

SHARING RESPONSIBILITY

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Article:

Part I

Talk of two or more people sharing responsibility for an outcome is very common. As I shall try to show, it can also be very misleading. I am concerned here with moral responsibility only and not with legal responsibility. I am concerned, too, only with what may be called retrospective responsibility (responsibility for past occurrences) and not with prospective responsibility (responsibility for future occurrences). And I am concerned only with the ascription of responsibility to individuals. It is doubtless true that we sometimes ascribe responsibility—even retrospective moral responsibility—to groups or collections of individuals. Some philosophers believe that all such ascription of responsibility can be reduced to the ascription of responsibility to individuals in the collection(s) at issue.¹ Others believe otherwise.² I am concerned here with none of this, although it is true that, when the question of sharing responsibility for an outcome arises, it does so primarily in the context of an outcome to which several individuals have contributed (or omitted to contribute).

Why can it be misleading to talk of people sharing (retrospective, moral) responsibility for an outcome? Some would say that this is so because "our idea of responsibility requires that it should be uniquely ascribed."³ But to say this seems to me quite mistaken; surely more than one person can be responsible for the same outcome. I would say, on the contrary, that talk of people sharing responsibility can be misleading because such talk seems often, perhaps always, to suggest that the responsibility of each person involved in a group action (or omission) is diminished simply by virtue of the fact that others are also involved and are responsible. The suggestion seems to be that there is just so much responsibility to go around—the "pie" is just so large—and the more people involved, the smaller the share for each. If this is ever the suggestion, it is one that I deny to be correct; I deny that there is ever any such diminution.⁴ Of course, responsibility is often diminished, and for a variety of reasons—restricted freedom, absence of intent, absence of appropriate beliefs, and so on—and such diminution often arises in the context of group action (or omission). But the mere fact that it is group action (or omission) that is at issue does nothing to diminish responsibility. Or so I shall argue. More precisely, I shall argue for the following claim: it is possible that (that is, there are possible cases in which) two or more people engage in group action (or group omission) in such a way that all participants are fully morally responsible for the outcome of that action (or omission). Obviously, "fully" is not used here to mean the same as "solely"; on the contrary, it is used to mean the same as "with no diminution" or, equivalently, "without (even partial) excuse."⁵

Before proceeding to my argument, I must first give at least a rough characterization of the key concepts involved in the claim which I wish to defend. These are the concepts of retrospective moral responsibility and of group action (and group omission). As for the former, I shall here take it to be the same as the concept of blameworthiness; that is, I shall here understand someone to be morally responsible for an outcome if and only if he deserves to be blamed for it.⁶ Of course, it is moral blame which is at issue; I take this to be a sort of censure, from the moral point of view, of one's character as manifested in the production of the outcome in question--a censure of the sort, one might say, which amounts to inscribing a "demerit" on the "report-card of life."⁷ And it is worthiness of blame which is at issue; it might be that one is blameworthy, or deserves to be blamed, and yet that one ought not, all things considered, to be blamed.

As for group action, I have in mind the sort of situation where two or more people act in such a way that there is some common outcome to which they each contribute causally. Suppose that A and B each have a key to a vault which opens only when both keys are used. If they open the vault, they engage in a group action. It is of course also true that A and B each perform distinct, individual actions with their own distinct, individual out-comes; these actions are the individual key-turnings and their outcomes are (in part) constituted by the individual changes in the locks into which the keys are inserted. Thus, when they act, A and B engage in both group and non-group action and, in general, group and non-group action are, strictly speaking, to be relativized to outcomes.

The foregoing characterization of group action is very rough. It presupposes an understanding of what acting, in general, is; of what contribution is; and of how to individuate outcomes. These are all very difficult issues; I cannot seek to do justice to them here. I must take it as given that there are at least some clear cases of individuals acting in such a way that they each contribute to an outcome. It seems to me that the example just presented is such a case. I shall concern myself with other such cases below.

I shall understand group omission to be such that it occurs when and only when two or more people, who could engage in group action, omit to do so. When group action and group omission are so understood, it is clear that they can be very bare. For example, neither a common purpose nor a concerted effort is required for such group action or omission to take place, although each may of course be present. The question of sharing responsibility arises primarily in those cases where group action or group omission (so understood) takes place.⁸ Clearly, there are many types of group action and group omission. Three distinctions seem to me particularly pertinent here. First, there is the distinction between what I shall call (I) standard and (II) over-supplied group action (omission). In the case of oversupplied group action, there is a greater supply of agents involved in the action than is in fact causally necessary for the outcome at issue; standard group action is group action which is not oversupplied.⁹ (Note that, strictly speaking, a group action may be standard with respect to one outcome but oversupplied with respect to another.) Then there is of course the distinction between (a) action and (b) omission. Finally, there is the distinction between what I shall call (1) simultaneous and (2) sequential group action (omission). In the case of sequential group action the individuals concerned act seriatim; simultaneous group action is group action which is not sequential. These three distinctions give rise to eight main categories, and in the next section of this paper I shall discuss each of these categories separately in order to determine what is to be said about them with respect to the sharing of responsibility.

Part II

(Ial): Imagine a group of ten teenagers pushing a large boulder off a plateau, so that it rolls down a slope and wrecks a car at the bottom. Each of the teenagers intends to contribute to the damage to the car and freely participates in the enterprise, in the full knowledge that his contribution to the enterprise is required if the boulder is to be shifted and the car wrecked at all. As described, this is a case of standard simultaneous group action. Now, who is morally responsible for the damage to the car and to what extent? I have no doubt that many would say, given the facts of the case, that the ten teenagers share the responsibility for this outcome of their group action. But this seems to me false, if the suggestion is that none of the teenagers is fully responsible, that is, that each of them has an excuse such that his responsibility is diminished. I believe, on the contrary, that each of the teenagers is fully morally responsible for the damage to the car. How might this be argued? Let us call the case under consideration case X, and let us name the individuals involved A, B, C, ..., J. Now consider another case (case Y) which differs from case X only in the following respect: A and A alone is in a position to wreck the car, and he does wreck it. In this case, there would be no hesitation in ascribing to A full (that is, undiminished; not merely sole) responsibility for the damage. Notice that, in both case X and case Y, A's action is causally necessary for the outcome; in addition, in neither case is it causally sufficient for the outcome, since it requires what may be called the co-operation of other occurrences and conditions. In case Y, this co-operation involves only such matters as the car's being at the bottom of the slope, the boulder's being light enough for A to shift on his own, the slope's being steep enough, and so on, while in case X it also involves the actions of individuals other than A—and it is in this respect that the cases differ. But I cannot find any reason for thinking that this difference between the cases in what occurrences are involved in the co-operation at issue is of any relevance to the assessment of the degree to which A is responsible for the outcome. Thus, if there is no hesitation in ascribing full responsibility to A in case Y, I find no reason for thinking that there should be such hesitation in the original case, case X. Moreover, this is so with all the participants in the action.

More formally, the argument goes as follows.

- (Al)
- (1) The only respect in which case X differs from case Y concerns the type of co-operation which A receives in his endeavor.
 - (2) This respect provides no reason to ascribe a lesser degree of moral responsibility to A in case X than in case Y.
 - (3) If (1) and (2), then A is just as morally responsible for the outcome in case X as in case Y.
 - (4) In case Y A is fully morally responsible for the outcome.
- Therefore
- (5) In case X A is fully morally responsible for the outcome.

Now, what has been said of A may also be said of all of the teenagers B through J. Thus:

- (6) In case X (a case in which two or more people engage in group action) all participants in the action are fully morally responsible for the outcome.

Of course, conditions might have been different from those in case X; they might have been such that the responsibility of one or more, even all, of the teenagers for the damage to the car was diminished to some extent. This would (or might) have been the case if any of them had acted unfreely (to some

degree), or unintentionally, and so on. In fact, in normal conditions, it is likely that, for some such reason as these, some of the teenagers will bear diminished responsibility for the outcome. For instance, if teenager A had twisted teenager B's arm, so that B joined in the venture with some fear and reluctance, then B's responsibility would have been diminished; B might even have borne no responsibility at all for the outcome.

In a case such as that just given it is common and tempting to talk of the differing "extents" to which A and B contributed to the outcome; but I think that such talk should be avoided.¹⁰ Presumably more blame is to be ascribed to A than to B—he is more to blame for the outcome than B is, he is also to blame for twisting B's arm, and so on—but, given that the action of each is causally necessary and of neither is causally sufficient for the outcome, it seems misleading to talk of A contributing to a greater extent than B to this outcome. In general, it seems to me best to say the following. There is sense to be attached to the claim that different individuals have more or less "important" roles in the production of an outcome, but such a claim is, first, a normative one and, second, not to be confused with the nonnormative issue of contribution to an outcome (a factor which admits of no degrees). What is the proper analysis of such "importance"? This will depend on the case at issue and on the norms (moral or nonmoral) upon which the judgment of "importance" is based. In the pre-sent case concerning A, B, and the damage to the car, such a judgment may, as noted, simply be a reflection of the fact that A is more to blame than B.

(Ia2): The principle of the foregoing argument applies equally well to standard sequential group action as to standard simultaneous group action. Imagine a dozen people, with murder on their minds, each delivering one stab to the body of some victim. Let us suppose that each of the stabs is causally necessary for the death to ensue. I submit that, given certain other conditions (full freedom, intent, and so forth), each of the assailants is fully morally responsible for the death. The fact that others are responsible for the death does nothing to diminish the responsibility of any of the assailants.

There might be some tendency to think that the order of events does make a difference here. After all, the final assailant is unique in that it is he who delivers the coup de grace. But this fact seems to me irrelevant. The important point is simply that each of the assailants' actions is required for the death, and there is nothing to differentiate them on this score.

Some might seek to rebut this claim, however, by appealing to some such principle as "No one can be responsible for the actions of another" and by maintaining that the present diagnosis of the stabbing case contravenes this principle. But a little reflection shows the principle to be false (vicarious retrospective moral responsibility is certainly possible); moreover, it is apparent that the principle, even if it were true, is simply not contravened by the present diagnosis. I have not said that any assailant is responsible for the actions of any other (although this is a possible modification of the case—recall A's twisting of B's arm in the earlier example); I have merely said that each is responsible for a certain event which happens to be the outcome of a group action in which each has participated.

(Ib 1): Imagine a group of three swimmers watching a large man drown. Each intends not to help save the unfortunate man and freely refrains from lending a hand, in the full knowledge that his contribution is required for the man to be saved. As described, this is a case of standard simultaneous group omission. The question arises: who is morally responsible for the man's death and to what extent? As may be expected, I believe that each of the swimmers is fully responsible for the man's death.

The situation at issue here is to be distinguished from that where each of the swimmers is singly capable of saving the drowning man. The group omission in such a case would be oversupplied; I shall return to it below when discussing category (IIb 1).

Of course, it is controversial whether or not anyone can ever be fully morally responsible for the outcome of an omission.¹¹ I do not wish to get embroiled in all of this. Even if it is true (as I think it is not) that one cannot be as morally responsible for the outcome of an omission as one can be for the outcome of an action, it is still quite obviously true that one can be morally responsible to some extent for the outcome of an omission. And the point I wish to stress here is simply that such responsibility is never diminished merely by virtue of the fact that the omission forms part of a group omission. Nevertheless, I shall continue to talk as if it were possible that one be fully morally responsible for the outcome of an omission.

There may be considerable risk or effort involved in the saving of an otherwise-drowning man. If so, responsibility for the man's death may be diminished. I am simply assuming that the three swimmers in the present example do not have to contend with such risk or effort. Notice that a parallel remark might have been made about the boulder-pushing; one of the teenagers might have had to make a considerable effort to control a desire to push, or had to risk severe frustration if he failed to push, etc.

Problems concerning the co-operation of other agents are often especially pressing in cases of the sort presently under consideration. What if one of the swimmers is quite willing to help save the man but refrains from going to his aid because he believes that none of the others will go to his aid? In such a case the responsibility of the swimmer for the man's death may be diminished; perhaps (if his belief concerning the other swimmers' intentions is reasonable, non-negligent, etc.) he may be absolved of responsibility entirely.¹² The reason for this is that it seems impossible to decide to do, or even to try to do, something if one believes that there is no possibility of success; and it seems quite wrong to hold someone to blame for not making (and not acting on) a decision which it was impossible for him to make. And similarly, if one believes that there is only a very slight chance of success, then one's decision not to do, or try to do, the thing in question seems at most only marginally blameworthy. But none of this is strictly pertinent here, for I am assuming that each of the swimmers is such that his decision not to go to the man's aid is not predicated on any belief concerning the likelihood that others will go. Notice that problems of co-operation can also arise in cases of group action. Each of the teenagers may worry about whether or not the others are going to co-operate in pushing the boulder. In addition, problems of "co-operation" of another, but related, sort can arise in cases of non-group action ("Is the slope steep enough?") and non-group omission ("Will the currents sweep me away?"). Such problems pose difficulties when attempting to make a decision as to whether or not to undertake a certain action or omission (in groups or otherwise), but I do not think that they point up any special difficulty associated either (i) with group omission as opposed to other sorts of omission, or (ii) with group action or omission as opposed to other sorts of action or omission. Hence these difficulties may, I think, be disregarded here.

In the original case under consideration here—that of three swimmers whose joint action is required to save the drowning man—it is of course not the case that each of the swimmers' omissions to go to the man's aid is a causally necessary condition of his death. So this case requires somewhat different treatment from that accorded to the foregoing cases concerning the boulder-pushing and the stabbing.

Let us call the case under consideration case X, and let us name the individuals involved A, B, and C. Now consider another case (case Y), which differs from case X only in the following respect: A and A alone is reluctant to go to the man's aid. In such a case, I think, there would be no hesitation in ascribing full moral responsibility to A for the death. This is in part because, although A's omission is not causally necessary for the death, its (the omission's) not occurring is causally necessary for the death's not occurring. Now, if it is granted that, in case Y, A is fully morally responsible for the man's death, then it is very difficult to see why this should not be true of A in case X also. Why should A's responsibility be diminished simply by virtue of the fact that both of the other swimmers happened not to be willing to go to the man's aid? Similar remarks apply to B and C.

More formally, the argument goes as follows.

- (A2) (1) The only respect in which case X differs from case Y concerns the willingness of the others involved to prevent the outcome.
(2) This respect provides no reason to ascribe a lesser degree of moral responsibility to A in case X than in case Y.
(3) If (1) and (2), then A is just as morally responsible for the outcome in case X as in case Y.
(4) In case Y A is fully morally responsible for the outcome.
Therefore
(5) In case X A is fully morally responsible for the outcome.

Again, what has been said of A may also be said of B and C. Thus:

- (6) In case X (a case in which two or more people engage in group omission) all participants in the omission are fully morally responsible for the outcome.

(Ib2): The category of standard sequential group omission is empty; there can be no such thing. If an individual A has already omitted to do something to prevent a certain outcome, and if his doing this thing was causally necessary for this outcome's not occurring, then no other individual B can subsequently omit to do something to prevent this outcome; for no one is any longer in the position to prevent this outcome—and yet the omission to do (or prevent) something requires being in a position to do (or prevent) it.¹³ Of course, it might be that B is unaware of the impossibility of his omitting to prevent the outcome. If so, he might be just as morally responsible for deciding not to prevent the outcome (something that is still open to him) as A is for not preventing it. Still, he will not be and cannot be responsible for omitting to prevent the outcome, and hence will not be and cannot be responsible for the outcome itself.

(IIa1): If the argument concerning the possibility of the proper ascription of full moral responsibility to each of the participants in a standard simultaneous group action is successful, then it is easy to argue for this possibility when it is oversupplied rather than standard action that is at issue. Suppose that fifteen teenagers had pushed the boulder instead of ten. This surely would not have diminished the responsibility of any of the original ten. (What an easy "out" that would be! Just invite a few more friends to participate.) And there seems to be no reason to think that there is necessarily anything which distinguishes, in a morally relevant way, any one of the fifteen from any other. Hence all will be fully morally responsible for the damage to the car.¹⁴

More precisely, the argument is as follows. Let us call the original case with the ten teenagers case Y and the new case with fifteen case X (the new teenagers being named K, L, . . . , O). Then the argument runs exactly as argument (A1) runs (with what is said of B through J after statement (5) now being applied to B through O).

(IIa2): The principle of the foregoing argument applies equally well to oversupplied sequential group action as to oversupplied simultaneous group action. If it takes twelve people to kill someone by stabbing him, then, if a thirteenth person stabs the victim, there is no diminution of the responsibility of any of the original twelve. (Again, such an "out" would be just too easy.) And the thirteenth bears as much responsibility as any of the rest. At least, this is so as long as the victim does not die before the thirteenth assailant lunges; if the victim is already dead, then the thirteenth cannot be responsible for his death, since he has not contributed to it in any way.¹⁵ Of course, even in such a case, it might nevertheless be that the thirteenth assailant is to receive just as much blame for what he did as the other twelve are to receive for what they did. This seems especially plausible where the thirteenth erroneously but reasonably believed the victim still to be alive.¹⁶

(IIb1): Just as calling in more friends in the boulder-pushing and stabbing cases cannot serve to diminish one's responsibility, so calling in more friends in the letting-drown case cannot serve to diminish one's responsibility.¹⁷ Thus, so long as all participants can be fully morally responsible for an outcome of a standard simultaneous group omission, all participants can be fully morally responsible for the outcome of an oversupplied simultaneous group omission. And this point applies with equal force to the case mentioned earlier where each of the swimmers is singly capable of saving the drowning man. This is simply a case where the oversupply is especially dramatic.

(IIb2): Unlike (Ib2), this category is not empty. However, it is open to an argument essentially similar to that just given for category (IIb1).

Part III

Even if the foregoing considerations are sound, they are strictly limited; and it is fitting, finally, to acknowledge some of these limitations here.

First, I have restricted my arguments to responsibility qua blameworthiness. I think, in fact, that the arguments are successful also with respect to a broader sort of retrospective moral responsibility, one which serves as a precondition of both blame and praise. But I shall not try to show this here.

Second, I have restricted my arguments to the bare type of group action and group omission characterized earlier. Might it not be that a fuller type of group action or omission, one which essentially involves a common purpose or a concerted effort, would warrant a different conclusion concerning the sharing of responsibility? This is possible, although I see no reason for thinking that it would in fact be the case. Indeed, while I am reluctant to rely on claims of "burden of proof," it seems to me perhaps to be appropriate to say here that, given the foregoing arguments, the burden of proof lies with those who would affirm that such fuller group action or omission necessarily brings with it diminished responsibility for the participants, rather than with those who (like myself) would deny this.

Third, I have restricted my arguments to that type of group action and omission which concerns several

agents contributing to a single outcome. Might there not be other types of group action and omission worthy of consideration here? This depends on how one is to understand "contribution." In the examples that I have discussed, the sort of contribution at issue has been causal contribution. It seems to me plausible to say that, in some cases at least, one may be morally responsible for an outcome to which one has not contributed causally but to which one has contributed nonetheless; and I would say that my arguments apply as well to such cases as to the cases that I have already considered. But I shall not press this here. Is there a type of group action or omission which involves no common contribution at all, causal or otherwise? Perhaps there is; and, if there is, questions of moral responsibility presumably arise with respect to it.¹⁸ If so, I do not pretend that the foregoing arguments apply to such group action or omission.¹⁹

NOTES

1. E.g., [2], [7], [15].
2. E.g., [5], [6], [12].
3. This is what Weinryb says in [18], p. 9.
4. That there is sometimes such diminution certainly seems to be suggested, for example, by Cohen in [4], p. 75. Of a situation where a hundred people let some person die, none of the hundred could have prevented the death by himself, and not all of the hundred are required to act for the death to be prevented, Cohen talks explicitly of the sharing of responsibility and goes on to say: "[I]f there are a hundred independent defaulters...and one death, each carries a hundredth of the responsibility, not the whole of it... [E]ach carries only one hundredth of a murderer's guilt."
5. Cf. [9], final footnote; [14], pp. 110-111, 115.
6. This is a restrictive understanding of responsibility. I shall discuss a more liberal understanding in the final section.
7. Cf. [3], pp. 35-40; [8], p. 30.
8. Perhaps it arises in other cases also. I shall return to this in the final section.
9. Clearly, there is a close connection between the well-recognized phenomenon of causal overdetermination and the phenomenon of oversupplied group action.
10. Cf. [15], p. 129; [8], p. 246.
11. Cf. [11], [13], and [16].
12. Cf. [2], pp. 347-348.
13. Cf. [19], p. 545.
14. Contrast [1], p. 50, where Baier says that x is responsible for y only if x has a property 0 such that y would not have happened if x had not had 0. Contrast also [17], p. 155, where Tannsjo says that in a case such as the present one no individual is responsible for the outcome.
15. This remark is of course based on the assumption that the thirteenth assailant has not been party to any prior planning or conspiracy which has contributed to the death. If, as I mention in the final section, there can be group action which involves no contribution, then perhaps what I say of the thirteenth assailant should be amended as follows: "...since he has not contributed to, or been otherwise involved with, it in any way."
16. Cf. [8], pp. 241-243.
17. Contrast Cohen in [4], p. 75, quoted in note 4 above.
18. Cf. [8], pp. 241-243.
19. My thanks to Dan Brock, Douglas Husak, and an anonymous referee for helpful comments on an earlier draft.

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