

# Commentary for NASSP Award Symposium: Response to Commentators

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It is rare for one's work to receive this level of recognition, so I was thrilled to learn that I was the recipient of the North American Society for Social Philosophy's 2022 Book Award, even more so considering the illustrious company in which this puts me. My special thanks go to the NASSP book award committee—Shannon Fyfe, Randall Morris, and William McBride, who are also my commentators—for their intellectual generosity and hard work. I note that they did not just read my book but many others, too. In raising serious yet interesting challenges concerning the theory I defend in the book, they each betray not just a keen scholarly interest in the matter at hand, but a thorough understanding of the larger conceptual landscape my theory is embedded in. It has been an absolute pleasure engaging with their astute commentary, challenging as much of it may be. Our discussion has given me the opportunity not just to clarify parts of the theory but to think more deeply about some of its elements.

*Getting Our Act Together: A Theory of Collective Moral Obligations* is an attempt to fundamentally rethink the relationship between the moral agency of the individual and that of the collectives she may form part of. As such, in the book I develop a theory that accounts for the moral implications of our dual existence as individuals *and* as social beings in a world where we are always already connected to others in morally important ways—whether we acknowledge it or not. In moral decision-making, I argue, we must somehow reconcile our individual moral agency with the social and collective dimensions of who we are and what we do.

The book has a two-fold aim: (i) developing arguments and concepts that are meant to help us better understand our lived experience where we lack such concepts and have no or few principles to guide us. At the same time, it is (ii) an invitation to shift the perception of our own agency in the world to give more prominence to how we are agentive with others and to grow our awareness of the potential that lies hidden in our collective abilities. Striking the right balance between the two tasks at hand is a balancing act. That the work on this topic is all but finished and that this space remains contested is evident from my commentators' remarks to which I will turn shortly. Being awarded this prize I take as an indication that I am nonetheless on the right track.

To begin with, let me sketch some of the book's core elements relating to our discussion. Regularly, the moral obligations we hold are obligations we hold *together with others*, or jointly, and not as discreet agents. Having an obligation together is a plural moral predicate. Much like "dancing together" or "talking past one another" are plural predicates. The book does not suggest that these are novel kinds of obligations that we have been slow to uncover, but, rather, that the notion of collective obligation is the best way of making sense of existing moral imperatives where these refer to outcomes or actions that are only collectively available. While many of us readily acknowledge that these imperatives form part of our moral landscape we so far lack adequate concepts that would allow us to confidently manoeuvre that landscape when we venture beyond the terrain of individual moral agency.

A key element of my theory is the notion of "we-mode reasoning" (or my version thereof)—a concept coined in the philosophical literature on social action (e.g., Tuomela 1984; Hakli et al. 2010), but successively taken up in non-standard game theory (e.g., Bacharach 2006, Gold and Sugden 2007). In collective action scenarios—situations where a desired outcome or action require contributions from more than one agent—we may deliberate over our options for action either in the so-called I-mode and or in the we-mode. I-mode reasoning is best-response reasoning based on the idea of individual efficacy, that is, on making a difference individually: we choose our course of action based on what we know others do (or expect them to do) with a view to producing what we believe is the best outcome in the scenario. People will—no doubt—recognize the intellectual parenthood of game theory here and its "standard" solutions based on the rationality of individual agency. I-mode reasoning vis-à-vis a collective action problem takes place when you decide to take part based on the belief that you are making a difference individually to whether or not the desired outcome—desired by you or perhaps by others, too—is achieved. An example for that is deciding to help someone move a heavy piece of furniture because they could not move it on their own but only with your assistance.

In contrast, in the we-mode, we reason from the top down, guided by what is collectively achievable. We choose our individual course of action according to

what we perceive to be the best option for the group as a whole. An example of we-mode reasoning is deciding that you will reduce your carbon footprint *because* you recognize that collectively reducing our carbon footprint is the best collective pattern of action available *vis-à-vis* runaway global warming and climatic change, rather than because you are individually making a difference to the outcome (which you are not). Similarly, people choosing to cooperate in prisoners' dilemmas may be doing so because they aim to achieve the best outcome for the group (Butler 2012). Whether or not we reason in this particular mode depends on whether or not we frame the scenario we are facing as a problem "for the group" in the first place, that is, whether or not we "we-frame" it. As reasoners and agents in the social world, we switch between different modes of framing and reasoning. Whether or not we do is highly context-specific, depending as it does on factors such as the epistemic complexity of the scenario and the social background conditions (Schwenkenbecher 2021: 91ff). It should be noted that though "I-mode" and "we-mode" reasoning may deliver the same outcome they will regularly diverge, especially with regard to so-called "wide joint necessity" cases—those are collective action problems where the number of available contributors is higher than the number of minimally necessary contributors (*ibid.*, p. 8).

Importantly, my account does not portray moral obligations as imperatives to produce the objectively best outcome. They are imperatives to produce what we believe is optimal given the evidence we have (Schwenkenbecher 2021: 70ff). This entails an obligation to seek and generate reliable evidence. In other words, it is possible to "do right" even when we "get it wrong"—provided we show appropriate levels of epistemic due care. Other people's beliefs and attitudes *vis-à-vis* the problem at hand form part of our evidence, too. However, having collective obligations does not necessarily depend on holding strong beliefs about others' willingness to contribute. This is a point I will return to shortly.

Our collective moral obligations also depend on the relationship in which we stand with other group members. *Strongly collective obligations* are usually only held by agents in smaller groups, where there is common knowledge or some level of shared higher order belief and people can communicate directly with one another. These entail a greater responsibility for making joint action successful and potentially require group members to take up the slack left by others where possible. *Weakly collective obligations* are usually the only ones we can hold as members of loose and dispersed groups.

After these introductory remarks, let me now directly address the commentators' points. The first set of comments concern the conceptual relationship between the theory of collective moral obligations and other moral theories—its conceptual pedigree and compatibility.

## Is Most Moral Theory Individualistic?

In the introduction to my book, I claim that traditional moral theory has long been markedly individualistic. I suggest that moral theory should make a greater effort to account for the social nature of our agency, and that my theory of collective moral obligations strives to doing precisely that. In response, William McBride worries that in my describing traditional ethical theories as individualistic I am too focused on Anglophone traditions. Let me therefore clarify that by “traditional ethical theories” I mean the traditions of Virtue Ethics, Kantian ethics as well as consequentialist ethics. All of these focus on what *individual* agents ought to do or how they ought to be. McBride draws attention to Jean Paul Satre’s work on responsibility and groups and to its impact on Larry May’s and Iris Marion Young’s respective writings on collective responsibility. McBride’s point about scholarship on collective responsibility in ethics is well taken but I consider the authors he mentions to be outside what I took ‘traditional’ ethics to mean. What is more, May’s and Young’s work had significant influence on my theory—I was lucky enough to receive generous feedback from Larry May on some of my earliest drafts on this topic. As to Iris Young, the final chapter of my book explicitly builds on and attempts to complement her notion of collective responsibility vis-à-vis structural injustice.

## Can any Substantive Moral Theory Accommodate the Idea of Collective Obligations?

Moving to the next point of contention, in chapter 4, I suggest that “in principle our theory of collective obligations can be used with any substantive theory” (2021: 69). But both Randall Morris and Shannon Fyfe wonder whether or not one can really develop a notion of collective obligations without making commitments to a concrete substantive theory? They are somewhat suspicious of my declared neutrality on substantive issues. Might not my account be a consequentialist theory in disguise they wonder? A general comment first: Bracketing the issue of substantive theories does, of course, not preclude the possibility that there is one such theory that I am especially drawn to and that I think is uniquely best or right. Now as it happens, I do not think any one of the traditional substantive theories is uniquely best or true.

So does my theory of collective obligations have undisclosed consequentialist leanings? And does it seamlessly combine with *any* substantive theory as I claim in the book? As to the first question: It is important not to confuse my use of the phrase “morally optimal option” with “best outcome as determined by the value of the consequences.” The morally best option could be the one that is preferred for

reasons such as compliance with the categorical imperative or for constituting a particularly virtuous course of action. I will say more about this below.

Further, one might ask whether the cases provided in the book in support of my argument uniquely or predominantly appeal to consequentialists? I should like to think that Kantians and Virtue Ethicists will likewise come to the rescue of the hiker trapped under a fallen tree or the motorcyclist trapped under the burning car. In fact, the very point for choosing these cases is that I believe that different theories will converge on the question of the moral requirement to assist in those cases.

More importantly, though: Is the theory most compatible with a consequentialist view, or does it even imply the truth of consequentialism? I do not think so—several of our traditional substantive theories are compatible with the account of collective obligations proposed in the book. Take Virtue Ethics, for instance. Sometimes, an agent’s conduct may be virtuous only where it forms part of collective action. For instance, an agent may well be reckless if performing a dangerous act of rescue individually but courageous if she does it together with others. The morally optimal option for acting—the one that enables the agent to act virtuously—may be an option that is only collectively available. Likewise, for Deontologists, it may well take collective action to properly respect a person as an end in herself or to promote her autonomy. Most certainly, it will regularly take collective action to discharge one’s duties of beneficence and other “imperfect” duties. In the same vein, contractualists should find that acts that comply with a principle of reasonable rejectability may be collaborative acts,<sup>1</sup> or, what I call “collectively available options” for acting.

But, to return to Morris’s challenge: does my account of collective moral obligations seamlessly combine with *any* substantive theory? Morris rightly points out that Michael Zimmerman—whose account of prospective moral obligations I largely adopt—considers some version of act-utilitarianism and Kant’s ethics to be “objectivist” about moral obligations (Zimmerman 2014: 25).<sup>2</sup> Morris therefore questions if these theories are compatible with mine, which purports to be non-objectivist. I thank him for bringing this up, as it provides me with an opportunity to clarify what perhaps did not receive enough attention in the book and to qualify what in retrospect seems like too sweeping a claim. The short answer, then, is that, no, my account of collective obligations *does not* seamlessly combine with *any* substantive moral theory, at least not in its entirety. It would have been more accurate to say that it combines with *several* substantive moral theories, including, I believe, versions of every “major” type of theory. Having said that, core elements of my theory *are* compatible with objectivist ethics, namely the idea that obligations can be held together or jointly, that the unit of moral agency may be a set of individuals, and that the (objectively) morally best option may be one that is only collectively available.

In order to see which part of my theory is not compatible with the objective view of moral obligations, let us have a closer look at the conditions for pro tanto collective obligations:

“Agents *a, b* and *c* have a collective moral obligation if

(i) There exists a specific morally significant joint-necessity problem *P*, such that agents *a, b* and *c* can collectively, but not individually, address *P* [joint necessity + joint ability].

(ii) Conscientious moral deliberation leads all of them (or a sufficiently large subset of them) to believe that some collectively available option *O* is morally optimal with regard to *P* [they have reason to we-frame *P* and to consider *O*].

(iii) *A, b* and *c* (or a sufficiently large subset of them) are in a position to determine individual (or joint) strategies to realize *O* and to achieve *P*.”

(Schwenkenbecher 2021: 93)

We can easily see how it is above all condition (ii) that is sensitive to the question of objectivity of our moral obligations. Presumably, if my theory were committed to objectivism about obligations, the second condition would read as follows:

(ii)' Some collectively available option *O* is morally optimal with regard to *P*.

I am inclined to think that to Kantians the two versions of condition (ii) must in practice be equivalent. The conscientious deliberator is the epitome of Kant's disinterested, good-willed reasoner, who by virtue of her rational faculties should arrive at the correct conclusion as to her actions' maxims' compliance with the Categorical Imperative (Kant 2011 [1785]).<sup>3</sup> However, for objectivist versions of act-utilitarianism, which require moral agents to choose the option that *actually* maximises utility (or whatever the currency of value), conditions (ii) and (ii)' will regularly come apart in practice, even if not always. Condition (ii), then, is not compatible with such theories and could not be endorsed by their proponents. So my statement that “in principle our theory of collective obligations can be used with any substantive theory” should be qualified to say that core elements of my account of collective moral obligations can be used with any substantive theory. Further, the theory—in its entirety—can be used with several substantive theories, including versions of all the major types of moral theory.

Having said that, overly focusing on the substantive issue risks begging the question against moral pluralism, which is the position that I feel most sympathetic to (contrary to the consequentialist suspicions my commentators entertain). Pluralism is understood here—in the broadest sense—as the view that none of the abovementioned substantive theories is uniquely true but that they all capture aspects of what matters morally. What is more, in developing this theory I was

interested in *actual* decision-makers in the real world, who, it would appear, are conceptually rather heterogenous. Actual moral deliberators diverge substantially in the kinds of reasons they employ for making moral decisions. Some of these reasons may reflect a consequentialist standpoint, others may be based on moral principles or notions of being a good, that is, virtuous, person. And real decision-makers, employing all kinds of reasons, will still regularly converge in their views on what the morally best option is.

### How Common are Collective Obligations?

Naturally, every theory has its limitations. It solves *some* problems and leave others unresolved or even harder to solve. This takes me to another worry expressed in the comments, namely that the theory of collective moral obligations is only applicable in very few circumstances, according to Randall Morris. Shannon Fyfe, in contrast, believes that the theory's "narrowness" is one of its virtues. Both comments made me reflect on what it is that we are looking for in a moral theory of collective obligations: that it confirm our intuitions, at least those that are widely held, or—to the contrary—that it make us redraw the map of our moral landscape?

The theory I propose walks a fine line between both goals: it is at once an attempt to make better sense of intuitions we hold concerning our duties to act when successful action requires teaming up with others and it is, *at the same time*, an invitation to think differently about at least some joint necessity scenarios, expanding our notion of moral agency and potentially overcoming the impasse of individual impotence.

On my understanding, as fundamentally social thinkers, we are fairly flexible at switching between the we-mode and the I-mode, and will regularly respond to contextual cues for framing collective action scenarios. As such, I am less worried than Morris that there would be very few circumstances under which we have all-out collective obligations. What is more, we can generate such obligations by providing contextual cues for others that prompt them to frame situations as opportunities for joint action and to perform contributory actions. In pointing out collectively available options for acting to others and in signalling our readiness to contribute to collective endeavours we can therefore shift the balance from individual moral agency towards collective agency where the outcomes of joint action are desirable but individually unavailable. Still, Morris is right in that there a countless ways in which agents' perceptions of what the best available options for action are can fail to align and where, therefore, no collective obligation will emerge. I come back to this point in a moment.

## Is it Crucial that We Believe Others Will Contribute?

Before I do so, let me address a principal concern raised by Fyfe: how relevant are our beliefs about other people's willingness to contribute for whether or not we have a collective obligation? It is important to note that we can have reasons to contribute to collective action in the absence of a belief that others are definitely going to contribute. Voting is mentioned in the comments, so I will illustrate my point using that example. It is precisely when it comes to voting and structurally similar cases where the benefits of using the lens of we-reasoning really show.

Casting our vote in an election is perfectly rational when it is conceived as an individual action that forms part of a collective pattern of action that we perceive as generally positive, beneficial, or desirable. It is not so well explained by "hoping that our actions matter," as Fyfe put it, where that means hoping that one's individual vote will make a crucial difference to realizing a desired outcome. Hoping that one can individually make a difference is an expression of I-mode or best response reasoning. Finding meaning in one's choices and actions because one recognises them as playing a part in a (desirable) pattern of action reflects a different way of thinking about collective moral action cases. As Christopher Woodard put it,

"[t]he crucial idea here is that the focus of our attention should be on the part-whole relationship—not any cause-effect relationship—between the individual vote and the election. On this way of thinking of each voter's action, the reason to perform it is not that it causes the election of the government, but that it is part of the election of the government." (2011: 261)

As explained previously, we do employ this kind of reasoning regularly when we act in ways that are not individually efficacious but that form part of patterns of actions we consider desirable. To return to Fyfe's concern: collective obligations do not necessarily depend on having positive evidence that concrete others are or will be contributing. Having said that, where we have positive evidence that others will *not* contribute and in particular where we know that their failure to contribute will unilaterally undermine the possibility of success of any collective action (as in strict joint necessity cases) this may undermine collective obligations. Whether or not it does would depend on the reasons for their failure to contribute. Take, for instance, a case of simultaneous inaction of an entire group of potential collaborators, where everyone stands by and does nothing. As discussed in the book, absent a morally significant reason for their inaction, passive bystanders are not off the hook (pp. 106ff). This holds even where each person's inaction serves as confirmation for every other persons' belief that no one will contribute, since, *prima facie*, each is under an obligation to signal willingness and take steps towards promoting collective action where this is the best option for acting.



## What Happens if We Disagree on What is Morally Best?

Further, we might arrive at a belief that others are unwilling to contribute because we reasonably disagree on substantive questions about the best option for action. It is this issue that I am turning to now.

Randall Morris worries about what happens to our obligations when people actually disagree on what is substantively best, that is when their views on what is the best available option for action do not overlap. In those cases, he argues, we do not seem to acquire collective obligations, on my theory. Morris is correct, at least in cases where such divergence between moral positions comes as a result of disagreement between morally motivated, reasonable, and well-informed people. Further, his point is significant, as there exists significant divergence amongst people's substantive moral views. People are near equally divided concerning which of the three "major" moral theories (deontological ethics, consequentialism or virtue ethics) they "accept" or "lean towards"—if a representative survey amongst philosophers is anything to go by.<sup>4</sup> Is this a problem for my account and if so, how critical is it?

Let us use Bernard Williams's case of "Jim and the Indians" for the purpose of illustration: in a fictional South American town twenty locals have been captured by soldiers, who are planning to execute them in retaliation for anti-government protests. Foreign botanist Jim stumbles upon the scene and is offered the "opportunity" to save nineteen of the twenty unfortunate villagers in exchange for killing one of them. Should Jim decline the "offer" of killing one, the squad's captain will kill all twenty villagers (Smart & Williams 1973: 98f).

For the sake of argument, let us modify Williams' case such that to carry out the killing two people—Jim and Jane—are needed. Let us assume that the two cannot agree on whether or not they should accept the "offer." Perhaps they disagree on fundamental moral principles, maybe one of them is a consequentialist and the other one is not. Or perhaps they are both consequentialists and they disagree on the value of the consequences that are likely to result from their action or omission. As a result, they disagree on whether or not they ought to kill one of the villagers in order to save the other nineteen.

On my theory, then, these two do not have a collective moral obligation either way, that is, to either act on the "offer" or to refrain from acting on it, though they would, arguably, still hold individual obligations to act as they see fit, within the limitations of their individual ability.<sup>5</sup> I do not see this as problematic. Even though action-guidance is a desirable feature of a moral theory, it does not equate to providing an answer in every scenario or a conclusive formula for moral decision-making. Sometimes, all a theory does is illuminate moral dilemmas, or help us understand why decisions are difficult or how it is that we have reached an impasse. Substantive moral theories, likewise, do not provide us with clear-cut answers in many cases.

Finally, the worry that the theory only applies to very few, or perhaps even *too few* cases, implies that we have some kind of standard by which we can independently judge how few cases of all-out collective moral obligations would be too few. But neither do we have such a standard nor is the worry really justified. As per my earlier comment, we participate in collective endeavours all the time, more often than not without any kind of critical reflection on our part regarding the specific collective nature of our activities. Further, there is no objective, independent fact of the matter: the presence of collective obligations partly depends on how we conceive of our agency in this world. As such, the argument I present is an express attempt to encourage moral deliberators to adopt the point of view of the group, by giving greater visibility and weight to the collective frames we do use and perhaps should use more frequently.

### Are There “Negative” Collective Duties?

Moving to another question raised by Morris: Are collective obligations more likely to be (or might they even exclusively be) so-called positive duties? Are so-called negative duties never of a collective kind? Let me unpack this a little. A response to this question, of course, depends on how we delineate between positive and negative duties. If we understand positive duties as imperatives to positively perform actions or produce outcomes, e.g., to benefit others, we might think that these are the kinds of imperatives that can (and regularly will) attach to groups of agents. Many of the examples in the book are the kind of rescue scenarios that we tend to think of as triggering positive duties.

If negative duties are understood as imperatives to refrain from acting (e.g., not to harm, not to kill, or not to lie) we may indeed wonder what collective refrainings or omissions might look like? Are there “negative” joint necessity cases where it takes two or more people to “refrain” from an action? It is not difficult to see that there are indeed cases of collective omission (understood as intentional non-action) that are morally obligatory or at least desirable. Think of the famous anti-war slogan: “Suppose they gave a war and nobody came.” For large-scale collective undertakings (such as war) to fail (or be averted) by omission it takes a substantial number of people to refrain from contributing. No individual’s omission (or defection) will undermine such undertakings, only a critical mass refusing to participate may have the desired (and potentially required) effect. In that sense, a collective boycott can be an omission—deliberate non-action—that is genuinely collective. Those cases may seem rare until we realize how our obligations to avert or reduce large-scale collective harm can be conceived as “negative” collective duties, including our obligations to mitigate climate change through reducing greenhouse emissions.<sup>6</sup> Understood as imperatives to collectively refrain from generating these kinds of harms, “negative” collective obligations would seem to be not so rare after all.

Relatedly, imperfect duties, or duties with latitude, where they are or seem elusive, can be so on the individual or on the collective level. The challenges of determining when exactly we have violated an imperfect duty are no greater in principle for collective duties than they are for individual duties.

In concluding my response, let me—once again—express my sincere gratitude to the Award Committee for their astute and well-informed comments. Critical as they are, the challenge to reflect in more detail on crucial elements of the theory has been thoroughly enjoyable.

### Notes

1. I thank Brian Berkey for pointing this out.
2. Zimmerman, in fact, suggests that not only act-utilitarianism and Kantianism, but Virtue Ethics, too, is a version of the “objective view” (2014: 25).
3. Something similar might be said about the virtuous agent who has phronesis, or practical wisdom.
4. <https://survey2020.philpeople.org/survey/results/4890> accessed 23 Dec 2022.
5. The underlying assumption here is, of course, that there is room for reasonable disagreement on substantive moral issues in general and in this case in particular. However, even those who do not share this assumption may still allow for reasonable disagreement on non-moral issues, which may likewise cause agents to evaluate a situation and their options for action differently and in a way that undermines a collective obligation.
6. Admittedly, whether we have such obligations has been contested. See for instance (Schwenkenbecher, 2014; Sinnott-Armstrong, 2005). An alternative example for a collective negative duty might be the public health imperative to not leave our homes during a pandemic unless absolutely necessary, in order to reduce transmission of an infectious disease.

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