

# Collectivity

## Ontology, Ethics, and Social Justice

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## Chapter 5

# Making Sense of Collective Moral Obligations

### *A Comparison of Existing Approaches*

Anne Schwenkenbecher

We can often achieve together what we could not have achieved on our own. Many times these outcomes and actions will be morally valuable; sometimes they may be of substantial moral value. However, when can we be under an obligation to perform some morally valuable action together with others, or to jointly produce a morally significant outcome? Can there be *collective moral obligations*, and if so, under what circumstances do we acquire them?

These are questions to which philosophers are increasingly turning their attention. It is fair to say that traditional ethical theories cannot give a satisfying answer to the questions, focusing as they do on the actions and attitudes of discrete individual agents. It should also be noted that the debate surrounding collective moral obligations is ongoing and by no means settled.

This chapter discusses and compares the different attempts to date to answer the above questions. It proposes a set of meta-criteria—or desiderata—for arbitrating between the various proposals. However, before I set out to explain these meta-criteria, let me pause to ask the following: Why is this an interesting question? Why should we concern ourselves with this problem?

In my view, the question of collective moral obligations is not only an urgent problem within moral practice but one of the philosophically most challenging issues in ethical theory. Both commonsense morality and philosophical ethics are poorly equipped to deal with problems where our actions (or omissions) produce morally significant outcomes only in conjunction with others. Collective moral action problems—as I call them—are ubiquitous, and yet we have not developed solid responses to them—neither in forms of strong moral “intuitions,” nor in form of a plausible collectivist ethical theory.

Having said that, most people have fairly strong intuitions concerning simple, small-scale joint necessity scenarios. Consider, for instance, a two-person shallow-pond scenario, wherein there are two passersby and it takes both of them to rescue a drowning child (joint necessity).<sup>1</sup> No doubt, most people would make an effort to collaborate with the other passerby to rescue the child. I call this the basic intuition (BI): The two passerby ought to rescue the child together. According to the derivative intuition (DI), they have done wrong if they fail to rescue the child (and are blameworthy unless mitigating circumstances obtain).

Large-scale collective action problems are more difficult: It is true that if people across the globe cooperated in the right way, we could very likely end global poverty and limit global warming. This, too, will save lives. However, for a number of reasons, we are less clear on how we should think about these cases.

Derek Parfit argued that commonsense morality evolved in small communities where our actions and their consequences could only affect people in our proximity. These days, however, individually harmless actions when combined can have significant impact, even on distant strangers. According to Parfit, we need to develop new moral concepts to deal with acts of harming and benefiting in aggregation.<sup>2</sup>

### META-CRITERIA FOR A THEORY OF COLLECTIVE MORAL OBLIGATIONS

This takes me to our first problem: What exactly should we expect of a theory of collective moral obligations apart from a general level of plausibility? Should it equally cover small-scale and large-scale collective action scenarios? Should it help us solve collective moral action problems?

In the first place, a theory of collective moral obligations must be *practically action-guiding*. It must clearly indicate the right course of action for a given agent or sets of agents in a given collective action scenario.

Further, such a theory should to some extent help *explain* the experience of *tension* between collectively available options (e.g., climate change mitigation) and individually available options (e.g., the enjoyment of activities that produce greenhouse gas emissions). It should go some length toward explaining why we feel on occasion torn between the two.

The theory would ideally confirm our moral intuitions where these are fairly strong—in simple, small-scale joint necessity cases. It should *harmonize with our basic and derivative moral intuitions*. I appreciate that the role of moral intuitions in ethical theorizing is somewhat contested but will nonetheless assume that, ideally, our account should confirm these intuitions.

One might further think it desirable that an account of collective obligations harmonizes with generally accepted principles of moral theory, in particular, the *agency principle* (AP) and the *capacity principle* (CP). According to AP, only agents can hold moral duties. While some scholars argue that there are good reasons to give it up,<sup>3</sup> an account of collective obligations that does not violate the agency principle would have the advantage that it could be endorsed even by those who would like to hang on to the principle.

The CP states that if an agent ought to do  $x$ , this implies that she can do  $x$ , and if she cannot do  $x$ , then she need not do  $x$ . Again, the principle that “ought implies can” is perhaps less clear than it appears at first glance (see, for instance, Lawford-Smith 2015). A plausible account of collective obligations must engage with this principle.

Further, we might prefer accounts that are ontologically as frugal as possible (*ontological parsimony*, or OP).

Finally, there are several desiderata for accounts of collective obligations and responsibility that their advocates, sometimes implicitly and sometimes explicitly, endorse.

The first one is the *unification desideratum* (UD). Scholars often defend collectivist approaches as a way of unifying our obligations to act toward collective endeavors.<sup>4</sup> The idea is that collective obligations (usually) give rise to members’ obligations. Understanding the collective level as primary furthermore helps to make sense of individual obligations of the members, and it can solve coordination problems.

The second is the *moral improvement desideratum* (MI). This is one of the main motivators of proposals to understand some duties as collective: it helps overcome the *individual impotence objection*, which is the view that I do not have a duty to contribute to a collective endeavor where my contribution makes no perceptible difference.<sup>5</sup> An account of collective obligations is meant to resolve collective moral action and deliberation dilemmas.

Finally, there is an aspiration that one might call the *moral phenomenology desideratum* (MP). Though this criterion is less frequently expressed, it hints at something important. Bill Wringe suggested that considering some obligations to be collective better corresponds to how we perceive our obligations than a purely individualist account.<sup>6</sup> In fact, he claims, “It is a virtue of a view within theoretical ethics that it vindicate a large amount of the phenomenology of actual situations, and views which do so are to be preferred, *ceteris paribus*, to views which do not.”<sup>7</sup>

Here is the complete list of desiderata:

- Action-guidance
- Explanatory power
- Harmony with moral intuitions
- Harmony with existing moral principles

- Ontological parsimony
- Unification of theory
- Moral improvement
- Moral phenomenology

Now that we have established along which lines we may compare different theoretical approaches, we can look at those on offer in a bit more detail. At this point let me offer a rough categorization of the different theories of collective moral obligations that have been put forward to date. Take the earlier mentioned scenario of the two-person shallow-pond case. Let us assume that we agree with the basic intuition that the passersby should rescue the child and that none of them can do it on their own.

Whose duty is it, then, to rescue the child? The difficulty in answering this question in a straightforward way is what motivates the need for a theory of collective moral obligations in the first place. The duty to rescue the child cannot be the duty of any of the individual bystanders because none of them is capable of rescuing the child on her own. It is furthermore obvious that the two bystanders are not a so-called group agent. The idea that incorporated group agents such as companies, states, or organizations can have moral obligations as groups is increasingly accepted in the literature. For instance, Peter French, Christian List, and Philip Pettit, as well as Toni Erskine, have pushed this line of argument.<sup>8</sup> However, our two passersby are no such group agent. That is, they do not meet the necessary conditions for group agency put forward by the aforementioned authors. They seem to be a different kind of group. Moreover, they can act together and, intuitively, we would like to ascribe to them the obligation to rescue the child. Similarly, some would like to ascribe the duty to mitigate climate change (or, at least, to close the emissions gap) to the global affluent, as several authors have done.<sup>9</sup>

This problem of ascribing the moral obligation to do what is only collectively possible to some suitable agent or group of agents is solved by different theories in different ways. I start by discussing so-called individualist theories, according to which collective obligations are just obligations of individuals to do something individually, such as contributing to a shared goal or to forming a group agent, provided that (an)other person(s) cooperate(s) in some way. According to the authors defending this view, joint necessity cases like the two-person shallow-pond case will trigger duties for each individual passerby to enable, promote, or foster collective action toward rescuing the child in some way. I take Stephanie Collins and Holly Lawford-Smith to hold a view of this kind.

The second group of theories advocates collective moral obligations as obligations *of* collective entities; that is, as obligations of certain groups. According to these authors, the passersby *as a group* hold an obligation to

rescue the child. They are some kind of putative group agent, or potential group agent, and that agent holds the obligation. I take Virginia Held, Larry May, Bill Wringe, Tracy Isaacs, David Killoren, Becca Williams, Toni Erskine, and Sean Aas to hold views of this type.<sup>10</sup> In a sense, these theories postulate the existence of a group agent (or something akin to a group agent) that is capable of holding duties despite failing to show the structural elements of collective moral agency as defended by authors such as List and Pettit and Erskine.<sup>11</sup>

Finally, I address theories that advocate the idea of “joint” duties—the view that individual agents can hold moral obligations jointly. According to this kind of view, the two passersby hold the obligation to rescue the child jointly or together.<sup>12</sup> My own view, which falls into this category (as does Felix Pinkert’s), construes the “ought” as a joint imperative or a plural normative property. Or else, as Gunnar Björnsson puts it, agents can “share” an obligation.<sup>13</sup> Ultimately, I will provide a brief sketch of my own view, which I believe avoids many of the shortcomings of the other views portrayed here.

### COLLECTIVE MORAL OBLIGATIONS AS OBLIGATIONS OF INDIVIDUALS

One might think that the most obvious way to spell out the obligations involved in cases such as the two-person shallow-pond scenario, climate change, or global poverty is as *individual duties* to make a contribution to solving the respective problem, or else as duties to team up with others or to act in a way that is morally optimizing. There are several such approaches, which predominantly spell out moral obligations vis-à-vis collective action problems as conditional obligations of individual agents.

According to Stephanie Collins, we can have *duties to collectivize*.<sup>14</sup> In our example, the two passersby each ought to work toward forming a group agent, which can rescue the child (in Collins’s original example it is indeed a group of bystanders who must collaborate to rescue a drowning person). Or, put differently: *a* and *b* ought to each do *y* (form a group agent) with a view to the group agent doing *x* (rescue the drowning person).

This proposal seems to operate within the constraints of commonly accepted principles: It does not breach the agency principle—only agents have duties on this account, for instance. However, there are two possible ways of spelling out the duty to form a group agent: either what is meant is that each passerby ought to do what she deems necessary to form a group agent or else both ought to form a group agent. The latter action cannot be performed individually, only jointly. The former interpretation does not



breach the capacity principle—and I assume that this is how Collins meant her case to work—while the latter does. However, note that on the former reading, which is in harmony with existing principles, the bystanders do not have a duty to assist the child (as this would be in breach of the capacity principle). If they fail to assist, they each have failed in taking the relevant steps toward forming a group agent. They have not failed (in a moral duty) to save the child. In fact, they had no obligation to save the child. The former reading, therefore, contradicts our basic intuition. If we think that one can only be retrospectively blamed for what one had a duty to do, then there is no blame to be apportioned for failing to assist the child, which contradicts our derivative intuition. The bystanders are only blameworthy for having failed in taking the required or appropriate steps toward forming a group agent. I think this makes Collins's view unsatisfying.

Further, it is at least unclear why the passersby should form a group agent to save the drowning child. The presumption behind this requirement seems to be that only a group agent could save the child; that is, whenever agents intentionally collaborate in the way the passersby do, if they rescue the child together they do in fact form a group agent. Now we may well call any plurality of agents who spontaneously collaborate (me and my colleague lifting a table together, for instance) a group agent, but why? Several authors have argued that such collaboration is best described as "joint" or "shared" action<sup>15</sup> and have distinguished it from the actions of incorporated (or constituted) agents as, for instance, described by List and Pettit in *Group Agency*. Why lump these two categories together? Why assume that a novel agent is formed when two people spontaneously collaborate? The motivation behind this could be a bias toward agency monism: any action that takes place must be clearly ascribable to *one* agent. However, apart from a certain desire for tidiness in our social categories, little speaks in favor of agency monism. Also, individualist accounts, which insist on describing the rescue as an action of a group agent, add an ontological layer that is not needed. This is at odds with the desideratum of ontological parsimony.

Else, we might think of the bystanders' duties as conditional. One might think that each has an obligation to contribute to saving the child if she has reason to believe that the other one will contribute, because only in that case will her contribution make a difference for the better (since in our example we assume that there is nothing she can individually do to make things better).

According to this simple, conditional obligations view, each has an obligation to participate in rescuing the child if the other participates (or is willing to participate) in rescuing the child. Each passerby has an obligation if the other makes an effort toward rescuing the child.



[*a*] ought to  $x_a$  only if [*b*]  $x_b$ s; and  
 [*b*] ought to  $x_b$  only if [*a*]  $x_a$ s.

While I am not aware of any scholar who put forward such an account of collective duties, it seems to be implied by individualist maximizing act-utilitarianism. After all, you can maximize the good only if your friend contributes and vice versa.<sup>16</sup> I limit my commentary to pointing to a number of problems with conditional obligations, generally. First, all individualist accounts share the same problem—namely that they cannot motivate a duty to actually rescue the child (or to mitigate climate change or stop global poverty for that matter). So they fail to meet the “moral improvement” desideratum and are at odds with the basic intuition. If you are willing to bite that bullet,<sup>17</sup> then these views may nonetheless be attractive to you.

Second, there is the problem of mutual release: If both agents simultaneously refuse to act, each makes it the case that the other has no duty to contribute. Hence, surprisingly, in that case, none of them seem to have done anything wrong. Robert Goodin came up with a solution, which, while maintaining the conditionality of the obligation, avoids the mutual release problem.<sup>18</sup> He proposes that each needs to make a commitment of the following kind: “I will if you will” and “I will if (you will if I will).”<sup>19</sup> I cannot discuss this proposal in detail here, but it is fair to say that complex conditional obligations may not fare well on our moral phenomenology desideratum. Research from experimental economics, social psychology, and evolutionary biology suggests that we regularly take a collective perspective when faced with problems that cannot be resolved by individual action.<sup>20</sup> We seem to perceive certain problems as problems that concern *us*—a group of agents we are part of.

Further, it is unclear whether conditional views are really action-guiding. If I have an obligation to assist only if you are willing to assist, then what do I do in scenarios when it is hard for me to find out if you are willing to assist? Take a two-person joint necessity case that resembles a so-called hi-lo game. Let us assume, as we have assumed so far, that the best outcome is achieved if both passersby rescue the child. There might be a second-best collective outcome though: both walk past the pond to their respective destinations and, as a result, arrive in time at their scheduled meetings. Surely, such an outcome has some value, even if it is significantly lower than that of rescuing the child. Now suppose that the worst cases are those where one passerby attempts to rescue the child on their own. Not only will they not succeed, but they miss their meeting as well. Faced with this scenario, they may deliberate on what it is they should be doing: clearly, *if* the other person tries to rescue the child, they, too, should try to rescue it. However, if the other one walks on, they too

should walk on, at least from the point of view of maximizing utility. What should they do? A conditional theory simply will not answer this question.

### COLLECTIVE MORAL OBLIGATIONS AS OBLIGATIONS OF GROUPS

Many of the problems of individualist accounts can be avoided if we are open to the possibility that the requirement to provide collective assistance in our exemplary case does not simply reduce to individual obligations. Let me turn to one of the earliest and most influential contributions to this debate: Virginia Held's discussion of the moral responsibility of random collectives. She argues that where "the action called for in a given situation is obvious to the reasonable person"<sup>21</sup> and the action must be performed jointly, then those who are in a position to jointly perform it can be held retrospectively morally responsible (and blamed)—as a group—for failing to do so. While her view is coined in terms of retrospective responsibility, I think we can treat it as making a point concerning forward-looking responsibility or obligations, too.

The problem is that when claiming that a plurality (or "random collection") of agents ought to do  $x$  together, as Held does, the underlying assumption seems to be that such pluralities of agents can hold moral obligations. That is, Held's view seems to be that agents who do not form a group agent can hold moral duties.

Held's view then violates the *agency principle*. According to the agency principle, only moral agents can hold moral duties. The random collection consisting of the two passersby (a conjunction or plurality of agents) is not in itself a moral agent. If the agency principle in this form is correct, then Held's view is thus problematic. Now one might think that the agency principle is false or else requires modification. I will not discuss this issue here but simply point to Wringer's argument in favor of dropping the principle.<sup>22</sup>

Held<sup>23</sup> has an alternative proposal for cases where the best course of (joint) action is not obvious to the reasonable person or salient. It is worth noting that Collins's approach is very similar to Held's alternative proposal. According to Held, in cases where a group agent or group action *proper* is required and the action called for is less obvious, the individual group members can potentially be held responsible for failing *to form a group*. That is, Held acknowledges that collective obligations may arise even in cases where it is not immediately obvious what needs to be done. Note that there is also some ambiguity in the phrase "the action called for," for it can refer to the collective action or the individual contributory actions or both. I assume that Held refers to both.

In any case, Held argues that the *group itself* is responsible if its individual members fail to jointly act in the kind of collective assistance scenario she has in mind, though she does not seem to think of the “random collection” in her example as a group agent in the strict sense. Toni Erskine writes: Held’s “argument and the particular time-sensitive, life-and-death examples that she invokes actually point toward an intermediary type of association that the members of her random collection have an obligation to form themselves into: an informal association, loosely organized and capable of some deliberation leading to coordinated action but lacking the organizational or decision-making trappings of structured institutions.”<sup>24</sup> Reflecting on this comment, we can see that for the kind of cases Held focuses on—namely, bystanders overwhelming an attacker or rescuing someone from a collapsing building—no group agent in the strong sense is indeed required. However, there may be cases where the formation of such a group agent *is* necessary to prevent something morally bad from happening.

In any case, it is this intermediary type of association that Erskine’s position attempts to capture in her own work. In the context of international relations, Erskine has defended the view that so-called coalitions of the willing can have moral obligations. Its members are temporarily united in pursuit of a common purpose, but the coalition itself lacks an established organizational and decision-making structure.<sup>25</sup> She argues: “If there is a duty to perform a particular action, and if individual agents can come together to perform this action when they could not have performed it individually, then they each have an obligation to contribute to establishing the type of group necessary for this duty to be discharged.”<sup>26</sup> It should be noted that Erskine’s view refers to coalitions of states and non-state organizations but not to individuals. Here is how I—liberally—would adapt her approach to the realm of individual agents: On Erskine’s account, if there is a duty to rescue the child and the passersby can come together to do so, then they each have an obligation to contribute to establishing the kind of group needed for rescuing it. Put differently: The passers-by ought to each contribute to transforming their group so that they become jointly capable of doing *x*.

Note that this view requires a certain kind of group to be formed—not a group agent but a goal-oriented collective. Erskine thinks that all that is required of the individuals here is to act jointly. They need not form a—structured—group agent. This difference is reflected, for example, in the different way in which the coalition of the willing can be held responsible: responsibility ultimately distributes between the members of the group but does not sit at the level of the group as such, according to Erskine.

On this view, then, each of the passersby has an obligation to do what it takes to collaborate in assisting the child. The right kind of group is one that is

capable of rescuing the child. In this sense, Erskine's is a version of the view that the individual agents need to take steps toward establishing joint ability.

However, to the extent that joint ability is all that is required, talking of "groups" seems quite superfluous. Rather, it seems to be sufficient to say that the passersby ought to each see to it that they are jointly capable of doing  $x$ .

Note, however, that there is a form of circularity in Erskine's proposal. She argues for a conditional: that *if there is a duty* to perform a particular action and that action cannot be performed individually, then the individual agents have to transform the "group" they constitute. However, there is obviously a problem with the antecedent of the conditional—the claim that there would be a duty to perform that action in the first place. Whose duty is it at the point in time where the individual agents have not yet formed a group capable of addressing the problem—or have otherwise made it possible that they could jointly act upon the problem? Erskine seems to be saying that if the group has a duty to do  $x$ , then the individuals in the group have a duty to enable joint action with regard to  $x$ . This would suggest that the loose group of individuals, or else the plurality or the conjunction of individuals, has a duty. Again, as with Held's position, this violates the agency condition. Moreover, it seems to contradict Erskine's own view that the group as such is no appropriate addressee of such obligations. If we grant the agency principle, then the group can have no duty to perform a certain action, even if the action (or outcome) may be morally desirable.

In short, I think Erskine's view is most plausible where it defends a duty on the individuals to collaborate and coordinate their actions. She rightfully says that this is a "shared" or distributed responsibility—it rests on each of the participating individual agents. Her work partly draws on Larry May's works on collective responsibility, *Sharing Responsibility*, and especially on *The Morality of Groups*. However, most of May's discussion in both works is coined in terms of retrospective responsibility, rather than prospective responsibility or obligations, which is what I am concerned with here.

In *The Morality of Groups*, May emphasizes that in mobs—large and unstructured collectives—it is the relationships between individuals that matter for determining their collective responsibility: "My own view is that social groups should be analyzed as individuals in relationships. Groups themselves do not exist in their own right; but the individuals who compose groups also are often not understandable as acting in isolation from one another."<sup>27</sup> According to this kind of approach, the relationships in which individuals in loose groups stand to each other are crucial not only in determining the nature of the group but also for discussing the possibility of such groups having obligations.

In his later work, *Sharing Responsibility*, May discusses another type of collectivity: putative groups. These are groups that have enough leadership (or cohesion) to convert themselves into groups that act. According to May, when a group fails to prevent harm that it could have prevented, the group may be held collectively responsible for that failure. This collective responsibility is distinct, according to May, from the individual responsibility of its members. May calls the sum of individual responsibilities of the individual members “shared” responsibility. Importantly, it is possible that a group is collectively responsible for harm without any of the group members sharing responsibility for the harm.<sup>28</sup> That is, in our *collective shallow-pond* case, May’s position would hold the passersby collectively responsible as a group if they failed to assist the child. In addition, one or both of them could be individually responsible. In any case, since May’s view is formulated negatively and focuses on collective harm, mainly, the following is merely an attempt at a potential reconstruction of his view in terms of positive duties, rather than being a view that he has explicitly expressed.

May’s collective responsibility for a group’s inaction view—if applied to our case—would be as follows: The putative group consisting of the two passersby is retrospectively collectively responsible for the harm to the drowning child if they fail to rescue it. Put in terms of positive duties: the putative group consisting of the passersby ought to rescue the child.

Provided that the forward-looking and the backward-looking cases are parallel, on May’s account, putative groups as such can hold moral obligations. Again, to the extent that such groups are collections of agents rather than collective or group agents in their own right, such a view would violate the agency principle. Note that so far I have not suggested that the agency principle should necessarily be upheld. At this point, I am merely noting that several of the existing views on collective obligations violate that principle.

Finally, Tracy Isaacs briefly discusses the idea of putative agents (in May’s sense) having forward-looking obligations in her book *Moral Responsibility in Collective Contexts*. In it, Isaacs claims that there can be no collective obligations without a collective agent, but she allows for “putative obligations” to attach to groups that are not yet formed as agents. What this means depends on whether there is clarity as to the collective action required—whether it is obvious to the reasonable person “what the potential agent will be and what it will do.”<sup>29</sup> If the *clarity* condition is met, putative collective obligations function in the same way as collective obligations of proper group agents (and goal-oriented collectives). According to Isaacs, this means that there exists an obligation at the collective level, which orders and mediates but does not reduce to (or is the aggregate of) individual obligations.<sup>30</sup> Rather, putative obligations serve as “mechanisms” for determining individual actions and duties.<sup>31</sup> She adds that when a putative collective obligation becomes “actual”



then “the relevant obligation will be that of an organization or a goal-oriented collective.”<sup>32</sup> The putative group is therewith transformed into an actual agentive group.

The clarity condition invoked echoes the “reasonable person standard” put forward by Held and the salience condition proposed by Felix Pinkert. Isaacs suggests that where the clarity condition is not met, there is no putative obligation of the loose (putative) group. That is, whatever obligations group members have in such cases, they are not obligations to contribute to a collective endeavor and cannot be explained (or justified) with reference to a group obligation. However, Isaacs does not consider the possibility of an obligation on the members of the group to establish clarity, which is what Pinkert proposes.

With regard to our example, Isaacs’s view then amounts to the following: The putative group consisting of the two passersby has a putative obligation to do *x* (rescue the child). In other words, Isaacs, too, defends a view that violates the agency principle. Or at least her view appears to violate it since she *does* argue that the group changes in the course of carrying out the joint action—it becomes an organization or else a goal-oriented collective. I take it that Isaacs is trying to say that the group becomes an agent capable of holding duties, and in becoming this agent, the putative obligation becomes an actual obligation.<sup>33</sup>

However, if a putative obligation is something like a potential obligation, an obligation that is not quite yet a proper—or actual—obligation, then it remains to be discussed why such an obligation does—as Isaac claims—have the same ordering mechanism in determining the individual contributory obligations. In a way then, Isaacs circumvents the problem of ascribing obligations to collectives that are not agents by introducing the idea of putative obligations. However, it is not quite clear what putative obligations are. Are they a weaker form of obligation? And what would that mean? Alternatively, if they really only convert to actual obligations once the plurality of agents has transformed into an actual group agent, why are they binding obligations before that happens? Are they a potential obligation? And if so, why ought you and your friend do something that will turn a potential into an actual obligation? In other words, where does the binding character of this individual contributory obligation come from? In short, Isaacs’s approach does leave crucial questions unanswered; yet, to be fair, her book only briefly touches on these issues and was not meant to give an exhaustive account of joint or collective obligations.

Similar to Isaacs, Bill Wringer<sup>34</sup> proposed that in being the subject of an obligation an unstructured collective may turn into an agent: “[I]t is not that certain entities are morally obligated in virtue of the fact that they are agents; rather we should take them to be agents in virtue of the fact they are the

subjects of moral obligation."<sup>35</sup> He refines this view in a later article, in which he argues that only those collectives that are capable of becoming agents can be the subject of obligations. However, Wringer departs from Isaacs when he claims that even when a collective is a potential agent, it can still be subject to an actual duty.<sup>36</sup> According to Wringer, the bearer of collective obligations is a collective or group and such obligations supervene on individual obligations. Individuals acquire contributory obligations by virtue of being members of a group with a collective obligation.<sup>37</sup>

According to Wringer's view on collective obligations, the (potential) agent consisting of the two bystanders ought to rescue the child. So according to Wringer, our passersby, by virtue of being a potential agent, acquire a collective obligation to rescue the child, which then gives rise to the individual obligations to contribute.

The aforementioned authors are all trying to capture the same basic idea that sometimes it is required of agents to transform themselves into the kind of group that can successfully address a certain problem. In other words, sometimes we need to generate immediate joint ability (in Pinkert's terms, see the next section). However, these authors do not want to let go of the idea that even prior to having such joint ability there is an obligation on the members of the group to address the problem as such. That is, they do not want to let go of the basic intuition and the improvement desideratum. But at the same time, they need to solve the problem of moral agency: Who holds the obligation? Some come down on one side of the fence: Erskine claims that it is ultimately the individuals who are responsible; some come down on the other side: May, Wringer, and Held think that it is the groups. Others, like Isaacs, sit somewhat on the fence.

Finally, Sean Aas presupposes that unstructured collectives can have putative obligations as collectives and argues that whether or not they do depends on their ability to act,<sup>38</sup> which in turn depends on its members' joint willingness to do their part. He proposes the following necessary and sufficient conditions for collective obligations:

A collective is obligated to  $\phi$  if and only if (a) its members are obligated to: be prepared to do their part in  $\phi$ -ing, if they become sufficiently certain that enough others will as well and (b) if the members live up to this obligation, then (it is sufficiently likely that) the collective will  $\phi$ .<sup>39</sup>

It seems that Aas is defending a view according to which the members' obligations take precedence over the group's obligation. In our case, then, the passersby are only obligated to rescue the child if each of them is sufficiently certain that the other will contribute. Now, of course, we tend to assume that each tries to communicate with the other when she comes across the



drowning child. In that case, they each will (or will not) reassure each other of their willingness to contribute, and in case they do, the group acquires an obligation.

On Aas's account of members' obligations, the group consisting of the passersby ought to rescue the child *iff* it is the case that:

*If* they each are certain as to the other's willingness to be prepared to do their part, they each acquire an obligation to be prepared to do their part, and *If* it is the case that each is prepared to do their part, it is sufficiently likely that together they will succeed in rescuing the child.

In other words:

[*a b*] ought to *x* iff

- a. *a* ought to  $x_a$  if *a* is certain that *b* will  $x_b$ , and  
    *b* ought to  $x_b$  if *b* is certain that *a* will  $x_a$ , and
- b. *a* and *b* are likely to succeed in doing *x* if they  $x_a$  and  $x_b$

Condition (b) is obvious: A plurality of agents has an obligation to do something only if its members are likely to succeed in doing that something given they each do their part. In other words, we are never collectively obligated to pursue the impossible (or unlikely).

Condition (a), however, generates a few problems and reveals the weakness of biconditionals generally: They are not very informative. Aas's conditions may reduce to a mere explication. What it means to have a collective obligation is simply what is stated in (a) and (b). And indeed, we are none the wiser for knowing Aas's conditions as to when such collective obligations arise. If we ask how the conditionals in (a) can be fulfilled then we must ask how such individual contributory obligations arise in the first place. When is it the case that if I am certain that others are prepared to do their part in a collective endeavor I have an obligation to (be prepared to) contribute? Different answers are possible. Some will be circular; for instance, we have an obligation to (be prepared to) contribute to a collective endeavor if we are part of a group that has a collective obligation to undertake that endeavor. Others seem too narrow; we have an obligation to be prepared to do our part if we are a difference-maker—that is, if without us the collective undertaking would fail. Moreover, still others are too wide: Whenever there is something morally valuable that we could collectively produce, we have an obligation to produce it provided enough others contribute.

At this point, and in keeping with the aim of the chapter, it is important to note that on the basis of Aas's conditions we cannot decide whether or not he thinks that the group obligation boils down to a conjunction of individual

members' obligations or whether there is a group obligation in addition to the members' obligations. It seems as though he has the former in mind. Namely, what it means to say that a group or plurality of agents ought to do something is the same as saying that each ought to do their part if they are certain that others do their part and together they can succeed in performing that action. This, ultimately, appears to be an individualist and conditional account of the duties involved, even though Aas set out to defend collective duties. I have already discussed the problems of individualist (conditional) accounts.

Let me very briefly mention two other approaches: Liam Murphy, in his book *Moral Demands in Nonideal Theory*, used the notion of "collective beneficence," arguing that the duty to contribute to poverty relief (and similar global duties) is to be understood as a collective duty that needs to be fairly distributed among the members of the global community. Murphy's notion of collective beneficence is that of a distributive collective duty, where saying that a group has a duty of collective beneficence means that each individual member has a (fair) share of that duty. However, in such distributive cases, according to Murphy, there exists no duty to take up the slack left by others; that is, there is no duty to contribute more than one's fair share. Similarly, in *The Moral Demands of Affluence*, Garrett Cullity assumes that beneficence is collective illustrates this claim with precisely the collective rescue case I am using here. However, he does not develop this idea further in the book.

In summary, one could say that each of the theories in this category either violate the agency condition (in that they attribute obligations to pluralities of agents that are not agents in their own right) or postulate superfluous entities (in that they claim that a group agent in the strict sense needs to act when really the individual agents just act jointly) or else they beg the question against what it means to be a group agent (by assuming that whenever individuals intentionally cooperate they are in fact forming a group agent). It is in particular the last point that seems to be at odds with our moral phenomenology. Presumably, to the individual agent, being part of (and act as part of) a constituted group agent (for instance, a university) feels very different from acting jointly with others by joining forces for a particular (often short-term) purpose.

### COLLECTIVE MORAL OBLIGATIONS AS "SHARED" OR "JOINT" OBLIGATIONS

Let me now turn to proposals, which suggest spelling out collective obligations as "joint" or "shared" obligations. Pinkert's account of joint duties centers on the notion of "joint ability," distinguishing between mediate and immediate joint ability. Immediate joint ability to  $x$  is only present where

there is one salient possible collective pattern of actions that would constitute  $x$ -ing and every relevant agent believes what is in fact her part to be her part.<sup>40</sup> In our modified shallow-pond case, this means that if there is one combination of actions that would save the child and it is salient and both passersby have true beliefs concerning these actions, then they have joint ability to rescue the child. Pinkert would argue that in our case the passersby have a joint obligation to rescue the child.

Pinkert also considers the possibility of joint duties in cases where there is no such salient pattern and the individual parts are not immediately known to the members of the groups, or else, they do not (yet) have true beliefs concerning their parts in  $x$ . In such cases, the members of the group are jointly able to do  $x$  if there is a preliminary action  $yx$  that they are jointly able to perform (and that meets the salience criteria, as discussed previously) and which if taken will enable them to perform the action  $x$ . In other words, if there is some preliminary step to doing  $x$ , which establishes their immediate joint ability to do  $x$ , which is obvious to them and they have the ability to take, then they have mediated joint ability to do  $x$ . If there is to be a joint obligation, there must be mediate or immediate joint ability. In other words, joint ability is a necessary criterion for collective obligations.

I will not provide a detailed critique of his argument here, since I do not have the space. I think Pinkert's approach fares really well on a number of desiderata; it allows for our basic intuitions to be confirmed, it aligns with our moral phenomenology, and it debunks the impotence objection. However, since it does not give us the full picture on collective obligations (nor does it aspire to do so), it falls short of ultimately telling us *under what circumstances* we have collective obligations. It is not action-guiding—it only gives us one necessary criterion. As such, it can do little to unify moral theory. Further—and this is a problem for all approaches in this category—we might think that it is not parsimonious: it introduces a new “type” of obligations that are “joint” and a new plural moral property.

Gunnar Björnsson encounters the same issue when he argues that individual agents can *share* moral obligations.<sup>41</sup> “Sharing” an obligation is different from how holding an obligation is standardly conceived. On Björnsson's account, if the group members have the motivational sensitivity required of moral agents, they will find out what to do and get others to participate where possible. An essentially shared obligation of two agents  $a$  and  $b$  to do  $x$  exists where

their failure to do  $x$  would be morally bad, and their doing  $x$  would be ensured, in a normal way, by  $a$ 's and  $b$ 's caring appropriately.<sup>42</sup>

Björnsson's main example is a shared obligation not to pollute a lake, where no individual agent's contribution would lead to the lake's pollution, but

together their contributions do. Björnsson's example is very different from ours, because it is a case where individual actions on their own do not make a morally important difference to the outcome. If applied to our modified shallow-pond case, I believe that Björnsson's account would imply the following: The passersby share an obligation to rescue the drowning child if and only if their failure to do so would be morally bad and it is the case that if they cared appropriately—that is, if they showed the right kind of moral motivation—they would rescue the child.

If we unpack this biconditional the following conditions emerge: A shared obligation to do  $x$  exists where  $x$  is objectively morally right or morally optimal (and not doing  $x$  is objectively morally wrong), and appropriately motivated agents are able to both recognize the moral status of  $x$  and to secure  $x$ . Note that this is the strongest possible interpretation of Björnsson's account, but I believe it to be what he has in mind. Now the main problem with this approach (or my take on it) seems to be that it is too strong. We do not always recognize what is morally optimal even if we are highly motivated moral agents. To demand that moral obligations—collective or individual—only exist where we are in a position to establish what is morally optimal (or sub-optimal) undermines most of our moral obligations.<sup>43</sup>

However, a more plausible interpretation of Björnsson's proposal is available. The condition that the failure to do  $x$  be morally bad could also be interpreted as meaning that failing to do  $x$  is prospectively or subjectively suboptimal. In that case, two agents would have an obligation to do  $x$  if they believe  $x$  to be optimal (subjective view), ideally on the basis of evidence (prospective view).

I believe that this proposal has several advantages over Pinkert's: It gives us necessary and sufficient conditions for collective obligations and, as such, can be potentially action-guiding. It aims at unifying our theory of moral obligations in that it shows how the same general theory of obligations covers both individual and collective cases. It does, however, in its current shape fail to explain the tension between our individual and collectivist inclinations in situations where we are not sure if collective action is taken. Further, it is (still) a little light on the detail: What does it mean to "care appropriately," and how does such caring prevent collective action dilemmas?

### COLLECTIVE MORAL OBLIGATIONS FROM THE PERSPECTIVE OF THE DELIBERATING AGENT

Let me conclude by providing my own proposal, which I hope satisfies our desiderata while avoiding some of the pitfalls discussed previously. In developing an account of collective moral obligations, a recurring problem was how to accommodate the idea that our obligations can sometimes be directed

at collective endeavors and sometimes at things we could individually achieve. I found that starting from the perspective of the deliberating agent is the best way to reconcile the tension between the individual and the collectivist pull, while still providing action-guidance. I am suggesting that a plurality of agents *a*, *b*, and *c* have a collective moral obligation if:<sup>44</sup>

- (i) There exists a specific morally significant joint-necessity problem *P*, such that agents *a*, *b*, and *c* can collectively, but not individually, address *P*.<sup>45</sup>
- (ii) Conscientious moral deliberation leads all of them (or a sufficiently large subset of them) to believe that some collectively available option *O* is morally optimal with regard to *P*.
- (iii) *A*, *b*, and *c* (or a sufficiently large subset of them) are in a position to determine individual (or joint) strategies to realize *O* and to achieve *P*.

For a plurality of agents *a*, *b*, and *c* to have a collective moral obligation means that they jointly hold that obligation. It is essentially a shared duty from which derivative individual duties arise. It is clear from the above that not just any plurality of agents will be able to address some problem together. Whether or not they can will depend on the relationships between the individuals, including what they know about the problem and about each other, as well as on the problem at hand and the complexity of its solution. My proposal also covers cases where there is no direct communication between individuals, but where instead they have the same true beliefs concerning the facts surrounding *P* or else there is a salient, publicly known solution, as Pinkert, Held, and Isaacs suggested (in their respective terminology).

Let me focus in on the requirement that agents be in a position to determine individual strategies toward *O* and *P*. Importantly, public information campaigns can devise individual strategies for *O* and *P*. As such, we—members of a capable plurality—can have collective obligations to address large-scale problems, even on a global-scale, without having (*de re*) knowledge of the members of the plurality (their identity or actions).

Further, the requirement of moral optimality (ii) allows for more than one optimal option, and it may be possible to pursue several such options simultaneously. That is, options may not be mutually exclusive. In that case, all that is required is that the deliberators overlap in the options identified as optimal. Note that what moral optimality consists in is not spelled out in the proposal—what exactly is morally optimal would depend on which substantive moral theory is true.

This proposal explains how as moral deliberating agents we come to feel torn between individually available and collectively available options: It is often unclear whether or not others recognize the collective option to be



optimal and whether or not they are conscientious deliberators. The proposal is action-guiding in that it identifies one morally obligatory course of action in scenarios like the two-person shallow-pond case. It is what must appear morally optimal to the agents involved, given their evidence and provided that they are conscientious. As such it confirms our basic intuition and satisfies the moral improvement desideratum without violating the agency and capacity principles.

With regard to more complex and large-scale collective moral action problems, the proposal can hold its ground, I believe. Pluralities of agents may themselves not collectively solve *P* but have reason to see themselves as part of second order collective endeavor(s) that form part of first order collective endeavor(s) to solve *P*. That is, they can see themselves as forming part of polycentric clusters of activity. Both collective action and obligations would be layered in such cases. Therefore, the *individuals' collective obligations would become indirect or second order collective obligations*. Again, the relationship between the second order and the first order endeavor may not be a cause-effect relationship but a part-whole relationship. A second order collective endeavor may be obligatory even where it is not a difference-maker. In summary, the proposal can be action-guiding not just in small-scale joint necessity scenarios, but also for large-scale collective action problems, too. Crucially, it draws attention to the fact that our obligations in such cases depend on our knowledge of individual strategies and of other people's attitudes and beliefs.

## NOTES

1. This term was coined by Holly Lawford-Smith (2012).
2. Derek Parfit, "Five Mistakes in Moral Mathematics," in *Reasons and Persons* (Oxford: Clarendon Press, 1984), 55–83.
3. Bill Wringe, "Global Obligations and the Agency Objection," *Ratio* 23, no. 2 (2010): 217–31; and Anne Schwenkenbecher, *Collective Moral Obligations* [unpublished manuscript], under review with Oxford University Press, 2018.
4. Elizabeth Ashford, "Severe Poverty as a Systemic Human Rights Violation," in *Cosmopolitanism versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualizations*, ed. Gillian Brock (Oxford: Oxford University Press, 2013), 129–55; S. Andrew Schroeder, "Imperfect Duties, Group Obligations, and Beneficence," *Journal of Moral Philosophy* 11, no. 5 (2014): 557–84; and Bill Wringe, "Collective Obligations: Their Existence, Their Explanatory Power, and Their Supervenience on the Obligations of Individuals," *European Journal of Philosophy* 24, no. 2 (2016): 472–97.
5. Parfit, "Five Mistakes in Moral Mathematics"; and Felix Pinkert, "What If I Cannot Make a Difference (and Know It)," *Ethics* 125, no. 4 (2015): 971–98.

6. Wringer, "Collective Obligations."
7. Wringer, "Collective Obligations," 477.
8. Peter A. French, *Collective and Corporate Responsibility* (New York: Columbia University Press, 1984); Toni Erskine, "Assigning Responsibility to Institutional Moral Agents: The Case of States and 'Quasi States,'" in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (Basingstoke, UK: Palgrave Macmillan, 2003), 19–40; and Christian List, and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press, 2011).
9. Kornelius Blok, Niklas Höhne, Kees van der Leun, and Nicholas Harrison, "Bridging the Greenhouse-Gas Emissions Gap," *Nature Climate Change* 2, no. 7 (2012): 471–74; Anne Schwenkenbecher, "Bridging the Emissions Gap: A Plea for Taking Up the Slack," *Philosophy and Public Issues* 3, no. 1 (2013): 273–301; and "Is There an Obligation to Reduce One's Individual Carbon Footprint?" *Critical Review of International Social and Political Philosophy* 17, no. 2 (2014): 168–88; Seth Wynes and Kimberly A. Nicholas, "The Climate Mitigation Gap: Education and Government Recommendations Miss the Most Effective Individual Actions," *Environmental Research Letters* 12, no. 7 (2017): 074024; and Gunnar Björnsson, "On Individual and Shared Obligations," in *Philosophy and Climate Change*, ed. Mark Budolfson (forthcoming).
10. Virginia Held, "Can a Random Collection of Individuals Be Morally Responsible?" *Journal of Philosophy* 67, no. 14 (1970): 471–81; Larry May, *Sharing Responsibility* (Chicago: The University of Chicago Press, 1992); Wringer, "Global Obligations and the Agency Objection"; Tracy L. Isaacs, *Moral Responsibility in Collective Contexts* (Oxford: Oxford University Press, 2011); David Killoren and Becca Williams, "Group Agency and Overdetermination," *Ethical Theory and Moral Practice* 16, no. 2 (2013): 295–307; Toni Erskine, "Coalitions of the Willing and Responsibilities to Protect: Informal Associations, Enhanced Capacities, and Shared Moral Burdens," *Ethics and International Affairs* 28, no. 1 (2014): 115–45; Sean Aas, "Distributing Collective Obligation," *Journal of Ethics and Social Philosophy* 9, no. 3 (2015); and Wringer, "Collective Obligations."
11. Erskine, "Assigning Responsibility to Institutional Moral Agents"; and List and Pettit, *Group Agency*.
12. Felix Pinkert, "What We Together Can (Be Required to) Do," *Midwest Studies in Philosophy* 38, no. 1 (2014): 187–202; and Anne Schwenkenbecher, "Joint Duties and Global Moral Obligations," *Ratio* 26, no. 3 (2013): 310–28 and "Joint Moral Duties," *Midwest Studies in Philosophy* 38, no. 1 (2014): 58–74.
13. Gunnar Björnsson, "Essentially Shared Obligations," *Midwest Studies in Philosophy* 38, no. 1 (2014): 103–20.
14. Stephanie Collins, "Collectives' Duties and Collectivization Duties," *Australasian Journal of Philosophy* 91, no. 2 (2013): 231–48.
15. Philip Pettit and David Schweikard, "Joint Actions and Group Agents," *Philosophy of the Social Sciences* 36, no. 1 (2006): 18–39; and Michael E. Bratman, *Shared Agency: A Planning Theory of Acting Together* (New York: Oxford University Press, 2014).



16. While he did not put forward a view of this type, David Estlund recently constructed an example with this structure to illustrate what he calls the “normativity gap.” My point here is precisely that such a gap can (sometimes) be avoided. David Estlund, “Prime Justice,” in *Political Utopias*, ed. Michael Weber and Keith Vallier (Oxford: Oxford University Press, 2017), 35–55.

17. As Holly Lawford-Smith is happy to do, for instance; Holly Lawford-Smith, “What ‘We’?” *Journal of Social Ontology* 1, no. 2 (2015): 225–49.

18. Robert E. Goodin, “Excused by the Unwillingness of Others?” *Analysis* 72, no. 1 (2012): 18–24.

19. *Ibid.*, 24.

20. Winnifred R. Louis, Donald M. Taylor, and Tyson Neil, “Cost-Benefit Analyses for Your Group and Yourself: The Rationality of Decision-Making in Conflict,” *International Journal of Conflict Management* 15, no. 2 (2004): 110–43; Michael Bacharach, *Beyond Individual Choice: Teams and Frames in Game Theory* (Princeton, NJ: Princeton University Press, 2006); David J. Butler, “A Choice for ‘Me’ or for ‘Us’? Using We-Reasoning to Predict Cooperation and Coordination in Games,” *Theory and Decision* 73, no. 1 (2012): 53–76; Emma F. Thomas and Winnifred R. Louis, “Doing Democracy: The Social Psychological Mobilization and Consequences of Collective Action,” *Social Issues and Policy Review* 7, no. 1 (2013): 173–200; and Michael Tomasello, *A Natural History of Human Thinking* (Cambridge, MA: Harvard University Press, 2014).

21. Held, “Can a Random,” 476.

22. Wringer, “Global Obligations and the Agency Objection.”

23. Held says: “But when the action called for is not obvious to the reasonable person, a random collection may not be held responsible for not performing the action in question, but, in some cases, may be held responsible for not forming itself into an organized group capable of deciding which action to take” (“Can a Random,” 476).

24. Erskine, “Coalitions of the Willing,” 130.

25. *Ibid.*, 121.

26. *Ibid.*, 133.

27. Larry May, *The Morality of Groups* (Notre Dame, IN: University of Notre Dame Press, 1987), 9.

28. May, *Sharing Responsibility*, 107.

29. Isaacs, *Moral Responsibility*, 152.

30. *Ibid.*, 149–51.

31. *Ibid.*, 151.

32. *Ibid.*, 152.

33. *Ibid.*, 152.

34. Wringer, “Global Obligations” and “Collective Obligations.”

35. Wringer, “Global Obligations,” 221.

36. Wringer, “Collective Obligations,” 13f.

37. He thinks collective (CO) and membership obligations (MO) have three connections: explanatory connection—CO can be used to explain MO; ontological connection—CO give rise to MO; and supervenience connection—CO supervene on MO (Wringer, “Collective Obligations,” 473).

38. Aas, "Distributing Collective Obligation."
39. *Ibid.*, 19.
40. Pinkert, "What We Together Can," 194.
41. Björnsson, "Essentially Shared Obligations"; and "On Individual and Shared Obligations." Björnsson, forthcoming.
42. Adapted from Björnsson, "On Individual and Shared Obligations."
43. For an argument to that extent, see Michael Zimmerman's critique of objective moral obligations in Michael J. Zimmerman, *The Concept of Moral Obligation* (Cambridge: Cambridge University Press, 1996).
44. Note that this does not say "iff"—collective moral obligations will also arise in cases that are not joint necessity cases. This means that the present criteria are necessary and sufficient as far as joint necessity cases are concerned but not as far as all kinds of cases are concerned.
45. This leaves open whether they are faced with a wide joint necessity case (the number of available contributors is greater than the number of minimally necessary contributors, which means it is not strictly necessary that all contribute to guarantee the success of the joint effort) or a strict joint necessity case (the number of available contributors equals the number of minimally necessary contributors); that is, whether or not a subset of two would suffice in resolving *P*.

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