Unstructured Collective Harm

An Overview of Accounts of Moral Obligation for Loosely Organized Groups

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Abstract

Syftet med denna uppsats är att klargöra vad vi rimligtvis kan kräva av teorier om moraliska förpliktelser i gruppsituationer. Jag fokuserar på en typ av fall där oorganiserade grupper har möjlighet att förhindra att skada sker, trots att ingen av gruppens medlemmar har denna möjlighet. Tre specifika fall av denna sort diskuteras i syfte att presentera problem som rör moraliska förpliktelser. Därefter presenterar jag en översikt av olika teorier som avser att redogöra för dessa problem. Översikten syftar till att avgöra vad vi kan kräva av en teori om moraliska förpliktelser i löst sammansatta grupper. Jag argumenterar för tesen att vi bör kräva av nämnda teorier att de ska redogöra för förpliktelser i de berörda fallen.
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1 Introduction

In her influential 1970 article “Can a Random Collection of Individuals be Morally Responsible?”, Virginia Held argues for the claim that a group of persons can be morally obligated to bring about an outcome that they individually cannot influence. Even though the groups she is concerned with lack organizational structure and common characteristics such as goals and decision-making processes, they may nonetheless bring about morally significant results. The passengers on a subway train, for instance, though individually unable to prevent a beating, could jointly overpower the assailant (Held 1970: 476–77). It seems therefore fair to say that they have a duty to do so. There are many cases like this, where the “glue” that ties people together are merely situational or coincidental. One of the central questions about such cases is to what degree it is reasonable for a group to be obligated to bring about an outcome that none of its members could. The test utilized by Held to decide whether a random collection can bear moral duties, is if a reasonable person would deem it correct (Ibid: 478). This condition may begin to address the issue, but for many cases, it seems inadequate.

In this paper, I will focus on a certain family of cases in which a group of people bring about, or fail to prevent, a harm where we have trouble saying that anyone had a moral reason to act otherwise. These cases are unstructured collective harms¹ (UCHs). The harm is unstructured in that it is not brought about intentionally (or at least as nothing more than a foreseen side effect of one’s proper intentions), and collective in that the harm is not causally attributable to any one individual. The details between individual cases may differ greatly regarding, among other factors, the number of participants, the degree of knowledge on their hands and the nature of the harm. Real-world examples include global warming, world hunger, and bad results of voting: while it seems we ought to help limit the emission of carbon dioxide, stop starvation in foreign countries, and vote bad politicians out of office, as individuals, we barely (if at all) seem able to make a difference.²

The purpose of the paper is to shed light on what could reasonably be demanded, in terms of obligations, of the agents in a UCH-case. Many philosophers

¹ The terminology is Christopher Kutz’s (2000: 166–67), even though his exposition differs from mine.
² For discussion of the thesis that this is a fairly modern phenomenon, see Scheffler (1997).
have discussed these issues. Therefore, I will present an overview of accounts of moral obligation in groups. I will consider three specific cases of UCH that illustrate issues such as lack of individual control, the unwillingness of others, and ignorance of the means to fulfill one’s obligation. I will explicate how the accounts in question address these problems, thus gaining insight into what we might require of moral obligations in unstructured group settings. The accounts are presented based on relevance, and the prospects of explaining the cases considered, coupled with an intent to show the diversity of the debate. One of the results of this exposition is that according to some accounts, we cannot ascribe moral obligations in certain UCH-cases. I will also argue for the claim that in said cases, we need not demand that the group has to be aware of the means to fulfill the obligation, or have the ability to possess collective intentions.

The paper is structured as follows. Chapter 2 explicates further what a UCH amounts to, and presents three cases thereof. Chapters 3 and 4 deal with the different accounts—divided into an individualist and a collectivist class, respectively. Chapter 5 summarizes and discusses the results of the previous chapters.

## 2 Case Diagnostics

In this chapter, I introduce the central characteristics of UCH and discuss its central notions. I will begin in Section 2.1 with an overarching characterization, as well as an exposition of the relevant moral concepts. In Section 2.2, I present three cases of UCH—\(TDC1\), \(TDC2\) and \(TDC3\)—that I will use as a point of reference throughout the paper.

### 2.1 Unstructured Collective Harm

#### 2.1.1 Characterization

I shall call the kind of collections that figure in UCHs unstructured groups (henceforth ‘collectives’, or ‘groups’) that are minimally unified by some property,
e.g. the property of being blue-eyed or the property of being at a certain location.\(^3\) These are mainly to be distinguished from structured entities such as business corporations, states and universities (henceforth ‘corporate entities’). Finally, there are even less structured groups, such as the set consisting of me and the king of Swaziland, that I will simply call ‘sets of individuals’. The latter type of group lacks unifying properties altogether.

Although unstructured, the collectives I focus on might still bring about morally problematic outcomes. I shall take the following to be the definition of the concerned family of cases.

**Unstructured Collective Harm (UCH):** a harm that is (a) collectively brought about, or could have been collectively prevented, yet (b) no individual’s causal contribution is either necessary or sufficient for the outcome, or the prevention thereof, and (c) is not the collectively intended consequence of the participant’s deliberations.

An outcome that is (a) collectively prevented or brought about, is something that can only obtain if a sufficient number of individuals act so that the confluence of their individual acts ensures that outcome.\(^4\) That (b) holds, means that an individual act is negligible in itself even though it can be causally effective in conjunction with the acts of others. That a harm is (c) not collectively intended means that the upshot of the individuals’ contributions is not the product of a deliberate collective end.\(^5\)

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4 Cases where a group of persons individually have the ability to prevent harm are thus not UCHs. Instead, in these cases each person in the group individually have the ability to influence the outcome, and so each individual bear an obligation to act that is conditional on the others not fulfilling their duty. For discussion, see Larry May (1992: 116).

5 There are of course cases that are hard to place, such as when one’s actions are not part of a collective end to bring about harm, yet some very obvious foreseen side-effect of each individual’s action might be part of the reason that harm is done. For instance, everyone wants to buy cheap food, yet a side effect of this is that more people buy food that is more harmful for the environment. I shall not concern myself with these questions beyond saying that the foreseen side-effects are not intended. Other difficult cases are those in which the intentions within the group differ. Consider a case where the whole group knows that if they act in a certain way, their behavior causes harm. Half of the group do their part toward ensuring the outcome for some personal gain; half of the group do their part with the collective intent of doing harm (perhaps for retributive reasons). This case is strictly not a UCH, since the intent of the one half of the group, whose contributions are necessary for the outcome, fails to fulfill condition (c). Even though I grant that problematic cases, somewhere between unstructured and structured harm, might obtain,
(a), (b) and (c) are each necessary and jointly sufficient for a case to be labeled a UCH.

This characterization still gives room for a variation of cases. I shall therefore make a few specifications about the kind I am interested in. First, I will only focus on cases where the individual contributions are perceptible (as opposed to imperceptible), and where harm, unless someone intervenes, actually obtains (as opposed to not only probably so).\(^6\) Second, in some cases, e.g. voting procedures, an aggregation of separate individual actions suffices to produce or prevent a harm. We however, will focus on genuine cooperation where responsiveness and coordination are key. Third, I shall not consider UCH-cases in which the desired outcome is brought about by sequential action, where a series of different individual acts is carried out gradually; I am only concerned with cases where simultaneous action is relevant.\(^7\)

Most importantly, I will be concerned with cases where the morally significant outcome at stake is the prevention of harm. We shall therefore consider the notion of moral obligation; for groups as well as individuals.

### 2.1.2 Moral Obligation

The moral concepts at work are formulated in terms of moral obligations to ensure outcomes, but might just as well be about moral responsibility.\(^8\) The former notion pertains to events that are about to happen, while the latter to things that have already taken place. Even though my focus will be on obligations to prevent harm, I shall stipulate that responsibility for the failure to prevent a harmful outcome implies that the concerned parties were morally obligated to prevent that harm.\(^9\) My

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6 A cluster of issues that I shall not be concerned with are the latter three “mistakes of moral mathematics” of Derek Parfit (1984: 75).

7 This entails, among other things, that no individual can stand by and join an endeavor first after she has been convinced of the prospects of success. The morally relevant difference between cases of sequential and simultaneous action are discussed by Miller (2006: 192–93) and Zimmerman (1985).

8 Also called forward-looking and backward-looking responsibility.

9 I am generally sympathetic toward the view that these notions are just different sides of the same coin. In a slogan, “responsibility implies obligation”. Some of the authors that implicitly seem to endorse such a view are May (1992: 108), Killoren & Williams (2013: 300), and Björnsson (2014).
focus on obligations is due to two reasons. First, most of the authors writing on responsibility in group contexts focus on retrospective moral responsibility—investigating the prospective side of the coin consequently fills a void in the literature. Second, if my stipulation is correct, obligation is the more basic notion of the two, and so focusing on this aspect could make some features of the UCH-cases appear in a more comprehensive manner.

Since the context for UCHs are collective in nature, I will take a look at how responsibility and obligations can be directed at groups. A vast number of proposals about responsibility for collectives have been put forward. Some such accounts focus on the group as an irreducible moral actor that can bear moral obligations over and above its individual members. This gives room for the theoretical ascription of obligations on two levels; the collective level and the individual level. Others have held that while groups can be praised and blamed in some sense, moral agency still lies exclusively with the individual. I shall not review these alternatives here—in the present paper, I will assume the plausibility of both of these schools of thought and review the implications thereof for three variations on a UCH-case.

It is worth mentioning though, that philosophers have generally held that the prospects of holding corporate entities to count as real moral agents, are better than they are for doing the same with regard to unstructured groups. One important feature here, is that of group membership. A philosophy department would surely retain its identity even though one of its professors gave notice to leave and another professor took her place. The membership conditions of unstructured groups however, might be harder to spell out. Consequently, when assigning obligations to an unstructured groups, the prospects of doing so might be prevented due to the hardships of ascertaining the *identity* of the group. Another problematic issue is decision procedures. A corporation has goals, and the means to execute these, that

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10 I shall try not to formulate the concerns of the present issue in terms of "collective" or "shared" obligations. The reason for this is that using such notions tend to presuppose what the correct analysis of the case is.


12 I will neither presuppose nor assess whether only agents can act. Rather, what I will do is grant the basic framework of both types of theories and then see what the implications thereof are (Collins 2013). Some deny that the group has to be a genuine agent in order to be obligated in a non-reductive manner.
are institutionally sanctioned. Groups that are unified by mere chance or other highly contingent factors, usually lack common goals, or the ability to codify the means of reaching these by some structure of authority. Thus, to say that the group, and not just the sum of its members, have the ability to genuinely intend an outcome might be hard to subscribe to.

The accounts in this paper will be divided into two separate classes. I will take collectivism about UCH to be the thesis that in order to explain obligation ascriptions in cases such as the three I will consider, we need to refer to a collective moral agent. Individualism is the negation of this thesis, which holds that we either cannot, alternatively need not, refer to collective agents in order to make sense of UCH-cases. This division though, grants that philosophers labeled as individualists in this paper might still hold that other situations can obtain such that we need to ascribe responsibility at the collective level.

2.2 Three Cases of UCH

In this section, I will consider three cases—TDC1, TDC2 and TDC3—of UCH that involve a group of individuals which we seem to want to obligate to prevent a harm. The cases deal generally with problems relating to the knowledge of the concerned parties, and particularly with the belief that others are not going to cooperate, as well as ignorance of the means to prevent the harm. As a starting-point for the variations I shall present, consider the following case.

The Drowning Child. A little child has fallen into the water. She is struggling for her life and if no one comes to her aid, she will drown. A minimum of two persons need to maneuver a small boat in order to bring the child to safety. The collective action of rescuing the child is not complicated, but requires some minimal synchronization of individual acts. Should fewer than two persons try to save her, the rescue will fail. Suppose further that unilateral action
is dangerous; maneuvering the boat single-handedly will result in getting oneself killed.\textsuperscript{13}

*The Drowning Child* fulfills the conditions of UCH since the drowning can be collectively prevented, yet the harm is not the collectively intended consequence of the participant’s deliberations, and a given individual’s contribution is neither sufficient nor necessary in order to save her. The harm in question, the drowning of a child, is not something people collectively wish to be realized.

We shall now consider three variations on this case. The difference of each pertains to varying degrees of knowledge of the potential rescuers. It should be noted that I do not present these cases with the intent of making them as conceivable or comprehensible as possible; nor is it certain at this point that cases like them might actually obtain. What is central here, is rather that philosophers have considered cases like these, and have used them as reference points for accounts of moral obligation in groups. Furthermore, it is often held to be meritorious for a theory that it can appropriately account for obligations in a case where other accounts cannot. Consider the first variation.

*TDC\textsubscript{1}*. Three persons see and hear the struggling child from a nearby beach. Each person is aware of the seriousness of the situation and knows that the child will die unless they take action. The bystanders also know that a specific type of collective action is required in order to save the child. They cannot influence each other to the effect that the child is saved. Furthermore, they do not know each other, and have no history of doing similar things together. We shall assume also, that the beachgoers prefer to sit and eat ice cream over saving children and that all is aware of the others’ attitudes. Therefore, each person on the beach has a justified belief that the others are

\textsuperscript{13} This case is a variation on an example by Peter Singer (1972). The latter has been discussed in different variations by countless other philosophers.
not going to do their part.

Consider next the following variation.

*TDC2*. The situation is identical to the one *TDC1*, with the crucial difference that each person on the beach not only reasonably believes that the others are not going to do their part, but each individual *knows* this to be true.

Consider now a third and final variation on *The Drowning Child*.

*TDC3*. Three persons are out for a walk and all hear the screams of help from the nearby beach. Each person is individually unaware of the others, and believe that they are the only ones in the area. They notice that someone clearly is in need, yet do not know what is at stake, or what is required in order to save the child. Should any one of them choose to investigate the matter, she would realize what is at stake and find out what needs to be done. Time is sparse though, so once the three persons have made a decision whether or not to investigate the source of the screams, they cannot further influence each other to the effect that the child is saved.\(^{14}\)

This latter case incorporates an ignorance on the hands of the three individuals that differs from the one in the former two cases. In *TDC1* and *TDC2*, there is a problem about knowledge of the others’ participation, while in *TDC3*, the persons do not even know how to prevent the harm. Since it is still true however, that the persons collectively *could* save the child in *TDC3*, it still refers to a harm that qualifies as a UCH.

\(^{14}\) This is a variation on a case, *The Well*, by Gunnar Björnsson (2011: 185–86).
Prima facie, while we want to say that the three persons in each case are obligated to save the child, it is troublesome to say that this is the case.\textsuperscript{15} A common worry for all three cases is that the three persons’ actions, taken individually, do not seem to be able to make a difference. While I do not assume that the persons in $TDC1$ and $TDC3$ will \textit{de facto} omit to do their part, the unilateral actions of the individuals are still insufficient in order to save the child. One maxim of moral philosophy that few dispute is that \textit{ought implies can}.\textsuperscript{16} It is only if an agent can bring about a particular end that she is obligated to do so. While it is true of the three of our concerned cases that the cooperation of at least two people is required in order to ensure the desired outcome, it is still true that they \textit{could} perform that action. Regarding $TDC2$, it will suffice for now to grant that as long as one is going to not do one’s part as an effect of deliberate unwillingness (and not some external factor such as coercion), this does not undermine one’s duties to participate. Denying this seems to amount to saying that unwillingness is a reasonable exculpating factor when faced with a moral obligation. This should of course be distinguished from the fact that one’s obligation to save the child unilaterally can still be undermined by the fact that one cannot do so.

Let us further assume that it makes no significant difference in $TDC1$–3 if two or three persons perform the action; the rescue mission is not carried out any faster, nor does it result in easing (or increasing) the burden of saving the child. Our cases are thus such that we cannot say that any person’s action is required in order to save the child. No individual act is either sufficient or necessary to ensure the outcome.\textsuperscript{17} A related notion is that of \textit{overdetermination}. Cases of overdetermination are often thought of as involving responsibilities and acts, rather than obligations and

\textsuperscript{15} It is a highly contested issue for which normative theories these cases pose a problem. Since the problems of $TDC1$–3 are formulated in terms of outcomes, it might be argued that they are merely problematic for Act Consequentialists. Some of these issues have been discussed by Donald Regan (1980) and Derek Parfit (1984), among others. Theories such as Rule Consequentialism however, seem to provide insufficient answers as well. This theory would prescribe for each bystander in $TDC1$ to act according to the rule whose general acceptance would lead to the best outcome, and faced with the choice of whether a given individual should act or not, going to one’s certain death seems to be the correct answer (more on this in Section 3.1). Kiloren & Williams (2013) have also argued that by simply introducing deontological concepts, such as promise-keeping, as intrinsic features of the case, these worries are done away with. It suffices for now to say that for whatever reason one takes UCH-cases to be troublesome, it seems like the problem goes beyond an Act Consequentialist one.

\textsuperscript{16} For a comprehensive defense, see Vranas (2007).

\textsuperscript{17} Jonathan Glover (1975: 173) calls these “absolute threshold”-cases, since a few lacking or additional contributions under or above the threshold make no difference.
inaction. Consider then, instead of a situation in which three people are required in order to save a child, a situation in which three people shoot and kill a man. Only two out of three bullets however, are required to kill the man. Since no single bullet fired is sufficient or necessary for the killing, no individual could be said to have made a difference—the death is overdetermined. Yet undoubtedly, it seems as if these individuals all share some blame for the killing.

So far, we have been concerned specifically with whether individuals in the TDC-cases could make a difference with regard to saving the child. But even though no individual is obligated to save the child (since she cannot) maybe each individual have an obligation to contribute? First, we are assuming that in order to successfully carry out the rescue operation, each of the participants are putting themselves at a considerable risk—the waves are getting higher and they have trouble maneuvering the boat safely. We are supposing that unilateral attempts to save the child results in that person drowning. Second, with regard to each of TDC1, TDC2 and TDC3, the beliefs (or the lack thereof) of the individuals, seem to undermine the reasons each person has for contributing. In TDC1–2, the bystanders reasonably believes, respectively knows, that no one else is going to do their part toward ensuring that the child is saved. Consequently, for these two cases, not only does each person lack an obligation to do her part, but she also has an explicit reason not to contribute. Gunnar Björnsson calls this “the paradox of contribution”: though it seems that the three persons have an obligation to save the child, no one person, taken individually, seems to have an obligation to contribute (2014: 4–6). In TDC3, the individuals do

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18 Some philosophers however (Killoren & Williams 2013), have described UCHs of the kind I am interested in, in terms of “overdetermination by omission” (Ibid: 297).
19 This is a case of overdetermination by “marginal individual contribution”. Another kind of overdetermination is “alternative individual contribution” (Kutz 2000: 167). A salesman who knowingly sells a lighter to a known arsonist might reasonably excuse himself by maintaining that lighters are available everywhere. Kutz writes that “Here the overdetermination of the harm is a product of alternative rather than marginal individual contributors; in both cases, however, there is no significant individual difference” (Ibid).
20 Other cases of UCH do not involve such high costs of participation, nor the fact that its uncertain, false or unknown, whether others also would do their part if one tried to do so. Further cases may be of the kind that Kutz (2000) discusses, where this belief is not warranted at all, but every actor chooses to defect for other reasons, such as self-interest. This also relates to “the tragedy of the commons”. This is a game-theoretic problem made famous by Garret Hardin (1968). The “tragedy” obtains in scenarios where individual agents act rationally in terms of their self-interest, but irrationally in terms of the group’s long-term benefit.
21 Björnsson (2014) discusses a case where there is no reason for any individual to contribute, not because of personal reasons, but because each individual’s contribution (in absence of the others contributions) are suboptimal even with the goal of the group in mind.
22 Similar cases are discussed by Tännö (2007: 296–97) and Miller (2006: 191). The latter also
not know what needs to be done. The situation is thus not one where the individuals have a reason not to contribute, but one where they still lack information about what needs to be done and also the awareness of the means to do so. Consequently, the three persons in TDC3 still seem to lack reasons to contribute.

2.3 Conclusion

The purpose of Chapter 2 has been to present UCH and the TDC-cases, as well as the problems these give rise to for accounts of moral obligation in groups. We shall conclude the chapter with a summary. I shall take a UCH of the relevant kind to be (a) a harm that can be collectively prevented, yet (b) no individual’s causal contribution is either necessary or sufficient for the prevention of that harm, and (c) the eventual failure to prevent the harm is not the collectively intended end of the concerned individuals’ deliberations. I have chosen three examples—TDC1, TDC2 and TDC3—which I believe will illustrate the strengths and weaknesses of the accounts to be considered. Prima facie, it seems attractive to say that the persons in our three cases are morally obligated to prevent the child from drowning.

The factors that could undermine the ascription of a moral obligation to save the child in each case are the following. First, since saving the child requires cooperation, this means that no individual can influence the outcome. We saw that no individual act is either sufficient or necessary to ensure the desired outcome, so none of the three persons can have an individual obligation to save the child. Second, since the rescue mission involves considerable danger, a single individual is not only unable to make a relevant difference, but each individual also seem to lack reasons to contribute toward saving the child. Third, we have noted that collective obligations ascribed to groups that lack organization and collective intentions, might be problematic due to reasons of group membership and the lack of decision-making procedures.

In the following chapters, I will consider accounts that try to explain how we can make sense of UCH-cases of the kind exemplified by TDC1–3. Not all of these accounts have addressed cases that share the relevant features of the TDC-cases. Discusses a type of case, which I shall not be concerned with, in which each individual have as an end, not necessarily to save the child, but not to be the odd person out.
What is common for every account though, is that they each make reference to some problematic feature of what I characterize as UCH-cases. There are two things that I will do with regard to each account. First, try to explicate what moral obligations in group settings are according to the account in question, and, second, how the account would explain moral obligations in the three cases. By doing so, I intend to explicate the implications of the accounts. This will give us a good framework when assessing what could reasonably be demanded of these accounts. Chapter 3 assesses collectivist responses, while Chapter 4 assesses individualist accounts.

I would also like to note that several of the accounts that follow are originally formulated in terms of retrospective notions such as blameworthiness, accountability or being fit for punishment, rather than prospective obligations. According to my stipulation though, responsibility for the failure to prevent a harmful outcome implies that the concerned parties were morally obligated to prevent that harm. Consequently, I have taken the implications of the accounts about moral responsibility to be transferable to moral obligation.

3 Collectivist Responses

In this chapter, I will consider the collectivist accounts of Torbjörn Tännsjö (2007), David Killoren and Bekka Williams (2013), Larry May (1992), as well as Stephanie Collins (2013). The first two accounts, presented in Section 3.1 and Section 3.2, rely on a permissive approach to collective moral agency. The last two sections, 3.3 and 3.4, focus on May’s and Collins’ ideas of utilizing collectivist notions of agency, even though no agent seems to exist under present circumstances.

3.1 Consequentialist Pragmatics

Torbjörn Tännsjö (2007) advocates a view according to which groups can be conceived of as collective agents that acts and are morally obligated to bring about certain outcomes. Groups qualify as agents insofar as their behavior can be

23 Tännsjö formulates his account in terms of collective responsibility and collective punishment. Being responsible for a certain outcome seems to be a prerequisite for being punished for that outcome (Tännsjö 2007: 305–307).
explained with reference to a “matrix where the relevant beliefs and desires of each individual making up the collectivity are represented” (Ibid: 302). Depending on which form this matrix takes, the group acts differently. Since groups, according to Tännsjö, also exercise a weak form of free will, it makes sense to say that they can act wrongly. It should be noted, that since all that is needed for a collective to be morally obligated is that we can explain how it can act morally through the aforementioned matrix, a group need not possess the ability to form collective goals and intentions.

Tännsjö’s discussion is primarily centered on what Rule- and Act Consequentialism, respectively, could demand of the individuals in UCH-cases. According to the former, in cases like TDC1, each individual ought to try to save the child, even though the other individuals defer: ”We ought to think, not ‘What will happen if I do a certain action?’ but, rather, ‘What would happen if everyone were to do what I am intending to do?’” (Ibid: 298). Taken individually though, each person’s actions are negligible and, in absence of further assistance, even deadly. So even if the course of action prescribed by Rule Consequentialism for a given individual would secure that person’s death, it explains how someone can be morally obligated. A principle such as Act Consequentialism however, seems rather to prescribe for each bystander not to act, since the outcome of an individual action would, all things considered, be worse than if no one acted. Tännsjö, an ardent consequentialist, sympathizes with the view that a given individual in TDC1 ought not to try to save the child. But even so, he lends some understanding to the thought that the child should be saved. So how can he reconcile these views?

Tännsjö’s suggestion is that the one who should bear the obligation to save the child are the three bystanders conceived of as a collective agent. (Ibid: 301) But since the cases are concerned with individuals who have problematic beliefs about the others’ contribution, it seems reasonable to ask if the group really could bear such duties. Tännsjö explains this in the following way. In all three cases, the ability of the group to act can be explained with the aforementioned matrix of individual beliefs and desires. Given the right matrix of beliefs and desires of its’ members, the group would exercise a preference such that child is saved (Ibid: 302–3). This seems to be true even though, as in TDC1 and TDC2, the bystanders have good reason not to contribute. The subject of the obligation—the group—is not susceptible to the
paradox of contribution, since, taken as an agent, the collection of individuals have reason to act through the simple fact that it can do so. In *TDC3*, even though the three individuals are oblivious to the existence of the others, it is still true that with reference to a certain confluence of these persons’ states of mind, we can explain how and why they ought to save the child. Given that a minimum of two persons believe that someone is in danger, and hold a desire toward the child being saved, the group possesses a corresponding duty to save the child. This means then that Tännsjö’s account can explain how an unorganized group could be morally responsible for their actions even if the members are unable to communicate with each others (Ibid: 296).

An objection that Tännsjö considers is that even if collectives could act, in cases such as the three considered, the harm, if not prevented, is not brought about intentionally, and so it would be wrong to consider any agent responsible for it. (Ibid: 306) Worries such as these are often formulated in terms of retrospective responsibility. It might be that this worry does not carry the same intuitive force when formulated in terms of obligations: since the harm, if not prevented, would not be brought about intentionally by any concerned party, no one is obligated to prevent it. In any case, Tännsjö answers the objection by applying the legal notion of strict liability: “Reckless behaviour is discouraged by forcing potential defendants to take every possible precaution. But if there is room for strict liability at all, I think it applies in particular to collectivities who are responsible for disastrous consequences of their actions” (Ibid). Since strict liability does not require faulty or even intentional action, this means that the possibility for causal involvement is all that might be required of a collective to be obligated.

By holding a view such as this, Tännsjö rejects desert-based accounts of responsibility and punishment in favor of a pragmatist consequentialist theory. Tännsjö’s account spells out how we ought to ascribe obligations to agents, in order to be able to hold them responsible, which in turn enables us to punish them. Since this is done from a pragmatic consequentialist perspective, no emphasis on intent or *mens rea* need to be part of the explanation of why a collective is blamed. If what is important for retrospective responsibility is causal involvement, then what is important for prospective responsibility ought to be the ability to be causally involved in the outcome. The account then is one where the three persons in *TDC1*,
TDC2, and TDC3, thought of as a collective agent, are able to rescue the child, and so should also be morally obligated to do so, the factors about belief and knowledge notwithstanding.

3.2 The Group Agency Solution

An account that follows the permissiveness of Tännsjö’s pragmatics is that of David Killoren and Bekka Williams (2013). They hold that not much is needed of a collection of individuals in order for them to count as a genuine group agent. They write: “a group agent capable of bearing obligations exists when a group of individuals are jointly capable of acting in response to reasons” (Ibid: 305). First, for the group to be able to act, it needs joint capacity. The authors do not specify further what this amounts to, but hold that it need not to be more mysterious than the notion of individual capacity, that is, the ability for an individual agent to perform a certain task. An example of something that would obstruct the ability for a group to have such a capacity is the inability of its members to cooperate. Second, what it means for a group agent to be responsive to reasons also seems to mirror the corresponding individual ability. Furthermore, it does not matter whether the group in question exercises, or has exercised, rational behavior; what matters is that it has the capacity to do so. (Ibid: 304–5)

In cases such as the three TDC-cases, where individuals are unable to make a difference, Killoren and Williams hold that the obligation to prevent harm might apply to the group as such, yet not to the constituting individuals. In Killoren and Williams’ own example, Larry and Moe seem obligated to carry a piano up a flight of stairs. But since neither Larry, nor Moe, taken individually, can do so, and each knows the other will not do his part, none of the two is obligated. The solution which Killoren and Williams provide is the following. “According to the group agency reading, the phrase ’Moe and Larry’ (in the sentence ’Moe and Larry are morally obligated to get off the couch and carry the piano upstairs’) does not actually refer to Moe, and does not refer to Larry; it refers instead to [Moe, Larry]” (Ibid: 300). This is “the group agency solution” to this particular kind of UCH-case.

In the relevant respect, this example resemble that of TDC1, TDC2 and TDC3:
while a group of individuals seem to have no reason to do good, it is attractive to be able to say of the case that someone actually is. Transferred to TDC1 and TDC2 then, Killoren and Williams’ solution amounts to the following. Bystander 1, Bystander 2, and Bystander 3, are not individually obligated to save the child, while the group agent [Bystander 1, Bystander 2, Bystander 3] is obligated to save the child. One might wonder whether such a group agent really is responsive to reasons, since the paradox of contribution and the beliefs of the three persons prevent the individuals to have reasons to save the child. But the ostensible lack of responsiveness is due to an erroneous conflation of the individuals’ ability to save the child with the group agent’s ability to do so. According to Killoren and Williams’ account, given that the group can in fact save the child, “it ought to do so, even if there is no reason to expect that it will in fact do so” (Ibid: 304). So in TDC1, as well as in TDC2, even though the individuals have a justified belief, respectively knows, about the others’ lack of contribution, taken as a group agent, they have an obligation to save the child.

Regarding TDC3, the prospects of obligating the three individuals seem less promising. Since they are not aware of each other, and thus lack the joint capacity of acting as a single unity, the group agent may not be able to carry out the task of saving the child. However, the circumstances in TDC3 are such that while the individuals are not aware of each other, there at least exists a possibility that they find out about each other, thus learning about what needs to be done. What Killoren and Williams strictly count out, are cases where bystanders are not only unaware of each other, but unable to become aware of each other (Ibid: 304). Therefore, as long as the three individuals have the ability to become aware of each other, and later on also have the ability to save the child, they might still be obligated as a group agent.

The upshot of Killoren and Williams’ account is thus one positive and one negative component. The positive one is that the group agent [Bystander 1, Bystander 2, Bystander 3] is obligated to save the child, while the negative component is that neither Bystander 1, Bystander 2, nor Bystander 3 are individually obligated to save the child. (Ibid: 299–300) In what follows, we shall look at how Killoren and Williams try to explain some of the less attractive implications of the negative component.

That an agent has an obligation to bring about $A$ implies that the failure to do so
comes with the deserving of blame, and perhaps a feeling of guilt. But it seems counterintuitive in \textit{TDC1}, \textit{TDC2} and \textit{TDC3} to assume that the group agent [Bystander 1, Bystander 2, Bystander 3] should be the subject of these attitudes. Consequently, it seems unclear how, in the present cases, the group agency solution can explain that these two phenomena ought to be directed at individuals. The following problem arises for the negative component of the solution: if the child were to drown, either no bystander deserves blame (neither ought they to feel guilty), or the bystanders deserve blame (and ought to feel guilty) even though none, taken individually, has violated an obligation.

While the first view might be counterintuitive, Killoren and Williams write that “it is unreasonable to blame someone for failing to do what he is \textit{unable} to do” (Ibid: 300–1). What about the other view then, according to which the bystanders ought to be blamed even though none of them had a moral obligation to begin with? Even while this take has its downsides, it carries an intuitive weight that the opposing view does not. Killoren and Williams write:

\begin{quote}
It is true that blame and guilt are typically appropriate when an agent violates an obligation. But these might also be appropriate when an individual agent is part of a group agent that has violated an obligation, even if the individual agent (qua individual) has not violated any obligation. (Ibid: 301)
\end{quote}

This would mean that the fact that the group has a moral obligation and fails to fulfill it, makes the blame for the failure “trickle down” to the individuals that constitute the group. An apparent drawback to this view is that no single member could have influenced the fact that she is part of a group that violates an obligation. It is true of every person in \textit{TDC1}, \textit{TDC2} and \textit{TDC3} that whatever she does, she is blameworthy to some degree for simply being part of a group that fails to fulfill its obligation. But still, the extent to which one individual ought to be blameworthy might be mitigated through factors that individuals can influence—even though it is not an attractive alternative, in our three cases, sacrificing oneself by trying in vain to save the child reasonably ought to lessen the degree to which an individual is blameworthy. (Ibid: 301–2)

Problems that arise for the negative component then, give proponents a choice
between holding that members of a group agent either do or do not share blame for
the failure of the group agent to fulfill its obligations, even though the individuals
did not have such an obligation. The permissiveness of this account, coupled with
the somewhat counterintuitive conclusions regarding individual blameworthiness
makes this an attractive, but costly account. Killoren and Williams see it as a form
of tradeoff, where the benefit of intuitively making the correct judgment about cases
such as \textit{TDC1}, \textit{TDC2} and \textit{TDC3} weighs heavy (Ibid: 305).

3.3 Putative Collective Agents

A different take on the problems of UCH-cases is to concede that a collective agent
does not exist under present circumstances, and so cannot assume any
responsibilities, but that a \textit{putative one} can be obligated.\textsuperscript{24} This is an idea touched
upon by and Larry May (1992).\textsuperscript{25} A putative group is characterized by May as a set
of individuals that presently lack a formal organization and a coordinating decision
procedure, yet have the capacity to form a group with the ability for intentional
collective action (May 1992: 105). Examples of the abilities needed for coordinating
the actions of individuals into a collective action are: “Leadership, solidarity, and
intersubjective communication” (Ibid: 110). If a group has these features, it could
act collectively. Another prerequisite of the putative group is that “it is plausible to
think that the group could have developed a sufficient structure” for such action
(Ibid: 117). So certain characteristics of the case, such as the means of
communication between members, a certain degree of initiative or readiness on the
part of the individuals, and the absence of other obstructing circumstances, are
important conditions for putative groups to be morally obligated. But to whom does
the obligations of a putative group attach?

Moral obligations of a putative group concerns obligations to act collectively,
but while this obligation is directed at the group itself, this is not the only type of
responsibility considered by May. If this clause holds, the individuals also share
individual obligations to ensure the desired outcome for which the group is
obligated. These shared obligations to ensure the desired outcome are also

\textsuperscript{24} May formulates this account in terms of retrospective responsibility.
\textsuperscript{25} Held (1970) considers the thought in passing, though does not develop it further.
proportional to the abilities of the members. For instance, if someone has better leadership skills than someone else, it only seems natural to put greater weight on that person when it comes to leading the group. Due to our different capacities, it seems reasonable to carry different burdens in our joint endeavor (Ibid: 114).

Thus, according to May, in order for the unorganized bystanders in TDC1, TDC and TDC3 to be collectively obligated to save the child, they have to be able to form into an entity that could act intentionally as a group. In these case though, it is unclear whether he holds that the prerequisites of putative collective action are fulfilled or not. In neither case are the leadership or solidarity conditions fulfilled. TDC1–3 comprise persons that have never met before and among which none stands out as a leader. Furthermore, in TDC3, the three persons are not even aware of each other. May writes that what we must ask in cases such as these, where commonality is scarce, is if there is enough time to develop the coordination features. A general test that can be employed is to ask whether this group, or others like it, has exercised the relevant control before. (Ibid: 110–12)

This is a difficult question to answer. In none of the three cases do the persons have a history of similar cooperation. Regarding groups like it, it seems to be more certain than not, that the persons in similar situation to those in TDC1 and TDC2 would not develop the necessary organizational features. Also, the fact that the individuals cannot influence the others to the effect that the child is being saved might reasonably imply that there exists obstacles for the forming of an organized collective too. In the end, the plausibility of the individuals in these first two cases organizing themselves into a group capable of intentional group action seems bleak—since the individuals possess reasons not to contribute to the rescue, and can neither influence each other to this end, it seems implausible that they class as a putative group. Regarding TDC3, the prospects look better. The fact that it seems at least fairly plausible that groups like it would organize themselves upon hearing the screams of the child, as well as making themselves known to each other, give us some reason for regarding the three persons as a putative group. However, since the condition of intersubjective communication is not fulfilled, I think it correct to say that the three persons in TDC3 do not constitute a putative group.

To summarize, May’s account holds that a putative group can be collectively morally obligated to ensure an outcome if it can organize itself into a group able to
coordinate collective action. Further, if the group is indeed collectively obligated to bring about an outcome, and the relevant characteristics of individuals, such as leadership and the ability to persuasion, differ, then *individual* moral obligations vary over the individuals accordingly to the roles they ought to play in ensuring the outcome. (Ibid: 116–17) While it seems unlikely that May would classify the groups in *TDC1* and *TDC2* as putative groups, there are some reason to believe that this is the case in *TDC3*.

### 3.4 Collectivization Duties

Stephanie Collins (2013) presents an account that is similar to May’s. Focus though, lies on obligating individuals to form a collective, and not as with May’s account, on the present obligations of a putative group. Collins’ point of departure is to acknowledge that there are certain types of actions which only collective agents can be obligated to perform, yet in some situations, there is no collective to ascribe these duties to. We saw theories meant to account for these problems in the permissive proposals of Tännsjö as well as Killoren and Williams. Collins rejects such a weakened conception of agency, with the motivation that it relaxes “our concept of agency so much that it loses its distinctiveness” (Collins 2013: 232). Her solution is rather to hold individuals morally obligated to form a collective, which in turn could perform the required action.26

We shall initially look at Collins’ concept of an agent. According to her, to be an agent requires that the concerned entity have aims and the ability to act on these. In turn, forming aims also requires the ability to process reasons (including moral ones), which Collins in this context equates with having a *group-level* decision-making procedure. (Ibid: 231) A group-level decision-making procedure means that the group’s “method for processing reasons is different from the method of any one member when deciding for herself; and in that its output set is not the straightforward conjunction of individuals’ output sets” (Ibid: 236). The procedure then governs the individual members by given roles within the group, and the acts

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26 Since the moral obligation is directed at individuals, and not at the unformed collective, it might be said that Collins’ account belongs in the individualist category. However, in order for the duties of her account to be intelligible, we need to make reference to a collective agent, and so the account still pertains to a collectivist conviction.
that are based on these roles are the means by which the collective acts. (Ibid: 238). Since the groups in \( \text{TDC1, TDC3} \) and \( \text{TDC3} \) lack a decision procedure, they do not qualify as agents. We shall instead look at what it means for individuals to form such an entity.

The key notion to Collins’ account is \textit{collectivization duties}. These are individual duties to be responsive with others toward forming a group. Collins writes that they are directed at ensuring the formation of a group that meets two specific conditions. (Ibid: 242) First, the group is a collective agent with a decision-making procedure subject to moral reasons. Second, it must be able to act on its duties (here understood as the agent being sufficiently likely to act, given that it tries). (Ibid: 239) Thus, according to Collins, what can be meant by a sentence such as 'The bystanders are obligated to save the drowning child', is that these individuals, while not part of a genuine collective agent, might have individual duties to turn the group into such an agent (Ibid: 233). If so, this group is a moral agent with a group-level decision-making procedure that governs the individual actions of the members, thus making it possible for the collective to fulfill the duties for which it was formed.

But not all unstructured groups meet the requirement of being sufficiently responsive toward forming a collective. In order for individuals to be susceptible to collectivization duties, they naturally have to be able to form a collective that at a later time could ensure the desirable outcome in question. She also demands that in order for the individuals to incur the duties, these individuals must be able to form the collective at a “reasonable expected personal moral cost” (Ibid: 244).

What does this mean for the individuals who have collectivized? Aside from the collectivization duties (which means that one tries to make the fulfillment of this duty as likely as possible), there are obligations on the hands on individuals to contribute to the collective end, that is, for each individual to perform her role as part of the collective.

We shall now see if it is possible to apply Collins’ account for the individuals in \( \text{TDC1, TDC2} \) and \( \text{TDC3} \). It seems reasonable in all three cases that the individuals can form a collective without exceeding the limit of a reasonable personal moral cost. While the danger of contributing unilaterally toward the goal of saving the child is fatal in all three cases, forming a collective seems not to be. To judge whether the three persons in each case have the ability to form collectives capable of
saving the child is tougher. Since it seems strictly true in each case that the three individuals can save the child, it seems that the fulfillment of collectivization duties can organize such a group in TDC1–3. But more importantly: is it possible for the individuals to incur the collectivization duties?

Collins holds that having a collectivization duty means that one ought to try to make the fulfillment of this duty as likely as possible. An example of this is to try to convince the other potential bearers of collectivization duties to collectivize. But this seems to be undermined by one of the facts of the cases. In TDC1, TDC2, and TDC3, the individuals cannot influence the others to the effect of the child being saved. Should this be thought of as including the inability to collectivize? I think so, since making it possible to influence each other with a view toward collectivization, implies making it possible to influence each other toward saving the child. This is because collectivization duties can merely be subjected toward the goal being fulfilled. Furthermore, in TDC2, were we look at a case were all know that the others are not going to do their part in order to save the child, while we do not know whether they would in fact form a collective, those prospects look very bleak, since, if convincing others is possible, then it is strange to assume that we know that others will not help in the saving of the child. Nor does it seem possible in TDC3, since they are not aware of each other.

4 Individualist Responses

We have seen accounts of how collective agents can be held to be necessary for holding the participants obligated in cases of UCH. In this chapter, we shall turn to the view that this is either not possible, or not necessary, in order to explain The Drowning Child. We shall thus consider the individualist responses. I will consider four such accounts, namely those of Björn Petersson (2008), Seumas Miller (2006), Gunnar Björnsson (2014) and Christopher Kutz (2000). In Section 4.1, we will consider Petersson’s account of weakened collective agency. In Section 4.2, we will look at Miller’s reductive notion of collective responsibility, while in Section 4.3, we turn to Björnsson’s shared obligations that takes into account the participants as a group yet denies the collective agency of said collection. Finally, Section 4.4
presents Kutz’s dichotomous solution that stresses the relevance of agent as well as victim of UCH.

### 4.1 Unity of Causal Agency

Björn Petersson (2008) presents an account of moral responsibility in groups, according to which we need not make reference to irreducibly collective notions, and neither grant the existence of collective agents. The plausibility of the account however, depends on whether we manage to solve what he takes to be a ”clash between two intuitions” (Ibid: 245). On the one hand, collectives seem to be susceptible to moral obligations and responsibility, but only when these exhibit the power of intentional collective action. On the other hand, in cases such as *TDC1*, *TDC2* and *TDC3*, we seem to want to ascribe duties to groups that lack the necessary organization for such action. The alternatives are thus that we might either have to give up Petersson’s notion of collective agency as a prerequisite for collective obligation, or grant that UCH-cases might obtain in which no one bears duties (Ibid). His goal then, is to try to reconcile these two views.

Can we hold collectives to be morally obligated without collective moral agency? According to Petersson’s view, Tännsjö as well Killoren and Williams answers in the affirmative. Petersson takes moral agency to presuppose the ability for intentional action, and so the accounts of these authors do not suffice as making reference to genuine collective agency.

To hold a collective morally responsible (in the thick sense) for some harm is to imply that moral sanctions are in place. That, in turn, presupposes that the subject is deserving of sanctions for what it has done, on account of something it has done intentionally. (Ibid: 251)

Petersson consequently rejects Tännsjö’s pragmatics as ”just another way of saying that costeffectiveness of sanctions against the collective justifies measuring out such sanctions, regardless of moral guilt” (Ibid: 248–49). A similar critique ought to be

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27 Petersson formulates his account in terms of retrospective responsibility.
applicable for Killoren and Williams.

But while Petersson holds that an account such as Tännsjö’s is too weak, he does not want a theory that is too restrictive either—such an account might not be applicable in UCH-cases. Turning to the other horn of the dilemma, it seems reasonable to doubt that the unorganized groups in UCH-cases have the ability to form collective intentions and act accordingly. (Ibid: 254) What Petersson wants then, is an account that is sufficiently weak to be able to handle unorganized groups, yet strong enough to make reference to intentional moral agency.

According to Petersson’s account, a group acts collectively only if the correct explanation of the group’s behavior refers to the individuals as regarding themselves as parts "of a unit of causal agency" (Ibid). In a more formal version, the account reads as follows.

**Unity of Causal Agency:** An action (or inaction) is a collective action (or inaction) only if the correct explanation of the group activity (or inactivity) refers to the attitudes of the members as considering the options of the group as one unit of causal agency.28

That the account is weak compared to collectivist approaches, is made apparent by how in explaining a group action, we do not have to allude to a common decision procedure or any other coordination functions of the group. Also, no irreducibly collective notion (’we each intend to intend collectively, that...’) is required as part of the explanation. As Petersson notes, such a stronger, “self-reflexive”, notion is reasonably rarely fulfilled by loosely based groups. Furthermore, that which the unity is composed of—the “glue” that determines membership among other things—is an intrinsic feature of the group, but need not be further specified in order to make sense of the collective as a unit of causal agency. (Ibid: 255–56)

A group then, according to Petersson’s account, is morally obligated to act only if its' members could consider, as well as act upon, options from the group perspective. Explaining the action of the group in this way fulfills the condition of

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28 I have here used Larry May’s terminology, rather than Petersson’s own. According to the former, *collective omission* “refers to the failure of a group that collectively chooses not to act”, while *collective inaction* “refers to the failure to act of a collection of people that did not choose as a group to remain inactive but that could have acted as a group” (May 1992: 107).
Unity of Causal Agency, first, because considering the group’s options from a group perspective regards the collective as one unit of causal agency, and second, because this consideration is something which figures in the attitudes of the individual group members. By individuating groups based on this principle, we see the relevant difference between genuine group actions and “a mere set” of parallel individual actions. (Ibid: 257). We shall now turn to whether this account can explain moral obligation in \( TDC1, TDC2 \) and \( TDC3 \).

Is it reasonable for a correct explanation of the three cases to make reference to a possible action which the individual members consider as an execution of the group’s causal powers? It is important for Petersson’s account that members of the group in question have a genuine ability to form a unit of causal agency. (Ibid) One key feature here is whether cooperation is possible between the concerned parties. This seems at least to obstruct the possibilities to obligate the individuals in \( TDC3 \), since they are not aware of each other. The relevant point here is not that they cannot perform the task at hand (strictly speaking, they still can), but that they are unable to consider the options of the group. What about the individuals in \( TDC1 \) and \( TDC2 \) then? Even though the three individuals in these cases are aware of each other, each individual in \( TDC1 \) reasonably believes—and knows in \( TDC2 \)—that the others are not going to take part in the rescue. So do the beliefs of the others participation undermine the obligations of the group? I do not think so. Though each person lacks a reason to contribute, they might still understand that they could save the child, and to understand this, one would have to consider the possibility of acting as one causal unity.

To sum up, according to Petersson’s account, a collective is responsible for some harm if we are able to correctly explain the possible actions of a group by making reference to the members’ attitudes as considering the group as one unit of causal agency. Consequently, it seems to me that groups in UCH-cases, if they fulfill sufficient conditions of collective agency, could be morally obligated to prevent harm. This seems true of \( TDC1 \) and \( TDC2 \) since the individuals each have the information required to consider the options of the group as one unit of causal agency. However, \( TDC3 \) seems not to be such an example. Since the individuals in this case lack the understanding that is required in order to consider group-level
options, we seem to be unable to obligate them.\textsuperscript{29}

### 4.2 Reductive Collective Obligations

Some accounts of collective responsibility stress the possibility to reduce the actions of groups to those of their constituting members.\textsuperscript{30} One such proposal is that of Seumas Miller (2006).\textsuperscript{31} His view is that groups are responsible insofar as the individual members of the group are responsible. At the heart of Miller’s account lies his view of \textit{joint actions}. He writes that “two or more individuals perform a joint action if each of them intentionally performs an individual action, but does so with the true belief that in so doing they will jointly realize an end which each of them has” (Ibid: 177).\textsuperscript{32} Agents are \textit{individually} responsible for their contributory actions, in virtue of performing them intentionally, and these agents are \textit{collectively} responsible for the collective end which is brought about by the contributory actions. In order for the responsibility to be moral, the outcome must be morally significant in some sense. (Ibid: 178)

Other things being equal, each agent who intentionally performs a morally significant \textit{individual} action has \textit{individual} moral responsibility for the action. So in the case of a morally significant joint action, each agent is \textit{individually} morally responsible for performing \textit{his} contributory action, and the \textit{other} agents are \textit{not} morally responsible for his individual contributory action. But, in addition, the contributing agents are \textit{collectively} morally responsible for the outcome or \textit{collective end} of their various contributory actions. To say that they are collectively morally responsible for bringing about this (collective) end is just

\textsuperscript{29} It should be noted that Petersson’s account is reserved for smaller groups, and that he is skeptical of the prospects of morally obligating groups such as those defined by nationality, ethnicity or gender. The reason for this is that the conditions mapped out above rarely hold for such large groups. For instance, in a state the ability for unifying thoughts, or the ability to consider the options for collective action is reasonably lacking. (Petersson 2008: 259–60)

\textsuperscript{30} Miller is primarily concerned with retrospective responsibility, but seems implicitly to endorse the stipulation regarding responsibility being reducible to obligations.

\textsuperscript{31} A similar but less detailed account is that of Stephen Sverdlik (1987).

\textsuperscript{32} Miller’s \textit{joint actions} thus largely resemble what I have referred to as the \textit{collective actions} that are needed in order to ensure the outcome in each of \textit{TDC1}, \textit{TDC2} and \textit{TDC3} (see Section 2.1). The difference is that I have stayed clear of making further reference to notions such as collective intention, in order to make my exposition of the cases as neutral as possible.

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to say that they are jointly morally responsible for it. (Ibid: 179)

Regarding individual control, Miller holds that a given individual’s act need not be a necessary nor a sufficient means for realizing the collective end in order for that individual to be retrospectively morally responsible. “If an individual makes a causal contribution to an outcome, and does so in the service of an intention or end to realize that outcome, then this is sufficient—other things being equal—for the individual to be fully morally responsible for that outcome” (Ibid: 181). Causal intentional participation then, rather than the ability to make a difference, is what matters in Miller’s account.

The retrospective version of Miller’s account seems promising in that it can handle overdetermination cases. Let us thus see if it can handle TDC1, TDC2 and TDC3. In order for the three persons to be collectively morally obligated to perform the joint action to save the child, they need, according to Miller, to be able to form individual true beliefs that they together will perform individual actions intended to save the child. A given bystander is individually morally obligated exclusively to do her contributory action if the other bystanders will contribute and her action in conjunction with the others’ contributory actions are sufficient to save the child. It is crucial here, to note that the contributory actions of each individual must be carried out with a true belief that it will realize a collective end. So it is only if it is possible for the concerned individuals to form such beliefs that they can be morally obligated. This consequently rules out TDC2, since each person in this case knows the others will not contribute—the intention to jointly realize the outcome cannot be formed, because no one is going to do their part. The question then, is if in TDC1, where each person has a justified belief (though untrue) about the others’ contribution, does this fact undermine the possibility for them to form a collective end? Yes, since they each have a belief that the others are not going to do their part (and also cannot influence each other to the effect that they will do), they cannot at the same time believe that their joint actions will save the child. If this is so though, it also reasonably undermines the possibility for the three persons in TDC3 to form such an end. Since they are unaware of each other, they cannot form the belief that their contributory actions will jointly realize an end which all share.

The upshot of Miller’s account is a strong individualist theory according to
which individuals are the sole bearers of both individual and collective obligations. Although Miller holds that intentional causal contribution is all that is required for responsibility to be meted out, individual agents cannot be obligated to act jointly if the individual actors do not believe—truly so—that they are going to realize a collective end.

4.3 A Plurality of Agents

Gunnar Björnsson (2014) denies that the obligations of a group such as the one in *The Drowning Child* can be reduced to individual obligations. In this sense, he agrees with the collectivist authors of the previous chapter. Where he departs from them is in denying that group agency is a prerequisite for making sense of UCH-cases. Neither needs there be an irreducible collective notion such as a collective action or a collective intention figuring in the explanation of such an obligation, nor need individuals be conscious of the process of having such an obligation together with other members of the group. This claim though, should be distinguished from the claim that a shared obligation cannot involve coordination (Ibid: 10, fn 6). In fact, *TDC1–3* are cases where coordinated action is required. Björnsson’s account of obligations is formulated in the following principle.

**Shared Obligation:**

”P has a moral obligation to φ in C (is morally required to φ in C) if, and only if, were P in C to have the sort of motivational sensitivity that can be reasonably morally required of P, this would ensure, in normal ways, that P φ in C” (Ibid: 16).

Obligation is here understood in terms of a “*practically relevant moral demand*” (Ibid: 14). A few specifications are in order. First, this demand must be satisfiable, and this notion of ability is not exhausted if the ability pertains to a significant likelihood, nor if it merely obtains by chance; the proper response needs to ensure that the demand is met in normal ways (Ibid: 18–9). P however, need not be aware

33 Björnsson calls his principle “Moral Obligation”. The account concerns obligations in general and shared obligations as a special case. For clarity’s sake, since I am concerned with the latter application, I have used my own terminology.
of this; i.e. the subject of an obligation do not, in order to be obligated, have to know that the demand will be met if she responds in the appropriate way. Second, for someone to be *appropriately* responsive to these features "is to have a motivating sensitivity to these reasons of a sort that can be reasonably morally required" (Ibid: 16). Björnsson however, leaves it relatively open what morally demandingness is, with the intent of having this part of his account compatible with other views on the issue.

What Björnsson now proposes is that we allow the subject of the moral obligation to be a plurality of agents, rather than a collective agent. (Ibid: 18) In relation to ascribing duties to the persons in a UCH-case, Björnsson writes that:

> it seems eminently plausible that the sensitivities required of the members of the group can be part of a normal explanation of why the group does something. Many or most of the sensitivities that can be required of individual agents are dispositions to facilitate or contribute to important outcomes that sometimes require the input of other agents, through [...] joint actions where people coordinate their efforts to produce the outcome. (Ibid: 18)

So these required sensitivities can explain how a group, though unstructured, might be demanded to bring about outcomes that call for the collective effort of more than one agent. And this is made plausible, even though the group is not taken to be a collective agent. Björnsson’s account still considers the capacity (that is, the sensitivities) of all agents: P is all three bystanders. What we require of the subject—the bystanders—is that they can respond properly to the reasons that ground the obligation.

So how does Björnsson explain obligations for the persons in *TDC1*, *TDC2* and *TDC3*? He explains that under circumstances where no given individual has a reason to contribute, the beliefs of the bystanders regarding how the others will act, might still be subject to the motivational structures of the others. Björnsson writes:

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34 Björnsson’s account however, is not only concerned with cases that demand collective action of the individuals. Some UCH-cases are such that they only require that people are obligated in an aggregate sense, rather than, as in *TDC1*–3, through collective action (cf. Section 2.1).
it might well be that if the members were appropriately responsive, they would each realize, or consider likely, or at least possible, that the other members of the group would be willing to contribute, and would then themselves do their part. The situations in which beliefs that others are unwilling to contribute most plausibly would undermine shared obligations, then, are situations where, even if the parties all had the appropriate motivational structures, they would have believed that others were unwilling. (Ibid: 19)

So it is merely if the bystanders believe that the others are not going to do their part despite having the responsiveness required to be obligated, that the shared obligation is undermined. We should remind ourselves here, that in order for a plurality of agents to be obligated, they need not know that the demand will be met if they respond in the appropriate way. Björnsson concludes that the latter kind of situations, in which shared obligations are undermined, are quite uncommon. Consequently, if the willingness to contribute is something that can be reasonably morally required in line with Shared Obligation, ascriptions of shared obligations seem comprehensive notwithstanding the beliefs of the bystanders in TDC1 and TDC2. Even in cases where no one—taken individually—have a reason to contribute, the reciprocal expression of readiness to contribute explains why a shared moral obligation falls upon the bystanders.

But what about TDC3, where the individuals are unaware of each other? Once again, the subject of an obligation do not, in order to be obligated, have to know that the demand will be met if she responds in the appropriate way. Perhaps this also involves the lack of awareness of the other individuals in TDC3. Even though they do not know that the demand will be met if they respond in the appropriate way, this might still be a normal explanation of why the obligation is met, given that they act accordingly. With that said, Björnsson’s account does not allow the obligating of groups that entirely lack unifying features. A final aspect of Björnsson’s account pertains to membership of groups. He writes that “For the required sensitivities to explain the fulfillment of the obligation in a normal way, there must be a certain degree of unity to why and how members of the group would contribute if they were motivated by features of the situation in ways that can reasonably be required”
(Ibid: 19–20). We are consequently not reasonably morally required to bring about outcomes as parts of groups with which we have no association whatsoever. Even if the outcome would be highly beneficial, if an action can only be explained through the coincidental confluence of a random group of individuals having the correct motivational structures, this would not ground a shared obligation (Ibid: 20).

4.4 Quasi-Participation and Symbolic Accountability

Christopher Kutz’s (2000) account of responsibility in UCH-cases takes into account two separate bases for responsibility. The first stresses the relevance of networks of collaboration that might exist outside of what is obvious in UCH; the other focuses on the symbolic responsibilities of our character. This duality answers to two conditions which Kutz holds that an account of responsibility in UCH-cases must fulfill. First, he wants to "provide a rational justification for feelings of reproach and responsibility” (Ibid: 167). Second, he wants to provide a solution which is sufficiently motivating for the agents to be held responsible. The duality of Kutz’s account originates from the quite different viewpoints of victims and agents of UCH, respectively. This conflict of perspective gives rise to the motivational shortcomings of either basis taken individually—neither of the two bases for responsibility are sufficient on their own.

The first part of the solution pertains to a widened notion of participatory intentions as the basis for what actions we can ascribe to groups. While UCHs are not intentionally brought about, Kutz wants to widen our notion of participation "to include participation in a culture or way of life” (Ibid). This is Kutz’s quasi-participatory basis for responsibility. It is "quasi” because the individual participation in UCH-cases in question, is not directed at any specific goal. Rather, this feature of the solution grants that we can hold individuals responsible for harms of which the participants have no knowledge. This is the leg of the solution that function as the voice of the victims in UCHs. According to Kutz, they deem such

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35 Kutz is, according to his terminology, explicitly concerned with accountability and not responsibility (Kutz 2000: 17–8). Kutz’s usage of the former term seems to overlap with the way I have used the latter term in this paper. He also considers a prospective sense of this notion, which seems to follow my stipulation about responsibility and obligation.

36 This is the basis of responsibility ascriptions for corporate entities (Ibid: 81, 122).
damage to be systemic in nature: “Individual agents are, broadly speaking, participants in a shared venture that does harm, and so are inclusively accountable for the unintended consequences of what they do together” (Ibid: 186). This includes harm produced both by action and inaction.

According to the quasi-participatory view, the individuals in TDC1, TDC2 and TDC3 all seem obligated to save the child. The sense of a shared venture that flows from the victim’s point of view implicate each individual as actors in a shared venture, regardless of whether doing so would be an explicit joint decision. “[T]o the victims, a community of accountability is identifiable: a set of individuals who jointly cause harm, against a background of interdependent activity and shared values” (Ibid: 186). In each of the three cases, the interdependent activity is fulfilled by the fact that a child might drown as an effect of the overdetermined omissions of the three persons. Furthermore, it would seem natural to say that saving an innocent child is something each praises, thus constituting a shared value. We can note again however, that the persons in a UCH need not be aware of the shared values at stake, and so TDC3 poses no problem for the quasi-participatory basis of accountability.

To make the ascription of responsibilities in UCHs a bit more problematic, Kutz writes that the viewpoints of victims and agents rarely mesh with one another. We must therefore ask ourselves whether the quasi-participatory view can satisfactorily motivate the agents to act. Kutz is pessimistic about these prospects: UCHs include individualist factors that seem to undermine the motivation to remedy the harm. These factors include self-interest, and, as in our cases, a sense of being unable to influence the outcome. (Ibid: 186–87) While the participation of all bystanders in TDC1–3 might ground sufficient demands for the victims, we have seen that the beliefs of the individuals in our three cases might severely undermine the bystanders’ reasons for participating. Let us therefore turn to the second part of the Kutz’s account.

From the point of view of the agents, Kutz holds that we must rely on the notion of accountability for character, or symbol accountabilty. (Ibid: 167, 186) This is a kind of responsibility where our sense of what could be done together overcomes the fact that individual agent’s cannot make a causal difference. (Ibid: 190) According to Kutz, this viewpoint lets one have reason to act even though individual agents make little or no difference, because it constitutes a symbol of
their character: “In overdetermined contexts, agents can have reason to refrain from participating in a harm, not because of the relation between this choice and an actual outcome, but because of what the choice symbolizes in their characters and commitments” (Ibid). He further holds that not caring to participate to prevent bad outcomes, even in cases where one’s contribution make no difference, raises the suspicion that one would not participate even when one would make a difference. Agents that contribute to, or fail to prevent, unstructured harm due to some form of personal benefit, also tolerates the kind of behavior that caused the harm. Applying the symbolic basis of accountability to TDC1–3 is rather straightforward: even though no given person’s contribution is necessary or sufficient to save the child, they might be obligated to do so because it symbolizes a virtue of their character.

To conclude Kutz’s account, in order to understand how agents can be morally obligated to prevent UCHs, we need a quasi-participatory rationale in conjunction with a symbolic approach to acting. Explaining how the agents in TDC1, TDC2 and TDC3 are obligated to save the child thus depends on two separate notions. First, the interaction to do such a thing draws on already existing collaborative ventures. The child can be said to risk drowning because of the collective nature of the situation, and each person reasonably share values that incorporate the saving of innocents. Being obligated to prevent such a harm is not undermined by pessimistic beliefs about the other actors’ contributions, and neither by ignorance of the means to save the child.37 Second, the three persons can plausibly be motivated by the symbolism of saving the child, even though taken individually, their actions could not ensure the desired outcome.

5 Discussion

In this concluding chapter, I will discuss my analysis of UCH as well as the results of the two previous chapters. I will first give an overview of what I have done in this paper. Section 5.1 explains how according to some accounts of moral obligation, the actors in TDC1–3 either can or cannot be obligated. In Section 5.2, I take these

37 It seems harder for this account to deal with cases where the individuals do not share values at all. Perhaps, in cases where actors are not only unaware of the stakes, but cannot even fathom the groundwork of the values, the quasi-participatory ground for accountability is undermined.
findings into account when considering what could reasonably be demanded of an account of moral obligations for UCH.

In this paper, I have considered a selection of accounts to solve the problem with UCHs, and those of TDC1–3 in particular. I divided these under a collectivist and an individualist heading, respectively. I defined the former as the thesis that in order to explain obligation ascriptions in UCH-cases, we need to refer to a collective moral agent. Individualism holds instead that we either cannot, alternatively need not, refer to collective agents in order to make sense of UCH-cases. The collectivist accounts that I have considered are those of Torbjörn Tännsjö (2007), David Killoren and Bekka Williams (2013), Larry May (1992) and Stephanie Collins (2013). The individualist accounts considered are those of Björn Petersson (2008), Seumas Miller (2006), Gunnar Björnsson (2014) and Christopher Kutz (2000).

5.1 Obligations in TDC1, TDC2 and TDC3

In this section, I shall present my results from the assessment of the accounts in Sections 4 and 5. By spelling out according to what accounts the three persons were morally obligated to save the child in TDC1, TDC2 and TDC3, I intend to point to the differences and similarities between each. I shall assess what the accounts, according to which the persons in TDC1–3 are—or are not—obligated, have in common. I will begin by discussing the results from assessing the collectivist accounts, and then consider the individualist accounts.

Among the collectivist accounts, Tännsjö’s collectivist pragmatics, and Killoren and Williams’ group agency solution both hold that in TDC1–3 the three persons were obligated to save the child. May’s putative group solution and Collins’ collectivization duties, were held to be unable to do so. What the former two accounts have in common, is that they both rely on a very permissive notion of collective agency. Tännsjö holds that collective action is explained by the confluence of relevant beliefs and desires of the groups’ members. As long as a certain shape of beliefs and desires explains how the group can bring about an outcome, it might also be obligated to do so. Killoren and Williams hold instead that as long as two or more individuals possess the ability to act together and are
responsive to reasons, they constitute a group agent that is susceptible to moral obligations. We can see that both of these collectivist accounts rely on a notion of obligation that need not make reference to abilities of intentional or desert. This allows for morally obligating groups that lack common intentions and goals, and even awareness of other members and their contribution, the former being key features of UCH in general, and the latter of TDC1–3 in particular.

May’s account of putative groups relies on obligating collectives that presently lack organization and decision procedures, yet which have the capacity to form into a group with the required abilities. What is needed in order to constitute a putative group are features such as some minimal common affinity as well as that it is reasonable to believe that the group could possess the sufficient structure for intentional collective action. In TDC1 and TDC2 though, the lack of reasonable prospects of leadership and organization, which are both key to obligating putative groups, seem to suggest that the bystanders could not develop the coordinating features and so are not susceptible for putative agency. The prospects in TDC3 were brighter, but ultimately it does not seem that May would hold these individuals obligated either.

Collins’ account of collectivization duties holds that an unorganized group of individuals might have duties to form into a group with the ability to act collectively through a group-level decision-making procedure. This thought though, seems still to be highly dependent on the complicity of individual members, and since the individuals in TDC1–3 lack incentive to cooperate, it is hard to see why they should have individual duties to organize themselves.

It seems that among the collectivist accounts, to be able to hold that the individuals in TDC1–3 are morally obligated, one need to be able to make reference to a collective agent whose agency do not presuppose organization or the ability for intentional action. Both the prospects of organizing the group and forming collective intentions seems undermined by the features of the three cases. May’s and Collins’ theories can be seen as examples of the failure to account for these problems. They both seem to try to merge the strength of individualistic thought into a collectivist framework. The lesson learned seems to be that it is not relevantly easier for an unorganized group to be considered a potential organized group, than it is for an unorganized group to act intentionally. Consequently, the accounts of May and
Collins face the same difficulty; a difficulty that the accounts of Tännsjö, as well as Killoren and Williams overcome.

Let us assess the individualist position. According to Björnsson’s account of shared obligations and Kutz’s two-fold solution, the persons in $TDC1–3$ all bear moral obligations to save the child. According to Petersson’s account of a unity of causal agency, the persons in $TDC1$ and $TDC2$ bear obligations, but not those in $TDC3$. Lastly, according to Miller’s reductive account, no individual in the cases is obligated. While Petersson’s principle of a unity of causal agency does seem to be sufficient for obligating certain kinds of loosely based groups, some of the epistemic hardships in $TDC1–3$ undermine the ascription of a moral obligation. According to Petersson’s account, a collective is responsible for some harm if we are able to correctly explain the possible actions of a group by making reference to the members’ attitudes as considering the group as one unit of causal agency. This makes ascriptions of moral obligation possible in $TDC1$ and $TDC2$, but not in $TDC3$. Because of the lack of awareness of the individuals in the latter case, the ability of the three persons to consider their options from a group level is undermined.

Björnsson’s take on shared obligations as practically relevant moral demands for a plurality of agents, assesses the agency of the plurality in terms of the sensitivities that can be reasonable required of them. If the subjects possess the required sensitivity, this would ensure in a normal way that the obligation is fulfilled. Björnsson further lets the obligations be ascribable to pluralities that need not be aware of the fact that the demand will be met if they respond in the appropriate way. It is therefore, according to this account, likely that the individuals in $TDC1$, $TDC2$ and $TDC3$ share moral obligations to save the child even though they lack the epistemic prerequisites to know that they are.

Kutz’s account makes use of two different grounds for moral obligation, since each taken individually might not ensure a sufficient degree of motivation for individual agents in UCHs. The quasi-participatory view of the victims in UCH relates to the sense of shared venture that, although marginal, might still be perceived among the actors in these cases. The other part of the account involves reasons that refer to the point of view of the agents and a sense of symbolic accountability. Since the harm in UCH is not preventable by any given individual,
Kutz focuses on a kind of responsibility where our sense of what could be done together plays a significantly more motivating role than the fact that individual agent’s cannot make a causal difference. The quasi-participatory view coupled with symbolic accountability thus seems to ascribe moral obligation to the individuals in \textit{TDC1}, \textit{TDC2} and \textit{TDC3}, despite shortcomings of knowledge and reasons to contribute.

Miller’s account of reductive collective obligation holds that the individuals bearing a collective obligation share duties for what they each jointly intends to bring about, and each have individual obligations to perform their contributory actions toward the collective end. Joint intentions though, cannot be formed unless the concerned individuals each have the epistemic qualifications to be able to believe that the others are doing their part of the shared venture. Since \textit{TDC1}, \textit{TDC2} and \textit{TDC3} each undermine the possibility for possessing such beliefs, they cannot form joint intentions, and so they are not either morally obligated to save the child.

Among the individualist accounts then, we have seen that those who do not need to refer to knowledge or beliefs about the other participants’ intentions or compliance, are those according to which moral obligations are applicable in \textit{TDC1–3}. It is interesting to note that Miller’s account, though reductive in its conception of obligations, still needs to make reference to a collective notion such as joint intention. Something similar is apparent in Petersson’s account, where the individuals need to be able to be aware of each others abilities as a group in order to form collective obligations. What is common for the accounts which hold that it is possible to obligate the individuals in our cases, is a permissive approach to conditions of knowledge. Those accounts according to which the persons in \textit{TDC1–3} are obligated, do not require of the three persons that they be aware of the means to fulfill the obligation, neither that they can exercise collective intentions. Instead, the accounts according to which the persons in \textit{TDC1–3} are not obligated, make reference to precisely these notions.

In the next section, we shall shed some light on the issue of what is reasonable to demand of accounts of moral obligation in UCH-cases.
5.2 What Can Reasonably be Demanded?

As we saw in the beginning of this paper, Virginia Held holds that a random collection of individuals can bear moral obligations and be morally responsible if a reasonable person deems it correct. Just what a reasonable demand on accounts of moral obligation amounts to though, still seems unclear. We have now seen why some accounts do not deem individuals to be obligated in our three cases. This lets us begin to answer what a reasonable person would deem correct with regard to our cases and the accounts considered. The question I will assess is if it is reasonable, or too demanding, of an account of moral obligation to hold the persons in TDC1–3 obligated. I will first say something about the conceivability of the cases.

In TDC1, the individuals all have a justified belief that the others are not going to do their part. It seems that cases such as these can easily obtain—while everyone knows that something must be done together in order to prevent harm, there might be reasons that make us suspicious of the others participation. TDC2 is a case where each individual knows that every one else will not contribute toward saving the child. Apart from holding a justified belief then, the belief of each individual is true, i.e. TDC2 is a case where no one will do their part. Here, it might be objected that we cannot make sense of such a case without the three persons not being able to do otherwise. But while it might seem hard to apprehend exactly how such a situation occurs, it still seems possible that each bystanders actually will not do what they can do. Furthermore, it is not by making reference to force, or any other obstructing factors, that we assume that the three persons are not going to do their part—their decisions are still the product of deliberate intentions. Consequently, TDC2 is a case that, though hard to grasp, might nonetheless obtain. The same seems true of TDC3—while we may sometimes be in situations where we together can prevent harm, this might not be information that all concerned parties knows about.

We have now established that it seems plausible that TDC1–3 can obtain. Since all of our three cases concern situations in which it is possible to bring about morally significant outcomes, this gives us some reason to say that we can demand that an account of moral obligation ought to hold the three persons obligated. In order to assess this question properly though, I believe it is necessary to consider further why the accounts that hold the persons morally obligated might not be
enough demanding. For example, it could be argued that accounts like those of Tännsjö, and Killoren and Williams are too weak to be taken seriously. We saw in the previous section that those accounts according to which we could not ascribe obligations in the three cases subscribe to two requirements—that the group needs to be aware of the means to fulfill the obligation, and have the ability to possess collective intentions. Consequently, adherents of the view that moral obligation is an inherently intentional notion could argue that if collective intentions cannot be formed in TDC1, TDC2 or TDC3, it seems that these cases lie beyond the scope of moral demands. Likewise, if epistemic conditions such as distinct prospects of success and the means of fulfillment are general prerequisites for moral demands, this too undermines obligations in TDC1–3.

These are deep philosophical issues that I will not discuss at length here. I think it suffices though, to say that while it might be sound to demand that the two requirements mentioned above be met for an account in other examples, this should not be the case in UCH. It seems to be precisely because of the unstructured nature of the three cases that we have trouble holding that collective intentions and group-level knowledge should be demanded of the concerned groups. This, in conjunction with the plausibility of the cases, and the fact that several insightful accounts of moral obligation deem them intelligible, points to the possibility that ascribing obligations in our three cases is not too demanding.
References


