the company is *liable* to repay the victim for the crime. You can be *not* at fault only if you are not with your group when they cause harm, and only if you are not present by luck. This means that if you knew they were going to do harm and you left just so you would not be a part of it, then you are still at fault and guilty by inaction (Feinberg 1968, p. 687). Feinberg goes on to describe “contributory group-fault: collective and distributive” which holds that the only circumstances in which a collective can distribute responsibility are when all members of the group are equally at fault for the resulting harm or when all members are at fault but are unequal contributors (such as complicity), and he also includes terms that seem to amount to ‘guilty by association,’ which is unfair yet possible.

Alternatively, some proponents of the notion of collective moral responsibility seem to take the position that a distributive form of collective responsibility does not exist per se, as collective responsibility should be what it intends - a ‘collective’ with ‘responsibility.’ In this view there is no distribution of responsibility because the *group* is the responsible party, acting as the moral agent itself, so there is nothing to distribute amongst the members. This kind of recognition is seen, for example, in legalities regarding *conglomerates*, “many conglomerates may be treated as persons under the law. Hence the General Motors Corporation can sue, be sued, and own property” (French, 2019, p. 14). Peter French, a scholar of collective responsibility, describes that a *conglomerate collective* has features such as a system of voting, a code of conduct, and a board of directors, wherein membership is not reliant on specific individuals to maintain the overall identity of the group, as long as the roles are fulfilled (such as in cases of new membership) the collective continues on as normal (French, 2019, p. 13). This type of collective is subject to moral responsibility based on the leadership structure of the conglomerate, the system that is set to make the collective function as a conglomerate satisfies the requirements of ‘moral personhood,’ for French. Another kind of collectives are *aggregate collectives*, which can have random membership and any change in membership will result in a

change in the identity of the group. This kind of collective is defined by the way that it is *blamed* by others, such as “all Americans were responsible for the Vietnam War” (a group associated mainly by proximity to each other) and a blame that can be *expressed* but not an *attribution* of responsibility that can be leveled onto each member of the American citizenry (French, 2019, p. 11). Again, in the case of these aggregate collectives, French says, ultimately they do not warrant group moral responsibility (French, 2019, p. 10). Regarding the previous example of German reparations to the Allies, with only the additional national identity of being German to unite them it follows that the “German people” were not only held morally responsible but were quantitatively punished even though as an *aggregate* collective they should not have been. A further question is that if it is accepted that a conglomerate can be morally responsible, does that render individual responsibility meaningless? This idea is that if a worker knows they are in a conglomerate collective, they could perform any harm and know that they would not be held responsible, the collective would. However, this is based on the assumption that we must choose only one type of moral responsibility, opponents “assume that we cannot have both individual and collective responsibility in the same community or balance them in a morally acceptable fashion,” (Smiley, 2023, p. 193).

So does collective responsibility have a reply for the distributive concern? Some argue that genuine collective responsibility is only applied to the *collective* as a singular entity, and is not something that can be distributed. Some say that there are cases in which *collective moral responsibility* can and should be distributed, however, those maintain a strong potential that some innocent members will have to take responsibility for the actions of others. Or even that the collective, if viewed as a singular, could be held responsible for the actions of a few rogue members. This appears to be the ultimate problem with any notion of the distribution of collective moral responsibility, the likelihood of unfairness. The answer might lie in the cohabitation of both collective and individual responsibility, where individual responsibility takes the form of *shared responsibility*. *Shared responsibility* answers the question of diminished responsibility at the top of this section, Michael Zimmerman writes that it seems plausible in the case of 10 people at 10% responsibility each, would actually be 10 people at 100% responsibility each and that responsibility should not be viewed as a non-renewable material object. Zimmerman describes and distinguishes several terms<sup>24</sup> that amount to eight categories that

---

<sup>24</sup>Standard group action, oversupplied group action (omission), action, omission, simultaneous, and sequential action (Zimmerman, 1985, p116).



speak to shared responsibility, but suffice it to say that in every category he finds at least one circumstance showing that distributed responsibility does not diminish among members. If the 10 people pushed a car off of a cliff but only one was needed to move the car then person A already being there means that person B was oversupply, but B still pushed. And then persons C, D, E, F, G, H, I, and J. It does not seem a reasonable defense for persons B → J to say that they were not *needed* to push the car off of the cliff, it would have happened anyway since A was there, so none of them should be held responsible. B → J are still also responsible due to their action taken (Zimmerman, 1985, p. 120). While these examples may not be an exhaustive list, they do show in at least one way that responsibility would not be diminished if distributed among a group, and while these are all causal examples, “it seems plausible to say that, in some cases at least, one may be morally responsible for an outcome to which one has not contributed causally but to which one has contributed nonetheless” (Zimmerman, 1985, p. 120).

But if *shared responsibility* works so well, why consider a notion of *collective responsibility* at all? Marion Smiley astutely notes that there are some cases where a *sole* individual perpetrator cannot be determined. Smiley uses examples such as a mob that inadvertently creates mass destruction to escape a natural disaster, yet without the moral intention held by individuals to create that damage no notion of individual responsibility can be exercised and responsibility must somehow be placed on the mob as a collective (Smiley, 2023, p. 194). Or if, through a series of mishaps, a group of Air Force pilots bomb a village rather than a militant outpost, no individual can be held responsible for the entire fiasco, and yet someone *must be* responsible to answer for this egregious error. If groups are allowed to hold responsibility, then the squadron, their department, or even the Air Force can be collectively responsible (Miller, 2021, p.30). Even in cases where individual responsibility can be placed on agents, a version of collective responsibility should be utilized in situations where the collective causes greater harm than what their individual members could have achieved alone (recall Shockley’s *states of affairs* from the previous section on *causal concern*). In accepting that there is no requirement that individual and collective responsibility operate exclusively from each other, an appealing approach to collective moral responsibility emerges that applies responsibility to collectives when an equal fault is determined among members or onto the

collective as a group entity when necessary,<sup>25</sup> and is also able to exercise *shared responsibility* onto group members who have an uneven level of contribution to the result.

### **2.1.3 The Practicality Concern.**

The practical position against collective responsibility holds that true collective responsibility cannot be fairly implemented in practical terms. Those holding to this argument note that in regard to any punishment or consequence doled out to members of a group, there is an inherent unfairness.<sup>26</sup> We recall here the causal claim against collective responsibility and this practicality follows from that position. This notion of unfairness hinges on the idea that persons in a group are punished for committing a harm, but were not all individually causally responsible for that harm, or were responsible to varying degrees but received the same punishment (Reiff, 2008, p. 214). This has some elements of the causal concern as well as the distributive concern but is ultimately focused on how punishments are executed in an account of collective moral responsibility.

Concern for punishments and fairness exist in the same notion as a concern for justice, and justice has been a topic of major discourse for generations of philosophers. Justice for a person, getting what they are “due” is not a readily agreed upon concept across countries, cultures, or even within one political realm, and it becomes particularly difficult to agree whether or not a version of punishment is adequate when differing concepts of justice are involved (Schmitdtz & Goodin, 1998, p. 86). Even with a universally agreed-upon set of morals, the kind of justice that opponents of collective responsibility are seeking is unlikely to exist because there cannot be one version of justice that works across all potential cases of group harm. Some collectives are made up of individuals who band together in solidarity and go into an unfair judgment willingly for the good of their cause. For example, a group of revolutionaries fighting for human rights causes are all arrested for damaging a political motorcade, and the members who set tire strips or threw bricks are tried in court alongside those who only drew maps and served lunch. However, all members are equally united in their ideals and the cause and are

---

<sup>25</sup>For example, when an individual cannot be pinpointed for responsibility.

<sup>26</sup>Lewis “*Collective responsibility*”, *Philosophy*, vol. 23, no. 84, (1948); Petersson “*Co-responsibility and causal involvement*”, *Philosophia*, vol. 41, no.3 (2013); den Hartogh “*Comment: collective criminal responsibility: Unfair or redundant*”, *Netherlands Journal of Legal Philosophy*, vol. 38, no. 2 (2009).

happy to all receive the same punishment that the courts might give them. And what about the collective? It might live on without these members in the ideals of people of the community, and keep going without these members to carry on the cause. In this case an equal sharing of punishment is not unfair to the members but may appear unfair to the outside system, that is the courts, the public, or the families of the members. In an example of a corrupt business such as Enron that committed accounting fraud (Shockley, 2007, p. 449) to the tune of billions of dollars and filed for bankruptcy, several executives were charged and sentenced to varying degrees and the corporation of Enron was dissolved. This downfall of the collective not only affected causal members but also members who had nothing to do with the fraud at all, completely innocent and unknowing employees lost their livelihoods when Enron went under and also lost most or all of their pension funds and savings, including employees of companies that had been previously acquired by Enron (Oppel, 2001). This example of unfairness is more of a consequence of the harm caused by some executives rather than a punishment, but it serves as a practical example of possible circumstances. Such as, if a collective is commanded by court order to be dissolved due to other kinds of harm committed, this punishment to the collective inevitably punishes individual members who may have caused harm and others who may not have caused any harm, all have now lost their jobs due to the collective being dissolved. It seems that in any case of groups with members, there is always potential for unequal consequences.

What the punishments of collectives *can* do is to shine a light on issues that may not have previously been seen. The implosion of Enron was disastrous for clients, investors, and employees alike, but it did draw attention to a flawed system and inspire new laws and regulations as well as re-analysis of systems and procedures to try to make auditing systems more legitimate and improve other financial safeguards (Healy & Palepu, 2006, p. 22). In this same way, collectives that are called to answer for their harms and receive any sort of justice bring attention to their wrongdoings and legitimize opposing morals. If a group commits a wave of hate crimes and is brought to court for it, any punishment doled out by the judge or jury shines a spotlight on the hate, and the victims, as well as acts as a deterrent to others who may hold the same ideals (with any luck, will encourage them to look inward and change for the better). *Collective responsibility* can increase the potential for harm and taking advantage of others (as in Enron some executives received small sentences while employees lost their entire financial futures), but it can also encourage moral goodness and a heightened level of responsibility due to

experience or knowledge as an upper-level group member or a member of a particular role or duty (Miller, 2021, p. 36-37).<sup>27</sup>

As we have seen in different examples in this chapter, “even if collective sanctions do not punish group members, they affect them adversely, and sometimes heavily,” (Pasternak, 2011, p. 212). Avia Pasternak suggests that groups should self-determine the distribution of sanctions if a punishment were to be cast onto the collective, this would apply to groups set up to have this kind of organized transfer of responsibility so that it lands where it should according to the agreement. In cases where this kind of organizational system is not present, then special attention should be paid to the distributive effects of the sanctions created when they are handed down. These kinds of worries regarding punishment, fairness, and sanctions are heaviest when seen in terms of *retributive justice*, but if practically exercising punishment on collectives can be done in terms of *reparative justice* then these worries might be dampened. In considering moral responsibility, we are making certain assumptions about the knowledge of morals, namely that all people have them. However, it is reasonable to believe that there are morals that appear obvious to some but are not obvious to others, and need to be learned. Reparative justice allows for someone who has genuine ignorance of a moral standard to still receive punishment for their harm, and that punishment is enacted in a way that recognizes this ignorance. Through reparative justice, we can enact a punishment that is also a tool for education and rehabilitation. Especially in cases where the individual in question acknowledges their wrongdoing and expresses remorse, reparative justice better serves both the individual and the victims and an equal distribution of reparative justice is more likely to be tolerated than an equal distribution of retributive punishment (Kelly, 2011, p. 194). Rather than the retributive form of justice, which is focused on punitive measures for past deeds, the reparative approach is a more forward-looking<sup>28</sup> form of responsibility that is aimed at finding a solution for the future, “reparative obligations are responsive to what has happened... Their point is to guide us in understanding and responding to what we have done... It can also strengthen and humanize relationships by opening possibilities for reconciliation,” (Kelly, 2011, p. 199). Arguments against this view of punishment are less likely as they are more flexible consequences that provide a general good to all parties

---

<sup>27</sup>Miller describes this as *caretaker responsibility*, placing emphasis on the higher degree of responsibility that the individual has towards the group in virtue of their membership role or title. Due to this heightened responsibility, the individual is more likely to act in an upstanding way as an example to other members.

<sup>28</sup>Forward-looking is concerned with rehabilitation and restitution while also containing a preventative responsibility to foresee issues that may occur to prevent possible negative outcomes. Whereas backward-looking is concerned with holding agents accountable, blameworthiness, and liability for something that has already occurred.

concerned, so if the reparative sanctions (community service, letters of apology, repaying damages done) are unequally distributed it is not as damaging or contentious to those who are less responsible for harm as a retributive punishment would be (jail time, equal punishment for the harm done).

Both Kelly and Pasternak seem to lean heavily on the idea that determining responsibility and sanctions can lie almost entirely on the honesty and moral fortitude of the members themselves. It is concerning that the very people who participated in acts of harm are now allowed to determine if they are responsible, to a degree, and have a say in the sanctions of the membership as a whole. This aspect of their positions means it should not be accepted outright, but should still be considered perhaps in combination with other building blocks of responsibility. For example, the suggestion that an individual can accept their own responsibility from within a group and that *reparative justice* can effectively deliver a sanction even if it is unequally distributed, mirrors the attractiveness in Smith's (2008) *conversational blame*<sup>29</sup> (wherein a moral debt can be satisfied with an apology and promise to do better in the future).

If the concern for practicality has to do with justice in the real world, it will have a tough job of finding it anywhere in the judicial systems that exist. Punishment and fairness do not always go hand in hand in cases of individuals as well as collectives, so I find the insistence of an answer to this concern to be unrealistic. Essentially, a reply to this concern reflects what was mentioned in the *distributive* section, which is that collective and individual responsibility need not be exclusive from each other but should be combined to form a more effective way to attribute responsibility. Whereas a purely collective distributive position is feasible if each member of a collective is faulted to the same degree of responsibility, this concern ought to be modified so that responsibility is not attributed universally, but should be viewed on a spectrum. This is something that can be determined after the fact when punishments are being considered, nothing is preventing us from viewing fault as a sliding scale of blame. Utilizing a scale of fault we can not only determine leadership versus general participants but we also allow space for the general membership to take on their own level of responsibility. Collective punishment can be important as a social benchmark to highlight cases of human rights as well as systemic flaws (corporate accountability) and an approach of reparative justice fits in with the desire to do better for individuals as well as for society. While it is important not to eliminate the use of retributive

---

<sup>29</sup>Ref. section introducing *collective moral responsibility*.

justice altogether, a reparative approach can still allow for agents to be held accountable for crimes through punishment. Sometimes the way to reparation is punitive.

## **2.2 Modified Collective Responsibility.**

What then is the adoptable form of collective moral responsibility, if any, to exercise for filmmakers as morally responsible for the films that they create? Throughout this chapter, I have found many conditions, delineations, and circumstances in which appealing methods of attributing and accepting responsibility can be found. There are many levels contributed by various scholars that suggest considerations like levels of voluntariness, hierarchical control, group identity, and so on. Considering the information we now have regarding collective responsibility, our next step is to determine how these categories and principles translate to our investigation. Several offshoots considered under the umbrella of collective responsibility do seem applicable to this thesis. We need collective responsibility to achieve a few things to appropriately match our needs and for it to be included in our discussion of the moral responsibility of filmmakers as an alternative to individual responsibility. Most importantly, all instances need to be assessed on a case-by-case basis to determine whether collective responsibility, shared individual responsibility, or both, is appropriate.

In relation to this thesis, a line can be drawn from the existing conceptions of collective responsibility to the field of filmmaking to find a comparison, and then determine what kinds of ideas or methods will be effective moving forward and if a modified version of collective responsibility is a desirable course of action. We cannot claim that a lead actor is more responsible than a producer simply because more people in the world are familiar with their name, so should we hold *all* of those who worked on the film responsible for the harm the film may have caused? If we do, we must also consider to what degree that responsibility is shared, an equal responsibility amongst all or perhaps a sliding scale of some kind, if one individual can bear the moral responsibility of a film or if it falls to the collective of creators. So far we have established consistency in terms of groups and collectives regarding their existence and possible structures and this can be applied to the levels of our project membership as well. The

*conglomerate collective*, as conceived by French, that acts as an identifiable moral agent provides a straightforward comparison to a production studio board of directors. Film studios and production companies both have a structure of positions, some hired and some appointed, that fits into the functional layout of the ‘identifiable moral agents’ who are in positions of power and lead the group in their pursuits. If the studio meets the requirements of Shockley’s *program model of collective moral responsibility*<sup>30</sup> - the studio is essential to the film, enabling the crew, the film is an aggregate of the actions of the crew, and the studio created a *state of affairs* within which the result was much larger than anything individual members of the crew could have created on their own. However it remains true that accepting the notion of a collective moral responsibility in terms of our thesis does not mean that this thesis must exclude individual responsibility. And considering the many people involved in a film’s production not including it might be considered a large oversight. By including individual responsibility as *shared responsibility*, we also avoid the worry that individuals will get away free and clear because the studio as a collective has absorbed all blame. In this way, there can be a distribution of responsibility amongst all involved, and on a case-by-case basis justice will be served through either *reparative* or *retributive* means, or both.

Let us assume that a film is made, produced, distributed, etc., and creates an intense and undeniable reaction that is worthy of ethical evaluation.<sup>31</sup> No one argues that our hypothetical film is a moral wrongdoing. Even if we whittle down the pool of people potentially responsible to only those participating in the production on a practical level in the production company there is still quite a long list (this excludes studio executives or ownership roles, as well as exclusively pre-production<sup>32</sup> or post-production<sup>33</sup> roles). The roles of these production members are commonly referred to in industry terms as either *above-the-line* or *below-the-line*. Above-the-line roles are those responsible for the creative development of the project, whereas below-the-line are all remaining roles. Despite their importance in relation to the production, these roles are most often seen in terms of budget. Everything above the line on a sheet has a high cost value and everything below the line has a lower cost value. These roles can also be

---

<sup>30</sup>Section on Causal Concern.

<sup>31</sup>Based on our findings in Chapter 1.

<sup>32</sup>Accounting department or location scouts.

<sup>33</sup>Music coordinator or assistant editor.

seen in terms from top-to-bottom how crucial the role is to the production, (including but not limited to):<sup>34</sup>

Above - Executive Producer, Producer, Line Producer, Director, Director of Photography, Screenwriter, Principal Cast

---

Below - Production Management Team, Assistant Director(s), Continuity, Camera Department, Electrical Department, Grip Department, Art Department, Hair & Makeup, etc.

Causally speaking, upon reflection on the above and below-the-line list, all role players have a causal connection to the resulting film. Is it possible for some to be *more* causally responsible than others? With so many crew members in play, it is difficult to determine who cast the final blow, that is we may have a case of the bombing Air Force pilots all over again. But it still seems that levels of participation are unequal, whereas the bomber pilots all acted exactly in the same way (flying planes and dropping bombs) each crew department on a film set has an entirely different set of tasks and responsibilities. Is the only person truly causally responsible for the film the person who clicks ‘send’ when delivering the final product to the theaters? Or is it the projectionist in the booth at the cinema who hits ‘play?’ Luckily for this paper, scholars have had discourse over ‘degrees of causation’ and have determined that it is not the case that causation comes in degrees. This is a conclusion that our pursuit is comfortable accepting for the time being under the following argument using the example of pushing a car off a cliff - P1. *If causation comes in degrees, then the strongest [pusher<sup>35</sup>] is more morally praiseworthy than all others.* P2. *The strongest [pusher] is not more morally praiseworthy than all others.* C. *Hence, causation doesn’t come in degrees,* (Demirtas, 2022). Admittedly, groups and individuals are blamed all the time in the real world and often accept moral responsibility for actions without any punitive measures whatsoever, or even the threat of them. There is room in the notion of collective responsibility to account for individuals who are enabled or programmed differently to have mitigated guilt for group action,

This is a different sort of blame, for a different sort of harm, than the assignment of blame for their individual actions. There is plenty of guilt and blame to go around, but meting out blame and punishment requires recognizing different kinds (and not just degrees) of involvement. Different causal role, different sort of harm; different sort of harm, different sort of blame. (Shockley, 2007, p. 452)

---

<sup>34</sup>List contribution (Pruner, 2022).

<sup>35</sup>I have replaced the original ‘teenager’ for ‘pusher’ because in my use of this example I did not identify the people who pushed the car as teenagers.



It seems in this way we might find the kind of responsibility we are looking for, one where we can hold some moral responsibility through blame, but through recognizing that different members of the crew on a production should only be held to a certain *kind* of blame in virtue of the role that they perform. It could be that the below-the-line crew members are eligible for this kind of blame, and not the kind that would result in retributive justice. They may feel obliged to take on a degree of moral responsibility and engage in reparative justice of their own accord, but apart from feeling the effects of distributive responsibility as trickled down from a decision of collective punishment, they are not eligible for a punishable form of moral responsibility. Under what this chapter has determined, this seems like a plausible scenario.

## **Recap.**

Proceeding from the establishment that films are appropriately subject to ethical evaluation, in this chapter I investigated *collective* and *individual responsibility* to find which method of attributing moral responsibility is best when determining who among all involved in a film production is morally responsible for the resulting film. I defended collective responsibility on three main points of contention and although it is not without fault, determined that it is an existing notion of responsibility that holds a relevant role in the development of this thesis. Finally, I suggested that Shockley's *program model of collective moral responsibility* is the best version of collective responsibility for this thesis, and I adopted a modified approach that allows for the inclusion of *individual shared responsibility* when appropriate.

Without collective responsibility, we would not be able to hold corporations, political parties, etc. responsible for harms facilitated at a higher level than the individual moral agents. In terms of punishment, the dissolution of an organization can be far more effective in weakening an ideology than by only holding a few leaders responsible but still allowing the system and structure of the violating body to stay unchanged. By leaving the organization unaffected, the metaphorical house is still open for people to live inside, "to focus on the individual and ignore the institutional context would be, it is argued, to miss the forest and see only the trees," (Sverdlik, 1987, p. 61). In filmmaking, many separate groups and multiple individuals come together to contribute to the final product, the media and entertainment industry

employed over 1 million people in 2019 alone<sup>36</sup> and with those large numbers all of the interacting agents and groups involved in production make it challenging to pinpoint who is morally responsible for the harm of that product. With the use of collective responsibility we can deliver punishment onto corrupt studio groups for fostering wrongdoing, as well as blame a screenwriter for creating a harmful story and the van driver who drove the actors to set every day, with surety that they will be held responsible in measures reflecting their levels of participation.

Even with the adoption of a broad sense of collective and individual moral responsibility, questions still exist in regards to *which* filmmakers are responsible for a film, and profoundly what exactly entails a crew member to be considered a *filmmaker*? The next step is to determine a set of principles that will point to who or what exactly is ‘the filmmaker’ and therefore eligible for moral responsibility in the creation of a film.

## **CHAPTER 3. PRINCIPLES OF ELIGIBILITY FOR MORAL RESPONSIBILITY**

So far in this paper, I have shown that film is uniquely positioned to be ethically evaluated and that filmmakers should be approached with a combined account of collective and individual responsibility. The last step will be to establish a set of principles to determine to whom that responsibility can be attributed. In this chapter, I begin with an explanation of context that includes some notable points in film as a system and an inquiry into the criticism surrounding the film *Natural Born Killers* (1994) which informs on the reasoning behind the chosen principles. The first section also ties in the justification of the ethical evaluation of film

---

<sup>36</sup>Granados & Zwagerman, 2020.

with the individual and collective approaches to responsibility, showing the progression of the comprehensive elements in this thesis. I then discuss and develop a set of original principles of eligibility in the context of filmmaking using film examples to illuminate points as well as legal examples to express how principles translate to real-life situations.<sup>37</sup>

It is important to identify who we mean when we are using the term “filmmaker.” Filmmaker as a title is taken very seriously by those who identify themselves as filmmakers. It is also used as an encompassing term for anyone who works to create films, but as a designation is more correctly used to refer to those who have a commitment to the craft of filmmaking. In this discussion ‘the filmmaker’ can be one person, multiple people, or encompass a collective (a collective in the context of film can be a production studio or a team of people who partner together such as the Coen brothers, the Wachowskis,<sup>38</sup> and other combinations of repeat collaborators<sup>39</sup>).

Who bears moral responsibility and under what circumstances is central to our thesis of moral responsibility in the context of filmmaking. In what follows, I propose that the principles for determining who is eligible for moral responsibility are: *control*, *competence*, and *intention*. Given a sense of responsibility that appears on a gradient scale, I propose that these three *Principles of Eligibility for the Moral Responsibility of Filmmakers* are not separately *necessary* for responsibility but are all *sufficient* conditions for responsibility. At least one principle must be applicable to be eligible for a high level of moral responsibility for an ethically evaluated film. This set of principles moves either upward or downward similar to the above-the-line or below-the-line roles of film production. At the top is the principle of *control* which relates to positions of leadership or creativity akin to the studio, producer, director, or screenwriter; then the principle of *competence* which encompasses the above roles but is broad enough to also include the various department heads; and finally the principle of *intention* which can be applied to any member of film production. The principles can also be compounded and, as it is possible

---

<sup>37</sup>I approach this chapter with the assumption that all people under consideration in this writing are seen to be adequate moral agents across the board of ethical discussion. No filmmakers are children, animals, or are otherwise ineligible to be moral agents. I will not engage in thought experiments discussing a possibility of a filmmaker being under the control of scientists in a lab, or that they are making a film because a loved one is being held hostage, and so on. Nor has any film been arbitrarily constructed by a monkey, by accident or by a random choice of scenes and music; all considerations here follow from filmmakers who are knowingly and purposely creating film(s).

<sup>38</sup>The Coens and the Wachowskis are two pairs of siblings that consistently write and direct films together.

<sup>39</sup>Director/actor, director/cinematographer, comedy troupes, and others often collaborate repeatedly due to complimentary styles, professional trust, good communication, good friendships, or for any other reason they see fit to use.

to qualify in more than one principle category, I suggest that compounded principles magnify the degree of moral responsibility.

### 3.1 Context.

Moral responsibility can hold both a negative as well as a positive connotation, filmmakers receive praise if a film is good and receive blame if it is bad. It follows that if a filmmaker qualifies as blameworthy that they are more likely to agree to praise than they are to the blame. Filmmakers over time have reacted in different ways that either accept ethical criticism and moral responsibility or reject them. Recall the circumstances around *A Clockwork Orange*.<sup>40</sup> Stanley Kubrick pulled his own film from cinemas and prevented its video distribution in the United Kingdom after claims that it was inspiring acts of violence perpetrated by audience members; the film was not permitted in Britain until after Kubrick died in 1999 (Darlington, 2016, p. 123). 20 years after *Orange*'s scandal, *Natural Born Killers*,<sup>41</sup> directed by Oliver Stone, was released and quickly became the center of major controversy for allegedly influencing extreme acts of violence. *NBK* is a fictional story of a pair of lovers, Mickey and Mallory, who commit a string of brutal murders and become famous on television and in the tabloids due to constant press coverage. Stone and Time Warner, *NBK*'s main production and distribution studio, contended against accusations that their violent film caused violent acts, but public opinion felt otherwise. The so-called copycat crimes that occurred have haunted both *NBK* and *Orange* since their respective release dates, and while Kubrick conceded, Stone felt differently about the role that his film played in those circumstances, stating:

Maybe it inspires you to change your love life, or to alter your wardrobe. But it's not a film's responsibility to tell you what the law is. And if you kill somebody, you've broken the law... He [Kubrick] crumbled when he should have stood up and defended his work. (Brooks, 2002)

Kubrick and Stone bore the blame for the copycat violence and were looked at by some as morally responsible for the acts that their films allegedly inspired, seemingly without initial analysis. Had a methodical investigation into the ethical evaluation of the film occurred, it may have quelled the reaction to both of these films.

---

<sup>40</sup>As discussed in Chapter 1, *Orange* is a film about a violent gang of young men and is alleged to have inspired copycat crimes.

<sup>41</sup> Hereafter referred to as *NBK*.

Since we cannot presume to know all of the effects that a film may have on audience members, it may be tempting for moralists to begin censoring films across the board. However, this is not the way to move forward. In the American film industry, a rating system is used as the compromise between the desire for morality from various concerned people and the artistic freedom of filmmakers. Films receive a rating tag given by a branch of the Motion Picture Association (MPA) that reflects violence, sexuality, and harsh language (Piepenburg, 2018, p. 109), but sometimes regulations push further. Due to public pressures surrounding *NBK*'s extreme violence, the censors of the Board of British Film Classification (BBFC), a body similar to the MPA, withheld the film's certificate<sup>42</sup> while investigating alleged causal links to murders occurring in Britain and France (Harbord, 1997, p. 139). While he maintained a defense that violence in film is a natural occurrence, some argued that it was not used as a storytelling device in *NBK* but merely for gratuitous shock value. In this point of view, 'acceptable violence' allows a character to emerge heroic and is a means to a productive end through some kind of justice, satisfying the audience's needs for story resolution (Harbord, 1997, p. 143). However, none of that is present in Stone's film. The 'hero cop' suffers a grizzly death, the tenacious journalist is killed by the murderous duo, there is no moral victory and the rampaging pair win in the end; driving off into the sunset with no further repercussions. This ending scene is a main contributor as to why *NBK* is seen as glorifying violence and inspiring audiences to behave in the same way, because the 'bad guys' get away with doing bad deeds.

Despite the eventual legal exoneration of Oliver Stone and Time Warner, they were still punished by the controversy (Smartt, 2001).<sup>43</sup> Time Warner paid expensive legal bills over many years while the lawsuits were active, but the main representative of the film was Oliver Stone and though in the end he was not censored for *NBK*, the uproar Stone received from the public, industry officials, and peers resulted in his later films being carefully scrutinized and restricted. And while he did not ever accept or admit moral responsibility, Stone was deeply personally affected by the reproach that he received. "If the media were looking for a fall guy, they found him in Stone," (Brooks, 2002).

An important point of clarification needs to be made here that the legal cases being dropped does not hurt or undermine my argument that filmmakers are eligible for moral

---

<sup>42</sup>Preventing further screenings of the film in Britain.

<sup>43</sup>This is an important precedent expressing the need for artistic freedoms, but it is not a claim of this thesis that legal systems or governments should be responsible or even necessarily involved in controlling the product of film.

responsibility. Rather, the legal cases serve to justify my selection of who is eligible for moral responsibility as outlined within the principles. This example shows that there is a clear separation between morals and legality, the law claims that these people are no longer responsible, and yet members of the public still make statements attributing blame,<sup>44</sup> and this illustrates how blame and moral responsibility exist in unofficial forms every day and is not restricted to courtrooms or ivory towers. Oliver Stone directed the film, rewrote the script, was instrumental in casting the lead roles, and communicated his vision to create the visceral scenes that carry the film from start to finish. The proposed set of principles in this chapter will show that Stone encompasses the key roles for this film and so meets the sufficient criteria to be eligible for moral responsibility in the case of *NBK*. That set of principles is as follows.

### **3.2 Principle of Control.**

Under this principle, I propose that those eligible for responsibility are in a position of *control* in the making of a film. This includes people who are in charge of production creatively or by way of influence. The most natural roles considered to fall within this principle are those with the most significant input such as the director, producers, and screenwriters (if active during production). To have creative control is to have power over major story points of a film, not the kind of creative control utilized in set design or costuming. As such, this principle eliminates below-the-line<sup>45</sup> crew members as they have no input in the film's story or narrative structure. I propose that individuals in roles that exercise creative control over a film are eligible for moral responsibility, and use a legal case brought about by incidents allegedly influenced by *NBK* to illustrate that decision.

Eight different murder cases occurred in as many years following the release and video distribution of *NBK*, and all of the perpetrators admitted that they were inspired by the lead characters of the film (Harbord, 1997, p. 142). One of the survivors of these crimes aimed a lawsuit at the filmmakers involved in the creation of *NBK*,<sup>46</sup> and those deemed responsible in this

---

<sup>44</sup>Legal action is not a prerequisite for moral responsibility within the understanding of this paper. Legal systems are utilized in this discussion for the purpose of holding those deemed responsible practically accountable on an as-needed basis.

<sup>45</sup>As discussed in Chapter 2, 'below the line' roles are lower level crew members in terms of necessity, pay-grade and notoriety, and are usually physically demanding.

<sup>46</sup>Filmmakers were named in addition to the convicted shooters themselves.

case by the prosecuting legal team, the public, and the media were those in a position of creative *control*. It included those in the roles of screenwriter, director, and producer/executive producer, and the producing film studio Time Warner. However, it is not necessarily always the case that people in those roles should be held equally responsible. For example, Quentin Tarantino wrote the original version of the film and later sold the script to Time Warner; it was then redone to such an extent by Stone that Tarantino ultimately only received story credit,<sup>47</sup> not screenplay credit. Tarantino had no involvement in the film's production after selling his version and was subsequently left completely out of the Byers family lawsuit (Shapiro, 2008). This omission expresses a level of non-responsibility in the view of the prosecuting team. In cases like this, where an idea was sold to another entity for production, it appears *prima facie* that we can remove that person from eligibility to be morally responsible because the project is then effectively out of their control. A possible question is had he not had the idea to create the story to begin with we could reasonably assume that it might never have been told, the movie may never have been created; should Tarantino still be held *morally* responsible in the case of *NBK*? I posit that he should not be considered eligible in the same way that Carl Benz<sup>48</sup> should not be held responsible for car crashes, Tarantino had no control over the choice Stone made regarding his story. In this way, we see that *control* is a strong principle to base eligibility on.

*Control* applies to those with creativity (director, screenwriter) and also those who have influence or leadership over the creatives and creative process. These people have the loudest voices and so would be the most likely candidates to either declare the production should push forward with material or to make changes to it. A person holding that level of leadership, power, and voice would certainly be highly morally responsible for the film's outcome.

The notable aspect of control in terms of the influence of leadership is that while this can apply to an individual investor funding a production, it can also apply to a collective in the form of a production studio. *NBK* was funded by the studio entity Time Warner. That studio elected to have confidence in the vision and choices of Stone, funded the production, and distributed the film - all of which are unquestionably key reasons that the film was finished and made available to the public. Presumably through a company structure as laid out by the nature of a *conglomerate collective*. Time Warner was named in the lawsuit filed by the Byers family which

---

<sup>47</sup>When the story idea was purchased from the writer by a company, it refers to the skeleton of a plot and not the 'meat' or details contained in a screenplay.

<sup>48</sup>Founder of Mercedes-Benz, creator of the first automobile available for public purchase.

lends support to the notion that a production studio as a collective is eligible for moral responsibility.

Without the instruction of Stone and the backing of Time Warner, the film would not have been what it came to be. The principle of *control* describes the potential for a high degree of responsibility as those in control are at the foreground of filmmaking in crucial ways that no others are.

### **3.3 Principle of Competence.**

Under this principle, I propose that *competence* is of key relevance in the eligibility of moral responsibility for a filmmaker. If filmmakers are *competent* in filmmaking, they cannot deny knowledge of the promotion of irresponsible violence or the promotion of hateful ideology (or other issues under evaluation) present in the film in question. These people knew that the position the film expresses could be harmful and did nothing to adjust those aspects, actively participating with the knowledge of problematic elements and displaying blameworthiness. If filmmakers are *not competent* in filmmaking, and unaware of the problematic issues at hand, then they are irresponsible and negligent. Eligibility for moral responsibility is present under *competence* because the filmmaker either knew or should have known about the issues.

*Competence* relies on a degree of either reasonable or culpable ignorance. In moral and ethical contexts, if someone either fails to seek out important information or deliberately avoids learning about possible consequences that may occur, they are still considered blameworthy and their ignorance is deemed culpable. If that is the case then they may be considered morally responsible for any harm caused as a result (Zimmerman, 1997, p. 418). Since culpability implies that there was an active refusal or avoidance of information and so moves beyond a reasonable lack of competence, the filmmaker ought to have known better and they did wrong by not doing better. If the ignorance, lack of competence, is reasonable then that is unavoidable, and so a filmmaker cannot be held responsible for that lack of knowledge (Zimmerman, 1997, p. 413). Those responsible have knowledge that the represented position could be harmful and either allowed or did nothing to adjust those harmful aspects. Often we see examples of this in characters of ethnicities or cultures that are built on persistent stereotypes and are perpetuated on screen despite knowledge to the contrary, storylines that lean on misogyny or sexism are also



under scrutiny in this principle.<sup>49</sup> These elements can be a technique in order to further the plot of a film, to show growth in some way, or to relate the qualities of a villain or other character traits to educate on why those things should not be done. In that way, the film displays a level of competence on the part of the filmmaker and is not harmful. This principle of competence is in action within the *NBK* example, by introducing additional details, the competency of both Stone and Time Warner was challenged.

In 1995 Sarah Edmondson and Ben Darras reportedly watched a VHS<sup>50</sup> tape of *NBK* on repeat, did the hallucinogenic drug LSD, and then drove across two state lines killing one person and severely injuring another (Smartt, 2001). That survivor, Patsy Byers, was paralyzed by the shooting and took Oliver Stone and Time Warner to court.<sup>51</sup> The claim against them was that the filmmakers were, “distributing a film they knew, or *should have known*<sup>52</sup> would cause and inspire people to commit crimes,” (Brooks, 2002). This legal claim supports the notion that there is a reasonable amount of knowledge in the form of *competence* that filmmakers ought to have when embarking on a film production.

Another example of reasonable versus culpable ignorance is of a script seen by an agent who approved the story idea but did not read the script in detailed entirety, this agent is culpable because they did not perform their job in full competency to see the details. A more challenging example might be that something was said within the script that does not translate across cultures enough for this person to know that the issue is damaging. Perhaps the film is distributed in another country and a joke or behavior is unacceptable to people of that country’s culture. Culpability in this case only applies insofar as confirming these concerns and pursuing changes was within the job description of the agent, otherwise not knowing offensive customs in other cultures is reasonable ignorance.

It is not always possible to predict what kind of effect a film will have on certain members of the audience. The reactions of audience members are out of the filmmaker’s realm of control, no matter how competent. Circumstances such as mental illness, drug abuse, existing violent offenses, and so on, are variables that cannot be foreseen or accounted for and do not fall under the scope of competence. For the principle of *competence*, if a filmmaker is reasonably

---

<sup>49</sup>For example, the portrayal of trans characters in film and television as discussed in Chapter 1.

<sup>50</sup>Video Home System.

<sup>51</sup>Byers’ family lawsuit referenced in section 3.5.

<sup>52</sup>My emphasis.

ignorant then they are not eligible for moral responsibility, but if it is culpable ignorance then they are eligible for moral responsibility.<sup>53</sup>

### 3.4 Principle of Intention.

Under this principle, I propose that those eligible for responsibility have certain *intentions* behind the purpose or directive of a film. This principle relies on the filmmaker to self-report when asked, “Was your intention with this film to inspire people to commit *X* harm?”<sup>54</sup> It is unlikely that most filmmakers reply in the affirmative to this question, knowing that punishment is sure to follow. The filmmakers that answer with “yes” are often stalwart followers of an agenda and make films specifically in support of those beliefs; for example, religious films ‘proving’ or affirming hateful ideals, or propaganda pushers for a party seeking political power. This principle also engages with the notion of *foresight* which makes one morally responsible to a lesser degree than intention but is important as it pertains to possible outcomes apart from what was intended.

For instance, Adolf Hitler commissioned the propaganda film *Der Triumph des Willens / Triumph of the Will* (1935) with the *intention* to inspire German citizens to join the honorable fight in reclaiming Germany as a prosperous nation and feel pride by supporting the Nazi political party. The hidden reality behind those words is the torture and genocide of countless people in a violent and cruel war. Directed and edited by Leni Riefenstahl, *Triumph* is nearly two hours long and consists of footage from the Nuremberg Rally and Hitler’s speech there along with many other scenes of soldiers, citizens, and happy German children (Carroll, 2000, p. 380). Riefenstahl was given vast resources by the regime to produce the film and was able to explore new techniques and camera angles that were quite impressive for the time period. Riefenstahl has been questioned over the years regarding her active participation in creating such a piece of the Nazi War Machine; her reply has remained consistent that her intention was to utilize new techniques and become a prominent woman in the film industry, and that she had no knowledge of the atrocities that were going on. By her own words, she had no intention to harm innocent

---

<sup>53</sup>Establishing methods for determining culpable and reasonable ignorance would further strengthen this principle but will not be explored here.

<sup>54</sup>*X* = a morally reprehensible act such a rape or murder.

people and advance the ideals of a madman, Riefenstahl would never admit to having that intention.<sup>55</sup> However that is what the film *is*, and promoting those ideals is what she *did*, so despite what she may say regarding intention, Riefenstahl is, at minimum, eligible for moral responsibility for her large part in the creation of *Triumph*. Had she said no to Hitler it is possible that she could have received punishment and sacrificed herself for good, but this reaction falls into the realm of ‘above and beyond’ and is closer to an expectation but is not considered a moral obligation (Mellema, 2004, p. 35-36).

Riefenstahl’s claim that she did not know that she was supporting the torture and murder of countless people brings to light an important distinction between *intention* and *foresight*. When a person acts with intention they are aiming to bring about a certain outcome, and when a person has foresight they have knowledge of possible consequences as a result of their action apart from the intended results of the action. If a hunter intends to shoot a deer even though the king is nearby and may be inadvertently killed the hunter is still morally responsible through the notion of foresight. The hunter acknowledged a possible consequence of shooting at the deer, that the king might get hit instead, and chose to shoot anyway. The hunter cannot be absolved of guilt just because the intention was to kill the deer. In order to not be considered morally responsible, the hunter should have made the decision not to shoot at the deer and so avoided the possibility of killing the king (Mele & Sverdlik, 1996, p. 272). If Riefenstahl had foresight of what her film would inspire then she is still morally responsible for it despite claiming that it was not the result she intended. Hitler and Riefenstahl illustrate filmmakers<sup>56</sup> denying in two different ways the *intention* that their film influenced audiences to commit acts of harm, but through *foresight*, both are morally responsible for the film’s results.<sup>57</sup>

In contrast, after the movie *Jaws* (1975) was released a wave of fear gripped coastlines and people everywhere started seeking out and killing sharks in huge numbers. Shark populations of all kinds were irrevocably damaged as a result of this reaction (Francis, 2012, p.48). *Jaws*’ filmmakers in no way intended for this kind of influence to come from the film and it also is not plausible for them to have foreseen this kind of unintended consequence. In this

---

<sup>55</sup>"I am not a political girl" and "I'm not interested in the politics." All painters, sculptors, all artists, "everybody, everybody" was in the service of the Reich at that time. "None is more guilty than the others," she said," (hitchens, gordon. "An Interview with a Legend." *Film Comment* 3, no. 1 (1965): 4–11; "Riefenstahl's position is that she shouldn't be held responsible for how her film was used. She insists that, as an artist commissioned to make a film, her responsibility ended with a commitment to make the best film she could," (Leni Riefenstahl: Conversation with an Icon, April 1999).

<sup>56</sup>Riefenstahl as director/editor, Hitler as producer/actor.

<sup>57</sup>Point of clarification, *Triumph* is subject to ethical evaluation due to the justifications laid out in chapter 1.

way, under this principle, the filmmakers of *Jaws* are not eligible for moral responsibility in the killing of innocent sharks due to the influence of their film.

*Intention* can be a difficult principle as it relies on the word of the filmmaker in question being truthful. For this principle to work in practice, it is necessary that a plan should be in place to respond to those under questioning. Contextual evidence will help with this, if a filmmaker has a history of claiming innocence amongst problematic films then it would be easier to determine that they are lying than it would for a first-time offender. If the filmmaker in question (Filmmaker *X*) contributed to a morally reprehensible film for the first time and claimed it was not intentional and that they further also intended to do better<sup>58</sup> work in the future, the *responsibility* leveled on *X* might be the same but there is a different view of them moving forward and a degree of understanding or even forgiveness might be leveled on them by the public due to *X*'s remorseful and reparative response to the blame. Whereas a filmmaker who had been a part of many morally reprehensible films (Filmmaker *Y*), suspiciously continues to claim different intentions but not express any willingness to change, the public opinion of *Y* is naturally lower than it is from that of *X* due to their lack of moral fortitude.

The brutal violence depicted in the film *NBK* is considered controversial but the intention behind those visuals is a look at the way the media portrays and glorifies criminals. The film was also prophetic because in the following year, the OJ Simpson murder trial captivated news television channels in the USA, the trial played almost exclusively as a ploy by stations to earn massive ratings and ad revenue, proving the satirical message correct (Feldman, 2017). Filmmaker intention was important to Oliver Stone when he replied to accusations against *NBK*, saying that the film is misunderstood and that it is a commentary on our society's fixation on violence and celebrity and is highlighting how individuals can attain celebrity status regardless of their actions:

*Natural Born Killers* was never intended as a criticism of violence... What I was doing was pointing the finger at the system that feeds off that violence, and at the media that package it for mass consumption... The film came out of a time when that seemed to have reached an unprecedented level. It seemed to me that America was getting crazier. (Shapiro, 2008)

It appears to have been a case of art imitating American life in this case. The 'American' portion of this is intentional as the social and cultural context of a film is important to note, the norms

---

<sup>58</sup>“Better” meaning less morally harmful.

and expectations of those cultures affect the judgments we make regarding moral responsibility. For example, the treatment of animals is seen very differently in many countries around the world, with the USA having many laws protecting and concerning the treatment of animals. So if there is a film that inspires people to do harm to animals it would be a moral concern in the USA but not necessarily for others around the world. The context in which actions occur is important and reminds us that humanity's conception of morals varies worldwide.

## **Recap.**

In this chapter, I provided context for the system of filmmaking which connected the justification of the ethical evaluation of film and the usage of individual and collective forms of responsibility, leading to the final element of ascertaining the set of guiding principles. I demonstrated an original set of principles to determine who among filmmakers is eligible for moral responsibility through the use of film and legal examples.

The *Principles of Eligibility for the Moral Responsibility of Filmmakers* outlined in this chapter serve as a compass to determine who among filmmakers are eligible for moral responsibility, provide a set of standards to use as a baseline for further detailed development and investigation of moral responsibility, and is a method of accountability for individual filmmakers and collectives alike to understand reasoning and make considerations regarding their own moral decisions. Those meeting the qualifying principles ought to expect an attribution of moral responsibility to be parceled out appropriately using the collective and shared conceptions of responsibility.

## OUTRO.

The headline of this paper is “Ethical Evaluation in Film: Exploring the Moral Responsibility of the Filmmaker.” and this thesis fulfilled that promise of exploration through film examples and film analysis, scholarly works in ethics and aesthetics, as well as a notable legal case, and relevant events in history. The thesis position of this paper is that *film is uniquely positioned to receive ethical evaluation and filmmakers are eligible to receive that evaluation in the form of moral responsibility*. I have taken this journey using three chapters. The first establishes that the unique power of film lies in its *emotional impact* and its *scope of influence*, and the importance of these powers is in the effect they have on audience members. Those affected audience members fall into one of two groups of *vulnerable persons*: those who are *susceptible* to the film's influence, and those who are *stigmatized* by the susceptible group as a result. This paper has shown that morally reprehensible films do exist, particularly films that are aimed at or are prejudiced towards groups of people who are already in vulnerable states, and are instrumental in the ideologies and harm done against them. These identifications illustrate the potential for harm a film can cause and firmly positions it to be ethically evaluated.

This led to an engagement in positions within the ethical critique of art and the development of a position relevant to film criticism, a version of moderate moralism called *Malleable Moderate Moralism (MMM)*. The aesthetic nature of film can be exercised in different ways. Audiences can see moral messages in film and even if they disagree with that moral message, if it is wrapped in a package of pleasing aesthetics in a movie that message can become palatable. Additionally, the words or story can say and show something immoral but if the film is aesthetically messaging as satire, audiences can suss out the underlying message and understand that the film is providing a commentary on those immoral behaviors and ideals. We cannot only be concerned with the technical skill of a film through lighting, sound design, or other techniques because the aesthetic *feeling* of a film is also found within its story content. That story can hold the political and moral commentary of the film. We would be losing so much if we did not engage with these aspects of a film, be they negative moral portrayals or positive ones, in this way ethical and aesthetic judgment should not necessarily be separated. For this reason, I suggest that the most effective position for the ethical evaluation of film is *MMM*. Through a forgiving set of tenets, the *MMM* approach buttresses the ability to ethically evaluate film in all its intricate

possibilities. I presented an analysis of director Baz Luhrmann's artistic choices when making *William Shakespeare's Romeo + Juliet* (1996) that expressed the capabilities of a skilled *auteur* can be exercised in morally praiseworthy ways which eliminates the concern of stifled artistic freedom. This illuminating instance of praiseworthy filmmaking also represents the position that if a filmmaker can be *praiseworthy* for their film then a filmmaker can also be *blameworthy*.

I determined that film is in a position to receive ethical evaluation and through that unique position of influence, it was confirmed that the creators of film *are eligible to receive that evaluation in the form of moral responsibility*. The second chapter then engaged the need for a way to attribute moral responsibility to one or more people involved in a filmmaking production, as well as consideration for the production studio as a collective. Through a defense of *collective moral responsibility* against opposing standpoints, I was able to identify which specific parts of the account are needed to exercise an effective version of collective responsibility. I suggested a modified version of collective responsibility that combines an existing form (the *program model of collective moral responsibility*) and pairs it with *individual shared responsibility*. By eliminating exclusivity between the *collective* and *individual* positions, the pathway to attributing moral responsibility to a singular, plural, or collective of filmmakers becomes possible.

In the final chapter of this thesis, I contributed a set of original principles to this discourse that direct people both inside and outside of the film industry in the search to determine who is eligible for moral responsibility regarding an evaluated film; and those *Principles of Eligibility for the Moral Responsibility of Filmmakers* can be expanded further through continued analysis of the relevant topics and perspectives. The film *Natural Born Killers (NBK, 1994)* was primarily utilized in this chapter, its alleged influence in a murder case that brought legal action against filmmakers provided a valuable real-world scenario against which to test the proposed principles. The circumstances surrounding *NBK* show that there are nuances to every case and that universal forms of morality and responsibility cannot be applied here. Not every film that influences audience members necessarily makes the filmmakers eligible for guilt or blameworthiness, and an influential film is not necessarily a morally reprehensible one.

*NBK* is an extreme example, so here is a brief sketch of how these principles could be applied in more subtle cases. Take the popular comedy, *Ace Ventura: Pet Detective* (1994), a climactic scene leading to the end of the film has the main character outing a trans woman in her

underwear in front of dozens of spectators. The scene is played for laughs as all the surrounding men begin to vomit, the implication being that they engaged in some degree of sexual intimacy with her. This shows two tropes in film that have a harmful influence on audience members, the trans-person as a villain, and the trans-person as physically revolting. In the documentary film *Disclosure* (2020), this scene is discussed and all interviewees recognize that it was formative in their beliefs not only about others but about themselves as transgender people. The scene promotes external and internalized transphobia and exacerbates mental illness, causing harm to others as well as acts of self-harm. Was this cause intended by the filmmakers? Not as far as we can discern, revulsion towards trans people has been used as a joke on-screen for many years, and this was likely a reflection of that commonality. After all, no one was violent towards the woman, they only expressed reflexive disgust. Was it a matter of control? This seems more likely as the many creative levels would have had to approve this scene before it was filmed, it could have been prevented. Lead actor Jim Carrey acknowledges the homophobia and transphobia inherent in the scene but defends that it was used as a way to make fun of those prejudices expressed through those exaggerated revulsions, “That was an honest, completely homophobic reaction from that character. It was basically making fun of homophobia. It’s ridiculous... In this day and age, it probably would not be done the same way,” (Topel, 2019). The latter half of Carrey’s statement shows that he knows the scene has moral implications since he notes that it would be different if made by today’s standards of respect; opening him up to investigation of possible moral responsibility. Was it a matter of competency? In the early 1990s the general perspective was that this kind of scenario was funny. However, it is plausible to think that a *competent* storyteller could see the kind of harm that a scene like this could inspire. The fight for transgender rights was not new at that time, so this could be a case of *culpable ignorance*. Determining responsibility in this case is slightly more complicated as there is no legal case or definitive ‘moment’ to point to as a harm, yet it is clear that an influence towards harm occurred.

There may not be any practical punishment laid on the filmmakers, but that does not mean that public blame of moral responsibility is never warranted. The harm that filmmakers cause by creating films makes them liable to receive these kinds of blame-responses in causal as well as contributory terms, (Feinberg 1968, p. 685). The criteria of moral responsibility pursued here becomes more clear with these principles in place. It is essential to recognize that there are



diverse positions on moral responsibility and these criteria can change over time just as moral perspectives do with shifts in culture, society, and technology. This outline should be revisited over time and across circumstances. The study of film and filmmaking is a complicated, growing, and evolving subject matter with many potential possibilities; real-world situations often involve complex interactions among these principles, so films and filmmakers should be approached on a case-by-case basis. This paper concluded having successfully argued for the main thesis, as well as suggesting new or develop terms and approaches, as well as the original set of principles to determine eligibility for moral responsibility.

The creation of artwork is a means of expression, as well as a way to help people understand the world and to see how the world changes through new or evolving perceptions. The extremes of the moralistic and aesthetic positions in the ethical criticism of art suggest that the point which this paper takes hold lies somewhere in the middle of those two points. This paper presents flexible solutions, showing the importance of ethics while still valuing the artist and the place art has in the world. Understanding the exact relationship between art and morality is challenging, but both contribute uniquely to our world and it is undeniable they are deeply interconnected, each influencing the other. Film need not be the straightest path to life knowledge, nor is that my claim, but it *is* a highly visible path, contemporary mass society is more likely than ever before to gain knowledge through film and media. Throughout this paper, the thesis I defended will help create more awareness of moral responsibility in film for the makers involved and perhaps encourage those in filmmaking to engage in sincere consideration of their creations where influential issues are concerned. In practical terms, a hope for this paper is that the ideas discussed lessen the occurrences of prejudice, stereotyping, and other negative real-world outcomes associated with films; and in theoretical terms, by investigating the topic and advocating for filmmakers to embrace ethical evaluation, this paper adds to the ongoing discourse of film ethics.

Movies are an amalgamation of many artistic mediums - visual, auditory, narrative, practical, technological - with the ability to utilize all of these methods, film is a uniquely visceral medium that can act as a direct line of messaging from the filmmaker to the audience member. It is in this place of influence that we can find the need for ethical evaluation. Due to modern-day accessibilities such as online streaming sites, large studio productions are made available to bigger audience pools than ever before. At this point in history, audiences are

positioned to consume more movies across more genres than ever before, allowing films the opportunity to affect more of us more intensely (Cox & Levine, 2012, p. 31).

This paper provides new insights into the realms of moral responsibility and film ethics and their societal implications. The research presented here clearly illustrates the usefulness of this pursuit and the usefulness of the proposed identifications, positions, and principles within; it also reveals the intriguing concept of *audience responsibility*. Are audiences responsible for the misinterpretation of a film's meaning? If so, what kind of responsibility is this, to what degree, and to what level of expectation? Does audience responsibility relieve the filmmakers of their eligibility for moral responsibility? These are questions I believe can be explored in a future expansion of this topic.

“Art appreciation can develop our imagination, so that we can be better equipped in situations that call for moral actions,” - Wing Sze Leung, 2018.

# Bibliography.

- Adams, P. 2016, "Films, Literature and Crimes of Violence." *Australian Journal of Forensic Sciences*, 1975. 7(4), 149–156.
- Bassiouni, M. Cherif. 2002, *World War I: The War to End All Wars and the Birth of a Handicapped International Criminal Justice System*, 30 *Denv. J. Int'l L. & Pol'y* 244
- Biehl, Brigitte, & Katerina Schönfeld. 2023, "Writing Differently With Film: An Animated Video on Gender, Leadership, and Language." *Gender, Work & Organization* 30(5): 1611–30.
- Brooks, Xan. 19 Dec, 2002, "Natural Born Copycats," *The Guardian*.  
<https://www.theguardian.com/culture/2002/dec/20/artsfeatures1>
- Carroll, Noël. 1996, "Moderate moralism." *The British Journal of Aesthetics* 36, no. 3: 223-239.
- Carroll, Noël. 2000, "Art and Ethical Criticism: An Overview of Recent Directions of Research." *Ethics* 110, no. 2: 350–87.
- Chrystal, William G. 1975, "Nazi Party Election Films, 1927-1938." *Cinema Journal* 15, no. 1 : 29–47.
- Conolly, O. July 2000, "Ethicism and Moderate Moralism," *The British Journal of Aesthetics*, Volume 40, Issue 3, Pages 302–316
- Cox, Damian; Levine, Michael P. 2012, *Thinking through film: doing philosophy, watching movies*. Wiley-Blackwell.
- Darlington, Joseph. June 2016, "A Clockwork Orange : The Art of Moral Panic?" , *The Cambridge Quarterly*, Volume 45, Issue 2, Pages 119–134
- Demirtas, H. 2022, "Causation comes in degrees," *Synthese*; 200(1):1-17.
- Feinberg, Joel. 1968, "Collective Responsibility," *Journal of Philosophy*, 65: 674–688.

- Feldman, Dana. 21 July, 2017, "14M Watched As O.J. Simpson Was Granted Parole," *Forbes*.  
<https://www.forbes.com/sites/danafeldman/2017/07/21/14million-watched-as-oj-simpson-was-granted-parole/?sh=5ee088527548>
- Fishman, Solomon. 1963, *The Interpretation of Art. Essays on the Art Criticism of John Ruskin, Walter Pater, Clive Bell, Roger Fry and Herbert Read*. University Of California Press
- French, Peter. 2019, *Collective and Corporate Responsibility*, New York: Columbia University Press.
- Gaut, Berys. 2001, "The ethical criticism of art." In J. Levinson (Ed.), *Aesthetics and Ethics: Essays at the Intersection* (pp. 182–203). chapter, Cambridge: Cambridge University Press.
- Gaut, Berys. 2010, *A Philosophy of Cinematic Art*. Cambridge: Cambridge University Press.
- Gerstner, David A. 2003, "The Practices of Authorship." *Authorship and Film* (1st ed.). Gerstner, D.A., & Staiger, J. (Eds.). Routledge.
- Granados, Nelson, and Amy Zwagerman. 2020, "The MEDIA Report: Media & Entertainment Data In America 2015 to 2020." Pepperdine University, *Graziadio Working Paper Series*. Paper 27.
- Gunning, Tom. 2014, "The Cinema," *The Fin-de-Siècle World* (1st ed.). Saler, M. (Ed.). Routledge. 661-676
- Harbord, Victoria. 1997, "Natural Born Killers: Violence, Film and Anxiety," *Violence, Culture and Censure*. Edited by Colin Sumner. London, Bristol, Pa. Taylor & Francis
- Healy, Paul, M. and Krishna G. Palepu. 2003, "The Fall of Enron ." *Journal of Economic Perspectives*, 17 (2): 3-26.
- Hauser, Arnold, and Kenneth Northcott. 1979, "The 'l'art Pour l'art' Problem." *Critical Inquiry* 5, no. 3: 425–40.

- Jaspers, Karl. 2009, *The Question of German guilt*. Fordham University Press.
- Kelly, Erin I. 2011, "Reparative Justice," *Accountability for Collective Wrongdoing*, eds. Tracy Isaacs and Richard Vernon, 193–209. Cambridge: Cambridge University Press.
- Krämer, Peter. 2013, "Rape, Ultra-violence and Beethoven": The Transgressiveness and Controversial Success of *A Clockwork Orange*. *Film and Ethics: What Would You Have Done?* Jacqui Miller ed. Cambridge Scholars Pub. 11-29.
- Leung, Wing Sze. 2019, "The Moral Significance of Art in Kant's *Critique of Judgment*: Imagination and the Performance of Imperfect Duties." *The Journal of Aesthetic Education* 52, no. 3: 87–106.
- Pierce, Christine (Chief Data Officer) Jan 2024, "*Streaming unwrapped: Streaming viewership goes to the library in 2023*," Nielsen.  
<https://www.nielsen.com/insights/2024/streaming-unwrapped-streaming-viewership-goes-to-the-library-in-2023/>
- Radel, Nicholas F. 2009, "The Ethiop's Ear: Race, Sexuality, and Baz Luhrmann's William Shakespeare's *Romeo + Juliet*." *The Upstart Crow* 28: 17-34.
- Reitz, Nikki. 2017, "The Representation of Trans Women in Film and Television," *Cinesthesia*: Vol. 7 : Iss. 1 , Article 2.
- Mele, Alfred, and Steven Sverdlik. 1996, "Intention, Intentional Action, and Moral Responsibility." *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 82, no. 3: 265–87.
- Miller, E. L. 2021, "With Group Power Comes Great (Individual) Responsibility." *Politics, Philosophy & Economics*, 20(1), 22-44.
- Oppel, Richard A. Jr. Published: November 22, 2001, "Employees' Retirement Plan Is a Victim as Enron Tumbles," *The New York Times*
- Pasternak, Avia. 2011, "The Distributive Effect of Collective Punishment," *Accountability for*

- Collective Wrongdoing*, eds. Tracy Isaacs and Richard Vernon, 210–30. Cambridge: Cambridge University Press.
- Piepenburg, C. 2018, “*Not Yet Rated: Self-Regulation and Censorship Issues in the U.S. Film Industry*,” *UCLA Entertainment Law Review*, 25(1).
- Pruner, Aaron. May 2022, “Above-the-Line vs. Below-the-Line Jobs in Film,” *Backstage*.  
<https://www.backstage.com/magazine/article/above-the-line-vs-below-the-line-crew-differences-74969/#section0>
- Reiff, Mark R. 2008, “Terrorism, Retribution, and Collective Responsibility” *Social Theory and Practice*, 28(3): 442–455.
- Shapiro, Dean M. 2008, “*Natural Born Killers*,” Archived 11 May, 2008. Wayback Machine truTV Crime Library.  
[https://www.crimelibrary.org/notorious\\_murders/celebrity/natural\\_born\\_killers/8.html#:~:text=In%20a%20series%20of%20scathing,out%20of%20character%22%20for%20them.](https://www.crimelibrary.org/notorious_murders/celebrity/natural_born_killers/8.html#:~:text=In%20a%20series%20of%20scathing,out%20of%20character%22%20for%20them.)
- Shockley, Kenneth. 2007, "Programming collective control." *Journal of Social Philosophy* 38, no. 3 : 442-455.
- Smartt, Mike. editor-in-chief BBC News Interactive, 13 March, 2001, “*Natural Born Killers lawsuit dropped*,” 13 March, 2001. BBC News and Entertainment.  
<http://news.bbc.co.uk/2/hi/entertainment/1217642.stm>
- Smiley, Marion. 2023, "Collective Responsibility", *The Stanford Encyclopedia of Philosophy* (Fall 2023 Edition), Edward N. Zalta & Uri Nodelman (eds.)
- Smith, Angela M. 2008, “Review of *Character, Blameworthiness, and Blame: Comments on George Sher’s “In Praise of Blame,”* by George Sher,” *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 137, no. 1: 31–39.
- Storrs, Landon RY. 2015, "McCarthyism and the second red scare." In *Oxford Research Encyclopedia of American History*.
- Sverdlik, Steven. 1987, “Collective Responsibility,” *Philosophical Studies*, 51: 61–76.

Topel, Fred. 2 Aug 2019, "Jim Carrey Re-Evaluates Transphobic 'Ace Ventura' Jokes," Showbiz Cheatsheet.

<https://www.cheatsheet.com/entertainment/jim-carrey-re-evaluates-transphobic-ace-ventura-jokes.html/>

Tyler, Bruce M. 1988, "Racist Art and Politics at the Turn of the Century," *The Journal of Ethnic Studies* 15, (4) (Winter): 85

Yang, Junpeng. 2023, "Comprehensive Analysis of the Last Four Decades of Movie Industry: Implication for Film Investment." In *Proceedings of the 2nd International Conference on Internet Technology and Educational Informatization, ITEI 2022, December 23-25, 2022, Harbin, China*.

Zimmerman, Michael J. 1985, "Sharing Responsibility." *American Philosophical Quarterly* 22, no. 2: 115–22.

Zimmerman, Michael J. 1997, "Moral Responsibility and Ignorance", *Ethics*, 107(3): 410–426. University of Chicago Press.