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Joint Moral Duties

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Abstract

There are countless circumstances under which random individuals *could* act together to prevent something morally bad from happening or to remedy a morally bad situation. But when *ought* individuals to act together in order to bring about a morally important outcome? This paper seeks to answer that question. Building on Philip Pettit's and David Schweikard's account of joint action, I will put forward the notion of joint duties: duties to perform an action together that individuals in so-called random or unstructured groups can jointly hold. I will show how this account of *joint* duties is preferable to one which defends *individual* duties to cooperate. I then discuss the limits of joint duties and the ways in which one can fail to comply with them. It will become apparent that the circumstances under which individuals in random collectives acquire such joint duties are rare.

1. The problem of collective inaction

In his book *Sharing Responsibility*, Larry May paraphrases Edmund Burke saying that "All that is necessary for evil to triumph in the world is for good people to do nothing" (May 1992)p. 105). And further down he notes: "Inaction leads to serious harm in the world, just as certainly as intentional, active wrongdoing." (ibid, p. 105-106). He argues that many problems that cannot be solved by individuals can be addressed by collective action.

May is right: there are countless situations and circumstances in which individuals *could* act together to prevent something morally bad from happening or to remedy a morally bad situation, but often they do not. But when *ought* individuals to act together in order to bring about a morally important outcome? This is the question that this paper seeks to answer. In order to do so, I will put forward the notion of a particular type of duty that individuals in random groups may have: a joint duty to perform an action together.

2. Joint action explained

Many scholars hold that groups can be agents (for instance (French 1984), (Erskine 2003), (List and Pettit 2011)). They argue that states, business corporations, and all kinds of other organisations with a formal structure can be considered entities capable of performing actions. My argument, however, does not make this assumption.

In this paper, I am not interested in so-called 'group agents' and their moral status. Instead, I want to think about individuals in so-called random or unstructured groups. I will investigate the moral status that these groups have, and the moral duties that their members can hold. Calling random collections of individuals 'groups' may already seem to presuppose too much. In order to avoid any confusion, let me clarify: random or unstructured groups are not group agents, because they have no established

decision-making procedures or an identity independent of that of their members, for instance.¹ I will use the term 'group' loosely to apply to all groups including unstructured ones.

A number of authors have argued that individuals in some unstructured groups may be in a position to act jointly, or collectively (Collins 2013), (Cripps 2011, Cripps 2013), (Held 1970), (Lawford-Smith 2012), (Pettit and Schweikard 2006), (Schwenkenbecher 2013), (Wringe 2005, Wringe 2010, Wringe 2014). In order for joint action to be possible, most scholars agree that some minimal conditions need to be met. These include a joint goal that individuals share, and a condition of mutual belief and knowledge regarding other people's contributions to that goal: People who act jointly with others do so because they believe that these others will contribute their share towards the joint goal (see for instance Lawford-Smith 2012 and Pettit and Schweikard 2006, p. 23). On this account, people who accidentally or ignorantly contribute to the same outcome do not act jointly.

In this paper, I will adopt the account of joint action put forward by Pettit and Schweikard (2006). For the individual agents, a joint action is "something they combine to perform" (Pettit and Schweikard 2006: 19). According to Pettit and Schweikard, people do not just produce a joint effect, but act jointly (2006: 19); apart from an individual action, there is an action that is performed together (*ibid.*). Pettit and Schweikard argue that a joint action is always performed with a certain intention (*ibid.* p. 20). Furthermore, if people perform a joint action intentionally, then they must each be focused on a common target (*ibid.* p. 21):

"A number of people in a plurality perform a joint action in enacting a certain performance together only if:

- (i) they each intend that they enact the performance;
- (ii) they each intend to do their bit in this performance;
- (iii) they each believe that others intend to do their bit; and
- (iv) they each intend to do their bit because of believing this."
- (v) "they each believe in common that the other clauses hold."

¹ Regarding criteria for group agency, see Erskine, T. (2003). *Assigning responsibility to institutional moral agents: the case of states and 'quasi states'*. [Can institutions have responsibilities? : collective moral agency and international relations](#). T. Erskine. Houndmills, Basingstoke, Hampshire; New York, Palgrave Macmillan: 19-40.

"We think that the five clauses given here are not just individually necessary but jointly sufficient in order for the enactment of a joint performance- for the behavior involved in a joint performance to count as a properly joint action."(ibid., pp. 23-24).

Pettit and Schweikard emphasize that in a joint action, agents "go beyond the case where a number of different agents perform different actions and bring about a joint effect". However, agents acting jointly do not necessarily constitute a novel agent with own intentions (ibid. p. 30). Examples for this type of joint action abound. The following actions meet Pettit's and Schweikard's definition:

- Two people who dance together
- Four people who lift a table together
- A choir and an orchestra who perform Johann Sebastian Bach's *Magnificat* together

None of these actions involves a novel group agent emerging in the course of the collaboration. Rather, individual agents perform an action together that – in these particular cases – can only be performed by more than one person. The individuals in the above examples perform joint actions.

On the account sketched above, people can spontaneously act jointly, or they can act jointly according to prior planning and agreement. Sometimes, random individuals who are not part of an established practice or institution or who do not belong to a group agent in a narrow sense are in a position to act together. They might not even know each other. But they may have the potential to perform a joint action.

3. Joint moral duties defended

Provided that individuals *can* sometimes act together in the way described above: is it plausible to think that they sometimes *ought to* act together in the way described above? According to scholars such as Larry May, collective inaction can be just as wrong as intentional wrongdoing (1992: 105-106). Let us therefore assume for the sake of argument that (positive) duties of assistance are as stringent as (negative) duties not to harm. In this paper, I want to argue that individuals can sometimes hold duties to jointly assist others in need. In short: there are joint duties to assist. To start with, let us look at a number of examples:

Car accident

Let us use one of an abundant number of examples where random passers-by jointly assist the victim of a traffic accident. Here is the description of a scene that was filmed by coincidence and reported by Associated Press on 13 Sept 2011²: a motorcyclist is trapped underneath a burning car after a collision. Passers-by approach the car realising that in order to retrieve him, the car must be lifted. After a couple of unsuccessful attempts with insufficient people, eight people eventually manage to jointly lift the car off the injured man, saving his life. Would we say that the passers-by were under an obligation to team up and lift the car to save him? I am confident that most of us would be very inclined to think that the individuals walking past the car were under some kind of obligation to help the injured motorcyclist if no other help (police, ambulance or the like) is available.

Virginia Held's bystanders to a violent attack:

A famous example used by Virginia Held has us imagine a situation in which a person is being beaten to death by another while bystanders who could collectively prevent the crime refrain from doing so. She argues that if

[i]t is extremely probable that action by two or more of the group to subdue him [the attacker, author's initials.] would have succeeded, with no serious injury to themselves . . . I think that in such a case we would hold the random collection morally responsible for its failure to act as a group (Held 1970, p. 94f).

Again, I am confident that most people would agree that the bystanders have some kind of duty to remedy the situation or work towards its remedial provided no other form of help is available (police or security officers, etc.). What kind of duties are these and who holds them?

In order to answer this question, let us look at two principles that are usually considered necessary (though not sufficient) for ascribing moral duties: the agency principle and the capacity principle (or the principle that 'ought' implies 'can'):

² <http://www.youtube.com/watch?v=aIGTyANMFb4>.

Agency principle: Only agents can hold moral duties.

Capacity principle: An agent can only hold a moral duty if the agent is capable of discharging that duty.

According to the agency principle, only agents can hold duties. In the examples above – the bystanders and the passers-by – there are individual agents who can be described as members of a random group merely on the basis of their being at the same place at the same time. However, there are no – structured – group agents or members thereof present. The random strangers do not constitute a group agent *before* they act together nor do they (necessarily) become one *as* they act together. Still, the individual agents can perform individual actions towards a joint goal. And they can perform actions jointly: they can stop the attackers and free the trapped motorcyclist therewith saving their lives. If the agency principle is to be upheld, these individual agents can hold duties to assist, but there is no group agent that could hold such duties.

Let us now turn to the capacity principle. According to this principle, there is no 'ought' without a 'can'. In the previously described examples, none of the individuals who intervene to help can achieve the desired outcome of saving another person's life on their own. Individually, each person's duty is limited by each individual agent's capacity. No individual agent has the capacity to either subdue the attacker or lift the car off the trapped motorcyclist. Individually, all that any of them would be capable of doing is to call the ambulance or the police. However, in both scenarios the urgency of the situation requires immediate action if the person under attack and the trapped driver are to be saved. It seems then that if nothing any of the individuals could do would actually help those in danger, that individual has no moral duty to assist. The individual agents with their (limited) abilities do not satisfy the capacity principle, as long as the principle is taken to apply to individual capacities only. However, most people would think that the individual persons in the examples above have some kind of duty to attempt to save those in danger, together with others. And in fact, the individuals *jointly can* achieve the desired outcome(s). The individual agents jointly can

save the motorcyclist and the person under attack. If the action that is required in order to save those in danger is a joint or collective action and if the individual agents have duties to perform that joint action, does this mean that they *jointly ought*? And what would that mean? There are two³ possibilities for framing such a joint 'ought':

1) The first reading is *individualistic* in terms of the moral duties involved:

According to the individualistic reading, the individual members of the group (passers-by or bystanders) hold no duty to overwhelm the attacker or to lift the car. Such a duty simply does not exist because there is no agent that could hold that duty given that there is no agent that could discharge the duty. The individuals, however, have moral duties to perform individual actions towards a joint goal. In the examples used above, this would be actions such as helping to establish communication between members of the random group, suggesting possible individual actions to other members, and, if necessary, performing a contributory action towards the joint goal such as contributing to lifting the car or contributing to overwhelming the attacker. The agency principle is satisfied given that there are no 'free-floating' duties.

The individualistic reading satisfies the capacity principle by suggesting that in the examples above, each individual holds a moral duty to perform an action towards solving the problem. The capacity principle is met because no individual member of the group has duties beyond their capacity. As a result, however, no one holds a duty to solve the problem – retrieve the driver from underneath the burning car or subdue the attacker – *as such*. No agent ought to do so because no agent can do so.

2) The second reading proposes a non-individualistic interpretation of the duties involved in the two assistance scenarios:

³ Arguably, there is – at least – one more possibility: The joint 'ought' could be understood as a duty of the individual members of the random group to 'collectivise', that is, to form a group agent. This possibility has been discussed in detail by Stephanie Collins (2013). I agree with Collins in that in some cases a group agent might be needed in order to perform the required action. However, I think there are cases where joint action that falls short of being group action will suffice. These are the ones I focus on in this article.

According to the second reading, the individuals involved can and ought to perform individual actions, but they also can and ought to perform a joint action. The passers-by, for instance, each put their hands against the car's body and push. Together they eventually lift the car. They perform individual actions as part of, or contribution to, a joint action. The individuals act jointly with others if, apart from acting towards a shared goal, they act with the belief that others contribute to that same goal and with the intention to jointly perform an action, etc. (Pettit and Schweikard 2006). For example, in each of the above scenarios, the individual members of the random group can jointly perform the action necessary for saving another person's life.

The second reading suggests that the individual members of the random group of bystanders and passers-by jointly hold duties to assist in these cases. They jointly ought to perform these actions and each of them individually ought to contribute to the joint goal. That is, *jointly*, the individuals hold a duty to lift the car, e.g., and *individually* each holds the duty to do their part. The capacity principle can be satisfied if we are prepared to extend it to include joint actions and jointly acting agents:

Singular-agent capacity principle: For singular – individual or group – agents 'ought' implies 'can' means that if the singular agent ought to do X this implies that she can do X and if she cannot do X then she need not do X.

Plurality-of-agents capacity principle: For a plurality of – individual or group – agents 'ought' implies 'can' means that if agents jointly ought to do X this implies that they jointly can do X and if they cannot jointly do X then they need not to jointly do X.

The capacity principle is satisfied because the agents *jointly can* discharge the duty. The agency principle is satisfied because it is the individual group members who hold moral duties to assist. On this account, the individuals in situations which clearly require cooperation have

- A duty to establish whether there exists a joint duty
- If there exists a joint duty: a duty to contribute their part
- If there exists no joint duty, depending on what looks more successful, they each have

- a duty to either establish the conditions for a joint duty to exist, namely to establish the conditions for joint ability
- or a duty to do whatever else they can do to help

After introducing these two fundamentally different approaches to the moral duties involved in the above described scenarios, let me now turn to my argument in defence of the second, non-individualistic, reading. There are a several reasons why the non-individualistic reading of joint 'oughts' may be preferred to the individualistic reading.

The first reason has to do with intuitive ascriptions of wrongdoing in the above scenarios. One could argue that the non-individualistic reading of duties follows our intuitions more closely than the individualistic reading. Imagine that the people walking past the attacker bashing his victim quickly walk away knowing that their failure to intervene will probably put the victim's life in danger. In that case, according to the first, individualist interpretation, we could only accuse the defectors of not doing their part (whatever that involves). But we could not accuse them of bearing responsibility for the death of the victim or for failing to comply with a duty to save him. But intuition tells us otherwise. We think that the defectors are responsible for the victim's death and culpable because they walked away when they could and should have helped (I will look at the problem of non-compliance in more detail in part 6 of this paper).

The second, non-individualistic, reading avoids the individualistic view's implication that the duty to perform the action which is most likely to save the life of the person in danger remains unallocated. If there are potential bearers of that duty then there is someone who is culpable of wrongdoing, and potentially deserving of reactive attitudes such as blame or praise should the duty (not) be discharged. Under the individualistic reading, no one can be held culpable of not saving the person's life because no one held that duty in the first place. Under the non-individualistic reading, in contrast, the individuals are culpable of *jointly* failing to assist the victim of the attack.

At this point one might object to *joint* duties by saying that there is no need for such a notion. In the above cases, one could argue, all that we need to be able to say is that individuals have moral duties to contribute to some kind of joint or collaborative action. Each individual, we could say, ought to perform the action(s) necessary for effectively assisting those in danger. If assisting those in need requires the passers-by and the bystanders to team up with others then this is simply what it takes to discharge their individual duty to assist. Bill Wringe calls this the "primitive obligation to co-operate' account".

One argument in favour of the 'primitive obligation to cooperate account' is that it appears simpler than the account proposed here, because it operates with only one kind of moral duty instead of two kinds (Wringe 2014: 12). However, Wringe argues, whether or not the resulting theory is really simpler than one that accepts collective duties cannot be shown without seeing them both worked out in detail (ibid.). Furthermore, "we should notice that it is not clear that collective obligations are a distinct kind of obligation rather than a familiar kind of obligation falling on a new kind of thing." (ibid.). The second argument in favour of the non-individualist reading of the duties involved in the above scenario is that the notion of collective duties gives us "a more unified picture of the moral scene, since it postulates one underlying obligation which explains a range of individual obligations, rather than a large number of unconnected primitive obligations." (ibid.).

The third reason to prefer the non-individualist reading is that the joint duty seems more basic, or logically prior, to the individual (contributory) duties. The 'primitive account' ignores that we somehow have to account for the existence of the duty to assist in the first place. If we do not have the capacity to assist someone, we are under no obligation to do so. In the above described cases, capacity to assist results from the fact that the individuals have a joint ability but no individual ability to assist. Only together with others can the individual passers-by and bystanders help those in need. Their individual action would not have any effect if it were not part of a joint action, that is, if others did not perform corresponding actions towards a joint goal. Hence the

individual bystanders cannot be required to throw themselves onto the attacker by virtue of their individual duty to assist. They can only be required to do so as in the context of a joint action. Furthermore, they cannot hold individual duties to collaborate with others, because whether or not others collaborate is outside their control and power. One cannot have moral duties to do things that are outside one's control. Hence, the duty to collaborate in order to assist cannot be an individual duty.

It makes sense, then, to consider the individual obligations to contribute as arising or resulting from the collective or joint obligation. According to Wringer, that the latter are more basic than the former is shown by the fact that the collective obligation remains the same even if the individuals who hold respective contributory duties change (2014: 11).⁴ Apart from being more basic, the existence of the joint obligation *explains* the existence of the individual obligation, as Wringer (2014:9) has argued. In sum, the view defended here is that – under certain circumstances – individuals can jointly hold a moral duty to assist, resulting in individual duties to contribute to that joint action.

In the following, I will spell out the notion of joint moral duties in more detail. However, we have to be careful about several issues here. Most of all, we have to be aware that 'can' does not imply 'ought'. There is a great temptation to think that, once we accept the existence of joint duties, all kinds of individuals in all kinds of random groups, people who have no shared or joint goals etc., could still have moral duties to act upon moral pressing issues by virtue of the fact that they *could* act jointly. But surely, the mere fact that individuals *could* act jointly towards morally worthy end, does not imply that they *should* in the sense that they ought to do so. And while the capacity principle seems to hold for non-individualistic interpretation of joint duties, we have to make sure we determine the limits of such joint duties.

⁴ This undermines, according to Wringer, two types of reductionist claims about collective duties: analytic and ontic reductionism: "Both forms of reductionism are undermined by the fact that in many cases the sorts of individual obligations to which both sorts of reductionist appeal arise out of, and are explained by the existence of collective obligations" (2014: 14). Wringer goes on to argue that collective obligations supervene on individual obligations (*ibid.*, pp. 16ff).

4. The limits of joint moral duties

What then are the limits of such joint moral duties provided they exist? When do individuals in random groups who could act together have duties to act together? Again, let us start with simple claims and proceed to more difficult ones:

- 1) It seems reasonable to think that joint moral duties are – at least – subject to the same general limitations that all moral duties are subject to:
 - a) Demandingness
 - b) Competing duties

*1a) Limitations concerning **demandingness***

Joint moral duties should not be overly demanding. According to Bob Goodin, “[t]he greater the moral gains in view, the greater the sacrifice that can properly be morally demanded” (Goodin 2009)p. 6). Furthermore, if satisfying a moral duty would require a person to sacrifice (or forgo) something of ‘disproportionate moral worth’, that person is excused from that duty (ibid.). Goodin argues that “If there are great gains in view, a morality is not wrong to demand proportionately great sacrifices from people to secure them.” (ibid. p. 8).

Similar limitations to the permissibility of moral demands should apply to groups of individuals who could perform a joint action. Because several individuals are involved, the sacrifices on part of the individual members of the random group will have to be weighed against the gains of their action. Should they be weighed individually or collectively (or in aggregation)? For instance, if the gain of the joint action was to save the victim of the attacker but all helpers would suffer injuries, should these injuries be added up? I suggest that each individual agent’s sacrifice be weighed separately against the moral gain. A moral duty would be overly demanding if it required at least one agent involved in discharging it to sacrifice something of disproportionate moral worth. However, it would not be overly demanding in cases when there are more

people than necessary to perform the joint action and the disproportionately burdened individual does not need to be part of the joint performance.

*1b) Limitations concerning **competing duties***

Joint moral duties are *pro-tanto* duties. They should be subject to the same limitations imposed by competing duties as 'ordinary' individual *pro-tanto* duties are. To give a straightforward and non-contentious example: If a person must choose between saving a child from drowning in a pond or returning home on time because her husband is waiting with dinner, surely the duty to save a life overrides the duty to keep the promise to be home on time in this case.

Something similar should apply to the duties of agents performing – or capable of performing – a joint action on both the individual and the group levels. If there exists an overriding competing (individual) duty then a member of a random collective has no duty to contribute to a joint action. What could an overriding competing duty be in the case of the accident scenario? It would have to be a duty that is weighty enough to override a duty to save the trapped driver's life. To use a simple example: if a passer-by had to choose between contributing to the action of saving the one driver or contributing to (or performing) the action of saving ten drivers trapped underneath another car, then that person should, arguably, contribute to (or perform) the action that will secure the greater benefit. Provided that she cannot do both, that person never acquires an all-out duty to contribute to the joint action of saving the one. She has an all-out duty to assist the ten.

The same would apply on the group level. If two persons jointly can save one trapped driver or ten trapped drivers then they never acquire an all-out moral duty to save the one driver provided that they cannot do both and provided one accepts that it is morally imperative to save then ten over the one.

2) Apart from 'standard' limitations, joint moral duties are subject to some limitations that individual moral duties are not subject to. These limitations have to do with:

- a) The right type of action
- b) The group's 'joint ability': the capacity of the members of the random group to establish joint action

2a) Limitations concerning the right type of action response

Sometimes, joint action might not be the 'right type of action' to respond to a problem. Given that joint action is more difficult to establish, it has a higher potential to fail than individual action. In situations of particular urgency, the latter may be a more appropriate response to the problem than the former. Hence, under certain circumstances, it might be best to perform an individual action given time (or other) constraints when joint action is also possible but less likely or less efficient.

Similarly, group action, i.e. an action performed by a group agent, may sometimes be more appropriate and promising than joint actions (which falls short of being group action). If a group agent exists, that agent may be in a better position to remedy the problem. Consider a scenario where joint action is not sufficient for saving the person a need, but where group action is needed. Group action is a type of joint action that is performed by a group as a (novel) agent. A group agent, i.e., has a decision-making structure and corresponding procedures. Arguably, the more complex the task the more it requires a group agent rather than 'mere' joint action. Stephanie Collins (2013) has argued that individuals in random groups can sometimes have duties to collectivise, that is, to form a group agent with the aim of remedying a morally pressing problem. I will not discuss her suggestion here, but instead I will – for now – accept that individuals may have duties other than that of contributing to and performing a joint action if other types of action are clearly more promising and more likely to succeed in solving the problem.

2b) Limitations concerning the group's 'joint ability'

Establishing joint action is – typically – more difficult than establishing (and performing an) individual action. I have control over my own actions, but I do not have control over other people's actions. In this sense, the barrier to acting jointly seems to

generally be higher than the barrier to acting individually. It looks like we need to take that barrier into account for deciding whether or not there *exists* a joint duty for any given random group of agents. It is the mutual dependence (or responsiveness) of group members when it comes to establishing joint action that we need to account for.

The ease with which joint action can be established or a joint action can be performed by a number of individuals in a random group may differ greatly depending on their circumstances. Hence, the mere *existence* of a joint duty would seem to depend not only on each individual member's capacity to perform their contributory action, but also on the capacity of the group, of the collection of individuals, to establish joint action, that is, to communicate, coordinate, and cooperate. Whether or not the members of a random group hold a joint duty is contingent on interdependent factors.

This means that whether or not individuals in a random group can hold joint duties depends on their individual abilities and features as well as the relationship between these. The capacity to act jointly could, for instance, be severely constrained by communication barriers. Random individuals who cannot communicate (or who are not even aware of each other's existence) are incapable of performing a joint action.⁵ They also cannot hold a joint duty. Or else, if the people walking past the accident site are – in combination – physically unable to lift the car of the trapped driver then they have no capacity to act jointly and hence – given the capacity principle – they have no duty to act jointly (but they may arguably still have individual duties to do something to improve her situation if they can).

Let us now look at the positive conditions that allow for joint action. What are the situations like where individual agents have a duty to act together? What do the two cases – passers-by and bystanders – have in common?

We saw that in each of the examples given, the individual members of the group were in the same place at the same time: they were in a position to communicate, observe

⁵ Common limitations include:

- o members cannot communicate
- o they cannot communicate and act together **in time**
- o they could do the above, but it is not very likely, they only have a small chance

each other, and have a grasp of the situation (the emergency), its seriousness and urgency. They were furthermore individually capable of performing the necessary contributory actions. The scenarios described so far had characteristics that only apply to a narrow selection of cases:

- 1. Situational simplicity:** Concrete aim/goal; Concrete beneficiary; Concrete group; Concrete place/location; Limited in time / immediacy; One-off
- 2. Joint ability:** Acting together is not only possible but relatively easy; Individuals are capable of discharging contributory action. This includes:
 - **Epistemic simplicity:** It is clear what needs to be done; It is clear what each individual needs to do; It is clear when the goal has been accomplished; It looks like there is a good chance of achieving the outcome
- 3. Limited demandingness:** no disproportionate sacrifice required

Which of these characteristics are essential to ascribing a joint duty? Joint ability (2) and epistemic simplicity are necessary. The latter, because individual agents can only have moral duties to assist when it is rather obvious what must be done. Limited demandingness (3) is also a necessary conditions for joint duties.

However, while situational simplicity (1) is necessary, it need not include all the above criteria. It is essential that there be a concrete aim or goal. Having a concrete aim or goal usually means that it is clear who benefits from assistance. In *Bystanders* and *Passers-by* the need for assistance is immediate. They are emergencies: this aspect contributes largely to making the case for duties to assist compelling. To what extent we can have joint moral duties to assist in cases that are not emergencies is yet to be determined, but it seems that such duties would be much less stringent and would less often become all-out duties. *Bystanders* and *Passers-by* are one-off situations. If an unstructured group such as *Bystanders* encounters violence repeatedly, they repeatedly accrue duties to assist, so long as these are not overly demanding. However, if the problem is a lack in public safety generally, institutional action is required, above all. Situational simplicity furthermore requires there to be a concrete group of duty bearers. This aspect is crucial, both for epistemic simplicity (individuals must know that they are part of a group) and for determining whether there exists a duty in the first place (if there is no concrete group, joint ability and the level of demandingness cannot be established).

If these are the minimal conditions which need to be in place in order for a random group to have joint ability (the ability to perform a joint action) then the random groups who have such joint ability are rather few. Members of an unstructured group need not necessarily be at the same place or location. However, with very extended random collectives consisting of people who are physically apart or who do not know each other, people who live on different continents or only in different cities, joint ability is not a given. Moreover, until recently, it would have been almost impossible to establish. Still, even with the means of modern of communication and the internet today, the level of joint ability of random groups – such as the citizens of industrialized countries – is rather low.

It makes sense to think of a group's capacity to perform a joint action – its joint ability – as temporal. A group can have joint ability at one moment in time and lose that ability in the next moment, for instance, if there are no longer enough group members to perform the task. A group's joint ability can vary in degree. For the cases described above, it was assumed that the group's joint ability was high. Hence, its members acquired joint obligations to save the lives of the persons in danger. At the other end of the spectrum, groups with no joint ability cannot hold joint moral duties.⁶ Then there would be groups that have some level of joint ability, but not the maximum level. A random group's joint ability can be diminished by a number of factors, including obstacles to communication or limitations to the group members' individual abilities to perform the contributory action. If the obstacles are too great then the group has no joint ability and its members do not hold joint duties.

5. Limits of individual duties

What do the previously discussed issues imply for individuals who find themselves in situations where they could contribute to a joint action to remedy a morally

⁶ I am using the term 'group' very loosely here. In the way I use it, any two random individuals anywhere on the planet can be a group. A psychologist from China and a dairy farmer from Southern France are a random group in this loose sense of group. As a random group, they have a certain level of joint ability which depends on the particular circumstances. If they are unaware of each other's existence, for instance, their joint ability is zero.

problematic situation? In situations in need of remedy, individuals could often perform a variety of actions, individual contributory actions to a joint action being one of several options. What should an individual do in light of the uncertainty of whether or not joint action will be established and/or successful?

In order to answer this question, let us return to the example of the bystander of the attack. Any individual bystander of the attack could either

(1) Work towards establishing joint action, including starting to communicate with others about intervening to assist the victim of the attack.

OR

(2) Perform an individual action (with no view to a joint outcome). For instance, she could walk away to the next phone booth and call the police. (In doing so, she would be potentially lowering the chances of a joint intervention of the remaining bystanders on behalf of the victim, and dangerously increasing the chances of the attack being fatal.)

Let us assume, for the sake of argument, that a successful joint action's outcome is preferable over a successful individual action's outcome here. Suppose that the successful joint action's outcome involves immediately overwhelming the attacker and saving the victim's life and physical integrity while a successful individual action's outcome would involve the arrival of police at a later point in time with a high chance of the victim having died as a result of the attack by then. Hence, if option (1) is better, and if this is obvious to a reasonable observer, what ought the individual bystander to do when arriving at the crime scene?

In this situation, whether or not she should choose the *pro tanto* better option (1) or option (2) depends on her reasonable assessment of her own and the other group members' ability to cooperate, communicate and contribute to a joint action. If she has reasonable doubts that the group, including her, has joint ability then she is under no obligation to contribute to a joint outcome or to enact her part of the joint performance.

If she has no good reason to believe that joint action cannot be established, she ought to work towards or contribute to the joint action until she has reason to believe that the joint goal has been achieved or that number of other agents willing to contribute is insufficient for the joint goal to be achieved (see Lawford-Smith 2012). If, in the process of establishing joint action, she realises (or has good reason to believe) that an insufficient number of members will contribute, then she must (usually) fall back on individual obligations and actions. If Z_{joint} (=saving the victim jointly instantaneously) cannot be achieved by the group, then $Z_{\text{indiv.}}$ may still be achievable by an individual agent and her individual action.

To sum up: Individual members of a random group confronted with a situation in need of remedy will need to make a choice between (1) performing individual contributory action(s) to a joint action with the other agents present with a view to contributing towards a joint goal or (2) performing an individual action towards an individual goal.

How does an individual member of a random group know that they have a contributory duty? I argue that in order for an individual to have a contributory duty, the following conditions must be met:

- The group must have joint duty (to assist) as specified in section 4.
- The individual has good reason to believe that the group has a joint duty.
- The individual has no good reason to believe that
 - (i) an insufficient number of others would contribute, or
 - (ii) a sufficient number of others are contributing already.

This implies that an individual can fail in their contributory duty even if the joint outcome is achieved. This would be the case, e.g., if she walked away from the accident scene, before she can be certain that enough others will contribute to pushing the car of the trapped motorcyclist. Each individual's duty involves a conditional such that they are required to contribute to the joint action unless and until they have good reason to believe that sufficient others are already contributing.

6. Non-compliance with joint moral duties explained

We can now turn to the question of what it means to fail to comply with joint duties. As we established, joint duties are held by individual agents together (or jointly) and they always give rise to another type of duty: individual (contributory) duties. Non-compliance with a joint duty must then entail non-compliance with an individual duty. At first glance, there seem to be three ways of failing to comply with a joint moral duty:

- (1) The individuals in the random group do perform a joint action but that action is unsuccessful. That is, it does not achieve the joint goal of retrieving the trapped motorcyclist or of subduing the attacker.
- (2) The individuals in the random group fail to perform a joint action.
 - a) One or more individual members of the random group bail on the rest and undermine the group's joint ability.
 - b) People embark on a joint action but one or more individuals fail to perform their contributory action.
 - c) No one does anything. They all just stand there and watch the person being killed by the attacker or the motorcyclist being killed by the flames.

As to the first option: If the individuals perform a joint action without achieving the goal, this could be due to a number of factors. Firstly, the individuals might not have been jointly capable of performing the duty. In this case, insufficient joint ability existed which means that the group did not have a duty in the first place. Secondly, the individual members of the group did their very best to contribute to the joint goal, and they performed a joint action but other circumstances prevented them from achieving that goal or they were simply unlucky. In such cases, we could say that they failed to discharge their duty but are blameless for that failure⁷. However, this seems to put too much into the concept of moral duty. Surely, their duty is to perform an action with a view to achieving a particular goal, but there cannot be a duty to perform that action

⁷ I thank [MR] for mentioning this possibility.

successfully, that is, to actually achieve that goal regardless of the circumstances. Therefore, in this first case, it seems appropriate to say that the individuals discharged their joint duty despite their action being ultimately unsuccessful. Hence, only the second possibility remains: failing to comply with a joint duty means to fail to perform the required joint action.⁸

As to the second option, there are several possibilities, too. Firstly, one or more individual members of the random group can bail on the rest and undermine the group's joint ability. For instance, if all individual agents' contributions are necessary for performing the joint action then any single agent bailing undermines the group's joint ability.⁹ In that situation, the remaining members of the random group cease to have a moral duty to act jointly as soon as the group loses its joint ability. Their failure to comply with their joint duty (which they held while they still had joint ability) is due exclusively to the bailing agent's action.¹⁰ That single agent would be morally blameworthy for the failure of the random group to perform the joint action.

The second possibility has people embark on a joint action but one or more individuals fail to perform their contributory action. While the group has joint ability, one or more of its members just do not act towards the joint goal. Again, if their individual contributions were necessary for performing the joint action and they have no excuse for failing to contribute, then they are morally blameworthy not only for the failure to perform that individual action, but for the group's failure to perform the joint action.

⁸ Another possibility is that the individuals are jointly doing the wrong thing. In this case individuals would act together towards the joint goal but their action would be unsuccessful because it was the wrong kind of response to the problem. Again, we have to allow for our agents to err. Even if they make a mistake they may still have complied with their joint duty. However, if the mistake was easily avoidable or resulted from negligence or slackness then they may have failed in their duty and be morally blameworthy.

⁹ Holly Lawford-Smith calls these cases of 'joint necessity' (2012).

¹⁰ See also Robert Goodin's (2012) solution to cases where individual group members mutually excuse each other from a joint duty. He describes the case in which individual group members give each other reason to believe that an insufficient number of individuals will contribute to the joint action which means that they no longer hold a joint duty. Goodin suggests a solution to this problem, which I think is successful and which I will not discuss here.

Regarding the first and second possibilities: If, due to one or more agents' defection, a random group does not achieve the joint outcome, the remaining individual members of that group are not accountable for that failure and not blameworthy if

- They did contribute or took credible steps towards establishing joint action, and
- As a result they had good reason to believe that an insufficient number of others would not contribute.¹¹

The third possibility is that the individuals in the random group fail to perform the joint action because no one does anything. They might just stand there and watch the person being beaten to death or the motorcyclist being killed by the flames. In this case, we would definitely want to say that individually they have failed in their duty to make their individual contributions. However, we would probably want to say more than that: The individuals have also failed to comply with their joint duty: they failed in a duty to assist the victim of the attack and the trapped motorcyclist. If we think that together they failed to assist, this does not necessarily mean that they failed 'as a group'.¹² We established that the members of the random group do not form a group agent. Hence, the individuals' failure to act is not the failure of a group as a distinct agent. It remains the failure of the individual members.

Who would be the legitimate object of blame in that case? One thing is clear: if there is no group agent, but only individual agents (who can potentially act jointly) then blame cannot fall on this non-existent group agent, but only on the individual agents. With regard to joint necessity-cases, each of them could be individually blameworthy for the random group's failure, because one agent's refusal to act is individually sufficient for the joint action failure. The same should apply to cases where more individuals are present than required to perform the joint action. This is because each individual

¹¹ This condition ensures that group members who do not care to find out whether others are willing to contribute or who give other group members no reason to believe that they are willing to contribute, are not off the hook.

¹² This is what Virginia Held (1970) seems to be suggesting.

defection can be seen as sufficient for undermining the joint ability of a potential subgroup of willing agents.¹³

7. Concluding remarks

What follows from the account of joint moral duties sketched here? If we accept that individuals in random groups can hold moral duties jointly, does this mean that each of us has more or different moral duties than those of which we are currently aware? Does it mean that we ought to team up with others in order to address problems that require joint action solutions? After all, if an individual agent's capacities are joined up with other individual agents' capacities, more and more complex moral problems can – in principle – be effectively addressed.

It appears that an incredibly large number of individuals in random groups could in principle act together if they only took the necessary steps towards establishing joint action. However, it was demonstrated that joint ability does not suffice for ascribing joint duties: not every group of random individuals that is capable of acting jointly has a duty to act jointly. This paper showed that in cases characterised by situational simplicity, epistemic simplicity and limited demandingness, individuals in random groups with joint ability can have duties to spontaneously act together, that is, to perform a joint action with the aim of remedying the morally dire situation. This might mean that the circumstances under which individuals in random collectives acquire joint duties are very limited, too. As a matter of fact, joint action of random groups – which is often spontaneous, requires no complex decision-making or task-distribution and falls short of being group action – is most likely to be established and successful on

¹³ That is, if there are six bystanders and only four of them need to take action, then each has a duty to contribute, unless there are four individuals contributing already. Each individual agent must consider herself to be part of the subgroup of four unless she has reason to believe that four other individuals comprise the sub-group of four and that she is in the subgroup of the remaining two. In case all six stand around and do nothing, no individual has reason to believe that she is not part of the subgroup of four. If she fails to take action then, she has failed to act as one out of four who were required to act. Her individual defection was sufficient for undermining the subgroup's ability.

a small scale and in settings where membership of the group is limited and unambiguous.¹⁴

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¹⁴ We can also see that the argument put forward in this paper does not suffice to justify a positive joint duty of beneficence held by the 'global community' or other large and dispersed random collectives. The citizens of industrialized nations cannot hold joint duties of assistance to combat complex and large-scale moral problems, because the criteria for accruing such duties are not met. However, this is not say that they cannot hold negative duties to combat climate change or global poverty or that there are no other ways of justifying positive duties to assist for large and extended groups.

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