Collective Moral Responsibility: 
An Individualist Account 
SEUMAS MILLER

In this chapter I elaborate and defend an individualist account of collective moral responsibility, that is, one which ascribes moral responsibility only to individual human beings, as opposed to collective entities. On this view collective entities, for example, social groups and organizations, have collective moral responsibility only in the sense that the individual human persons who constitute such entities have individual moral responsibility, either individually or jointly; collective entities as such do not have moral responsibility. Note that individualism in this sense is entirely different from the view that collective entities are reducible to individual human persons—an ontological claim that I reject. I begin by outlining my individualist account of collective moral responsibility. However, the burden of the paper is my attempt to extend this account to enable it to accommodate a variety of different species of collective moral responsibility.


© 2006 Copyright The Authors
COLLECTIVE MORAL RESPONSIBILITY

We can usefully distinguish four senses of collective responsibility. I will do so in relation to joint actions. Roughly speaking, 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. Having an end in this sense is a mental state in the head of one or more individuals, but it is not necessarily a desire or an intention. However, it is an end that is not realized by one individual acting alone. I call such ends “collective ends.” For example, you and I lifting a bank safe onto a truck is a joint action, since you lift one side and I the other, each of us lifts his side truly believing the other will lift his, and each of us has as an end that the bank safe be situated on the truck.

Agents who perform a joint action are responsible for that action in the first sense of collective responsibility, that is, natural responsibility. Accordingly, to say that they are collectively responsible for the action is just to say that they performed the joint action. That is, they each had a collective end, each intentionally performed their contributory action, and each did so because each believed the other would perform his contributory action, and that therefore the collective end would be realized.

It is important to note that each agent is individually (naturally) responsible for performing his contributory action, and responsible by virtue of the fact that he intentionally performed this action, and the action was not intentionally performed by anyone else. Of course, the other agents (or agent) believe that he is performing, has performed, or is going to perform, the contributory action in question. But mere possession of such a belief is not sufficient for the ascription of responsibility to the believer for the performance of the individual action, that is, the other agent’s action. What are the agents collectively (naturally) responsible for?; or, what amounts to the same thing here, What are the agents jointly (naturally) responsible for? The agents are collectively or jointly responsible for the realization of the collective end; the realization of the collective end results from their performance of their contributory actions. In our bank safe-lifting example, each is individually (naturally) responsible for lifting his side of the bank safe, and the two agents are collectively or jointly (naturally) responsible for bringing it about that the bank safe is situated on the truck.

If the occupants of an institutional role (or roles) have an institutionally determined obligation to perform some joint action then those individuals are collectively responsible for its performance, in our second sense of collective

5. So natural joint action is a species of reason-based intentional action.
responsibility, that is, collective institutional responsibility. Here there is a joint institutional obligation to realize the collective end of the joint action in question. In addition, there is a set of derived individual obligations; each of the participating individuals has an individual obligation to perform her contributory action. (The derivation of these individual obligations relies on the fact that if each performs his/her contributory action then it is probable that the collective end will be realized.)

There is a third sense of collective responsibility, namely, the responsibility of those in authority; this is a species of institutional responsibility. Suppose the members of the Cabinet of the Parliament of country A (consisting of the Prime Minister and his or her Cabinet Ministers) collectively decide to exercise their institutionally determined right to increase taxes, and direct the Tax Office to implement this decision. The Tax Office does what it was ordered to do. The Cabinet is collectively institutionally responsible for the tax increase by virtue of the fact that each of the members of the Cabinet—jointly with the other members—agreed that there was to be a tax increase. (This form of collective decision making is an instance of what I call a joint institutional mechanism. See below.)

What of the fourth sense of collective responsibility, collective moral responsibility? Collective moral responsibility is a species of moral responsibility. Roughly speaking, an agent is morally responsible for an action if the agent was naturally responsible for the action, that is, the agent intentionally performed the action and did so for a reason, and the action was morally significant. There are a number of ways in which an action might be morally significant. They include: The action is intrinsically morally good or bad; the goal or end of the action is morally good or bad; and the (foreseen or unforeseen) consequence of the action is morally good or bad.

Moreover, collective moral responsibility is a species of joint responsibility. Accordingly, each agent is individually morally responsible, but conditionally on the others being individually morally responsible: There is interdependence in respect of moral responsibility. This account of collective moral responsibility arises naturally out of the account of joint actions.

Thus we can make the following claim about moral responsibility: If agents are collectively responsible for the realization of an outcome, in the first, second, or third senses of collective responsibility, and the outcome is morally significant, then—other things being equal—the agents are collectively morally responsible.

6. There is an artificial sense of institutional responsibility that is not at issue here, for example, the ascription of legal responsibility or liability to collective entities such as corporations.
7. Naturally, the individual role occupants also have institutional obligations that are not derived from joint institutional obligations.
8. And the reason was causally efficacious in the right way, as was the intention. See Donald Davidson, “Freedom to Act,” in Essays on Freedom of Action, ed. Ted Honderich (London: Routledge and Kegan Paul, 1973), 137–56. I do not want here to get bogged down in debates concerning the precise nature of moral responsibility and, more specifically, the relation between moral responsibility and determinism.
9. Other things might not be equal. For example, the agents might have been coerced into performing the joint action.
for that outcome, and can reasonably attract moral praise or blame, and (possibly) punishment or reward for bringing about the outcome.

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

As is the case with joint action, joint responsibility involves interdependence, albeit interdependence of responsibility, as opposed to interdependence of action. In the case of joint responsibility, each agent is individually morally responsible for realizing the relevant collective end, but conditionally on the others being individually morally responsible for realizing it as well.

Having thus elaborated what I take to be the central notion of collective moral responsibility, I now want to turn to a number of problems that arise in relation to collective moral responsibility for actions. The first of these concerns an individual’s causal contribution to a morally significant joint action.

**MAKING A DIFFERENCE**

Some have suggested that an agent cannot be held morally responsible for an outcome if his action did not make any difference to the existence of that outcome; the outcome would have taken place whatever the individual did, or did not do.\(^{10}\) The idea is that unless an agent’s action is a necessary condition for that outcome, then the agent cannot be held morally responsible for it. But suppose two hit-men simultaneously shoot a third man, killing him. Suppose further that each of the two bullets was sufficient to kill the man; so neither bullet was necessary. Accordingly, neither shooter’s action made any difference and so, on the view before us, neither is morally responsible for the man’s death. This is an absurd conclusion. Clearly, each is guilty of murder. That is, not only does each have a degree of moral responsibility for the killing the man, each is fully morally responsible for killing the man. This is so notwithstanding the fact that neither one performed an action that was a necessary condition for the outcome. So one can be held morally responsible—indeed fully morally responsible—for an outcome, if one’s action is either a necessary or a sufficient (or a necessary and sufficient) condition for the outcome.

Now consider the following collective action situation in which the outcome of the collective action is overdetermined by the actions of the agents involved.

\(^{10}\) For example, Russell Hardin, *Morality within the Limits of Reason* (Chicago: University of Chicago Press, 1988), 156–57.
Suppose that each of five men inflicts a single stab wound on a sixth man, John Smith, intending to kill him. Assume the stabbings are simultaneous. Smith dies from his wounds. However, three stab wounds would have been causally sufficient to kill him. That is, three stab wounds are individually causally necessary, and jointly causally sufficient, to kill Smith. Therefore, no single stab wound (of the five) is either causally necessary or sufficient for Smith’s death. So while each of the men performed an action, that is, a stabbing, that was causally necessary and sufficient for wounding Smith, not one of the five men performed an action which was either causally necessary, or causally sufficient, for Smith’s death. So each of the men is individually morally responsible for wounding Smith, but what about the moral responsibility for killing him? It might be thought that if a person has not performed an action which was either causally necessary or sufficient for a person’s death, then that person cannot be held responsible for the person’s death. So none of the five men is responsible for Smith’s death. But if none of the five is responsible then presumably no one is responsible. For the cause of Smith’s death was the stab wounds, and these were made by the five men.

Notwithstanding the above claimed lack of individual moral responsibility, it might be held that the five men were collectively morally responsible for Smith’s death. But even this appears to be false, since only the actions of three of the men were necessary for Smith’s death. So at best we are entitled to conclude that (an unspecified and perhaps unspecifiable) three of the five men were collectively responsible for Smith’s death, but no individual was responsible. This conclusion is very unpalatable indeed. For one thing, it sets up an unbridgeable gap between collective responsibility and individual responsibility; a collective can be morally responsible for an outcome, even though none of its members are.11 For another, it licenses the commission of immoral acts, so long as they are collective actions involving overdetermination; individual perpetrators are not morally responsible for heinous crimes, so long as they commit those crimes collectively, and their actions overdetermine the outcome.

We first need an analysis of the kind of collective actions at issue. We have one at hand—my above described account of joint actions. So we can conceive of such cases of collective action as actions directed to a collective end; in our example, the collective end is the death of Smith. Each of the five men has the collective end as an end. Moreover, each of the five performs the act of stabbing as a means to the collective end he has.

Further, the actions of the five agents are interdependent. That is, each performs his contributory action, if he believes the others will perform theirs, and each does so, only if he believes this. Why are the actions interdependent? They are interdependent by virtue of the existence of the collective end possessed by each of the five agents, and toward the realization of which each of the individual acts is directed.

So there is a collective end and there is interdependence of action. That is, each stabbed only on condition the others stabbed. So the full set of five acts of stabbing can be regarded as the means by which the collective end was realized; and

11. Although some theorists, e.g., Russell Hardin, are prepared to bite the bullet.
each act of stabbing was a part of that means. Moreover, in virtue of interdependence, each act of stabbing is an integral part of the means to the collective end. Since killing someone is significant, I conclude that all five agents are jointly—and therefore collectively—morally responsible for killing Smith. For each performed an act of stabbing in the service of that (collective) end, that is, Smith’s death; and each of these acts of stabbing was an integral part of the means to that end. Moreover, each agent can be held fully morally responsible for Smith’s death; the moral responsibility of each is not diminished by the fact that each of the others is also morally responsible.

The example demonstrates that an individual’s action need be neither a necessary nor a sufficient condition of an outcome for the individual to be fully morally responsible for that outcome. 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.

It is important to distinguish between agents who are full participants in a joint action and who bear full moral responsibility for it, and agents who merely assist with the joint action and have only diminished moral responsibility for it. Consider a version of the stabbing scenario in which, in addition to the five persons who stabbed Smith to death, there is a sixth person who sold the knives to the killers and who knew what the knives would be used for. The knife seller has made an indirect, and lesser, causal contribution to the outcome. The causal chain that begins with the act of knife selling and terminates in the death of Smith is mediated by the acts of stabbing; and the acts of stabbing play a much more central role in Smith’s death than the act of selling the knives does. Moreover, the knife seller did not have an intention or (individual or collective) end that Smith be killed. Therefore, the knife seller has significantly diminished moral responsibility for Smith’s death.

There are some joint actions in which many of the participants do not make a direct causal contribution to the realization of the collective end. Consider a firing squad scenario in which only one live round is used, and it is not known which member of the squad is firing the live round. The soldier with the live round is (albeit unknown to him and his fellow firing squad members) individually causally responsible for shooting the prisoner dead; no other member of the firing squad makes a direct causal contribution to the death of the prisoner. However, the members of the firing squad are jointly morally responsible for its being the case that the prisoner has been shot dead. How so? There is a morally significant joint action, namely, the joint action of bringing it about that the prisoner has been shot dead—albeit shot dead by only one of the soldiers. Each soldier, jointly with the other soldiers, shoots at the prisoner in the belief that his bullet might be the one to kill the prisoner, and having as a collective end that the prisoner be shot dead. Moreover, by virtue of having this collective end, each soldier shoots if the others shoot, and no soldier shoots unless the others do. So if the soldiers with blanks in their guns had not fired, then the soldier with the live round in the chamber of his gun would not have fired, and the prisoner would not have been killed. In this kind of case, the fact that only one of the soldiers directly caused the death of the
prisoner does not make a great deal of moral difference. If, for example, the prisoner were an innocent man, then each of the members of the firing squad would be, jointly with the others, guilty of wrongful killing. On the other hand, the soldier who actually fired the live round, if he discovered this, may reasonably feel somewhat more responsible than the others. He would do so by virtue of the fact that he, but not the others, directly caused the death; it was his bullet that killed the prisoner.

There are some morally significant joint actions in which each of the participating agents makes a very small causal contribution and in which the collective end is an end only in an attenuated sense. In many of these cases, each participant has radically diminished moral responsibility for the outcome.

Consider fund-raising for a charity. Suppose two million people are each asked to donate one dollar in order to raise one million dollars to build a new wing for a children’s hospital. (The organizers rightly believe it is probable that at least one in two people will donate, if asked.) The donors are engaged in a joint action of sorts and the outcome aimed at is morally significant. Therefore they are, at least to some degree, collectively morally responsible for the outcome. On the other hand, the moral responsibility does not rest solely with the donors; the organizers have an important share in the moral responsibility. Moreover, each of the donors only made a very small contribution and at little cost to themselves—unlike each of the individual organizers. Further, each of the donors only had the end, that is, to raise one million dollars, in an attenuated sense. For one thing, each would not mind too much if the hospital wing was not built and their dollar was not returned to them; the “end” is weakly held, and so the means to realize it should, and does, involve only a very minimal cost. For another thing, none of the donors has this “end” as an end that is an integrated element of the overall structure of ends he or she is pursuing, for example, this “end” is not a means to another important end.

What are we to conclude from this? Since each agent only provides a tiny fraction of the overall one million dollars contributed, and since each only has raising the one million dollars as an end in an attenuated sense, then each cannot have full natural responsibility for the outcome; at best, each has a minor share in whatever extent of natural responsibility the donors jointly have for the outcome. Therefore, other things being equal, each donor has radically diminished moral responsibility for the outcome. Moreover, given the natural responsibility in question is collective or joint natural responsibility—and given the outcome is morally significant—then each agent has (radically diminished) moral responsibility for the outcome, jointly with the other agents.12

The ceteris paribus clause in relation to the diminished responsibility of the donors principally exists to signal the existence of a range of considerations that prevent a diminution in moral responsibility automatically following a reduction in an agent’s share of natural responsibility. One such consideration is the existence of a relevant institutional responsibility, especially an institutional responsibility designed to serve an important moral purpose. For example, an institutional role

12. In fact the donors are only responsible, jointly with the organizers. But this makes little difference to the point I am making here.
occupant who fails in his institutional duty by making what is only a tiny causal contribution to some morally untoward outcome, nevertheless, might be held fully institutionally responsible for the outcome and, as a result, fully morally responsible for the outcome; or at least he might only enjoy a minor diminution in moral responsibility, and certainly not a moral diminution commensurate with his very minor share of natural responsibility for the outcome.

Consider a group of a hundred sailors in a wooden ship. The sailors know it is a serious legal offence to steal nails by extracting them from the ship’s woodwork, and that any sailor doing so can be held fully legally liable for any adverse consequences; the sailors know that this law derives from the fact that, if undertaken on a large scale, extracting nails can weaken the structure of the ship causing it to sink. Notwithstanding this law, each of the hundred sailors extracts a single nail from the ship’s woodwork, but each does so in ignorance of the actions of the others. The unforeseen consequence of their actions is that the ship sinks. In this scenario each sailor might reasonably be held fully institutionally responsible for the ship having sunk, and suffer a commensurate punishment. Given that each sailor is fully institutionally responsible for the sinking of the ship, and given that this is morally significant, then perhaps each ought to be held fully morally responsible for this outcome. At best, each sailor should enjoy only partly diminished moral responsibility for the sinking of the ship, notwithstanding the fact that each makes only a tiny causal contribution to the outcome.

COLLECTIVE RESPONSIBILITY IN ORGANIZED GROUPS

The second problem to be discussed arises in the context of the actions of organized groups and organizations. Typically, such organized groups and organizations consist in part in institutional roles with their attendant rights and duties. Moreover, institutional role structures are often hierarchical, and hence involve relations of authority.\(^\text{13}\)

The analysis of the actions of organized groups and organizations requires the notion of a layered structure of joint actions.\(^\text{14}\) Suppose a number of “actions” are performed in order to realize some collective end, for example, win a battle in a just war. Call the resulting joint action a level two joint action. Suppose, in addition, that each of the component individual “actions” of this level two joint “action,” is itself—at least in part—a joint action with a second set of component individual actions. And suppose the member actions of this second set have the performance of this level two “action” as their collective end. Call the joint action composed of the members of this second set of actions a level one joint action.

An illustration of the notion of a layered structure of joint actions is in fact an army fighting a battle. At level one we have a number of joint actions. The

\(^\text{13}\) So lower echelon role occupants may have diminished moral responsibility for their action, given they were acting under orders. However, acting under orders does not thereby extinguish one’s moral responsibility for one’s actions.

members of, say, the infantry move forward on the ground. The members of, say, a mortar group pound the enemy positions with mortar fire. Finally, air support is provided by a squadron of fighter planes. So there is a series of level one joint actions. Now, each of these three (level one) joint actions is itself describable as an individual action performed (respectively) by the different groups, namely, the action of killing the enemy by mortar fire, protecting the advancing troops by providing air support, and moving forward to take and hold the ground occupied by the enemy. However, each of these “individual” actions is a component element of a larger joint action directed to the collective end of winning the battle. For each of these individual attacks is part of a larger plan coordinated by the military leadership. So these “individual” actions constitute a level two joint action directed to the collective end of winning the battle.

Accordingly, if all, or most, of the individual actions of the members of the military were performed in accordance with collective ends, if the performance of each of the resulting level one joint actions were themselves performed in accordance with the collective end of winning the battle, and if the actions were morally significant then, at least in principle, we could ascribe joint moral responsibility for winning the battle to the individual members of the infantry platoon, mortar squad and fighter pilot squadron. So agents involved in complex, morally significant, cooperative enterprises can, at least in principle, be ascribed collective, that is, joint, moral responsibility for the outcomes aimed at by those enterprises.

As we saw above, institutional obligations are often joint obligations and, as such, can reinforce prior joint moral obligations or transform a supererogatory action into a moral obligatory one.\(^\text{15}\) Thus, if two surfers jointly intervene to save the life of a large man drowning in heavy seas this might be a supererogatory joint action. However, if the two surfers are lifesavers on duty then the same joint action might be jointly institutionally obligatory and, therefore, jointly morally obligatory.

Moral dilemmas can arise when institutionally based moral obligations and noninstitutional moral obligations conflict. In a variation on Sartre’s famous example, should a young soldier, Pierre, go to war or stay home and look after his very sick mother?\(^\text{16}\) Qua soldier, Pierre has an institutionally based moral obligation to go to war. But such is his love for his mother that he reasonably feels morally obliged to look after her. Be that as it may, our issue is not the one of finding a solution to Pierre’s moral dilemma. Rather the point is that such moral dilemmas arise for individual human persons, for example, Pierre, and involve only individual moral obligations. In this, and like, scenarios, there is no apparent need to posit a moral obligation that attaches to a collective entity such as, for example, the French army per se.

Now suppose the members of a platoon of soldiers are jointly engaged in a firefight against a group of well-intentioned guerrillas engaged in a morally unjustified revolutionary war. Assume that the soldiers discover in the course of the

\(^{15}\) They can also diminish or extinguish moral obligations previously attached to noninstitutional actors, but now attached to institutional actors. Perhaps all citizens had a moral obligation to put out serious fires prior to the establishment of firefighting organizations.

bloody ongoing encounter that the revolutionaries consist in large part in their close relatives, such as brothers and sisters, as well as their friends. Qua soldier, each has a jointly held moral obligation—an institutionally based jointly held moral obligation—to use lethal force against the members of the guerrilla group. But how can members of a group be reasonably expected to kill their own sisters, brothers, and friends? Once again, our concern here is not to find a solution to the moral dilemma. Rather the point is that such moral dilemmas arise for individual human persons, for example, the members of the platoon, and involve only jointly held moral obligations. In this, and like, scenarios, there is no apparent need to posit a moral obligation that attaches to a collective entity such as, for example, the army of the state per se.17

JOINT INSTITUTIONAL MECHANISMS AND COLLECTIVE RESPONSIBILITY

Joint actions can also be distinguished from, what I will call, joint mechanisms. Examples of joint mechanisms are the device of tossing a coin to resolve a dispute and voting to elect a candidate to office.18

Joint mechanisms consist of: (1) a complex of differentiated, but interlocking, actions (the input to the mechanism); (2) the result of the performance of those actions (the output of the mechanism); and (3) the mechanism itself. Thus a given agent might vote for a candidate. He will do so only if others also vote. Additionally, there is the action of the candidates, namely, that they present themselves as candidates. That they present themselves as candidates is (in part) constitutive of the input to the voting mechanism; voters vote for candidates. So there is interlocking and differentiated action (the input). Further, there is some result (as opposed to consequence) of the joint action; the joint action consisting of the actions of putting oneself forward as a candidate and the actions of voting. The result is that some candidate, say, Jones is voted in (the output). That there is a result is (in part) constitutive of the mechanism. That to receive the most number of votes is to be voted in is (in part) constitutive of the voting mechanism.

17. This kind of analysis is capable of handling examples such as that provided by David Copp (PhD entitled, Individuals, Collectives and Moral Agency, Cornell University, Ithaca, New York, 1976, 178–79) involving the dilemma of a Prime Minister (PM) whose daughter is taken hostage by terrorists who demand that he free one of their members. The moral obligation of the PM qua father is to release the terrorist and save his daughter. On the other hand, the institutionally based moral obligation of the PM qua PM is not to release the terrorist, but rather to sacrifice the life of the person who happens to be his daughter. If the PM opts to release the terrorist he is morally responsible for failing to do his duty as PM; presumably, at the very least he would need to resign. (And if he is acting as the representative of, say, the members of the Cabinet, then perhaps they are jointly institutionally and morally responsible as well; accordingly, they should also resign.) If the PM chooses not to release the terrorist then he is morally responsible for failing to save the life of his daughter. He has to choose between two evils, and whichever option he chooses, he is morally responsible for it. But there is no need to invoke a mysterious notion of moral responsibility that attaches to the government as such, but not to the PM (and/or to the individual members of the Cabinet).

18. See Miller, Social Action, chap. 5, and “Joint Action.”
Moreover, that Jones is voted in is not a collective end of all the voters. (Although it is a collective end of those who voted for Jones.) However, that the one who gets the most votes—whoever that happens to be—is voted in is a collective end of all the voters.

Some joint mechanisms are institutional mechanisms. One such example is voting for public officials. Another has also been mentioned, namely, a parliamentary cabinet making a decision to raise taxes. Here the Cabinet makes a decision that each member has agreed to. Naturally, some members of the Cabinet may privately disagree with the decision. However, ultimately they all agree to publicly accept that decision; which is to say that each agrees qua member of the Cabinet. Here the notion of acting qua occupant of a role is simply that of performing the tasks definitive of the role (including the joint tasks), conforming to the conventions and regulations that constrain the tasks to be undertaken, and pursuing the purposes or ends of the role (including the collective ends). Accordingly, each member of the Cabinet is institutionally responsible, jointly with the others, for the decision to raise taxes. Moreover, given the moral significance attaching to raising taxes, each member of the Cabinet is morally responsible, jointly with the others, for the decision to raise taxes. This is so, notwithstanding the fact that some members might believe that it is immoral to raise taxes and, as a consequence, might have strenuously argued against this course of action. These members face a moral dilemma of the kind we discussed above. They can resolve the dilemma by making the decision to set aside their privately held belief in favor of the majority view of the Cabinet; in effect, qua Cabinet member, each individually endorses the decision that taxes be raised. If, on the other hand, some member of the Cabinet cannot, qua member of the Cabinet, accept the decision to raise taxes then her position qua member of the Cabinet becomes untenable; so she must resign from the Cabinet.

Indeed, it might be that most, or even all, of the members of the Cabinet believe that it is immoral to raise taxes, and yet all, or most, vote for taxes to be raised. However, even if this is the case, each Cabinet member remains, qua Cabinet member, institutionally responsible, jointly with the other members, for the decision to raise taxes; and, given the moral significance of taxes being raised, each Cabinet member is likewise morally responsible, jointly with the others, for this outcome.

David Copp has provided (in this collection) an interestingly different version of this kind of case. In his example, each member of the Board of Governors of a prison votes against a proposal that, morally speaking, they ought to have endorsed. The twist is that each member of the Board had a supposed excuse for voting as they did. My concern here is with moral responsibility;
specifically, I need to avoid the conclusion that the Board is morally responsible for the outcome, but the individual members are not.\textsuperscript{21} By my lights, if the members of the Board meet the conditions for being jointly institutionally responsible for the decision, and the decision is morally significant, then—other things being equal—they are, qua Board members, jointly morally responsible for the outcome. Assume that the decision is morally significant. What of their institutionally based moral responsibility?

Here there are a variety of putative excuses. Suppose a member argues strongly against the joint decision, or was not in attendance (due to an emergency). If so, then the member can dissociate herself from the Board’s joint decision, for example, by resigning or by stepping down pending the reversal of the decision. If the member does not dissociate herself from the decision then, in effect, she has accepted it and, therefore, the institutional and moral responsibility that flows from it.

Second, suppose the Board’s decision-making process has a design fault, for example, members vote by pushing a button on a panel, but the recording device does not count the votes correctly. Presumably, the members of the Board are not institutionally responsible for ensuring the good working order of such equipment and, therefore, not morally responsible for voting outcomes that are incorrectly generated in this way.

Third, suppose a member makes a bad decision based on the ill-informed research of someone else, or mistakenly believes the results of good research to be other than in fact they are. Presumably, this is not an institutionally acceptable excuse, since it is up to the member to see to it that her decision is based on the actual results of good research. Accordingly, it does not relieve the member of her institutional responsibility or—other things being equal—of her institutionally derived moral responsibility.

My individualist notion of a joint mechanism is also able to handle examples in which an institutional entity has a representative who performs an individual action, but it is an individual action that has the joint backing of the members of the institutional entity. Consider, for example, an industrial union’s representative, George, who is engaging in wage negotiations with a company on behalf of the union membership, and is authorized to accept any wage offer above a certain threshold that has been predetermined by the union membership. George rejects the company’s offer of $X because it is below the threshold. At one level of description, George performs an individual action of rejection, namely, the individual action describable as George rejecting the offer. At another level of description, the union membership has jointly rejected the offer. How so? There is a joint institutional mechanism that involves input from the union membership and output from George. The mechanism itself consists of George’s action (the output of the mechanism) counting as the joint action of the members of the union (the input of the mechanism). What is this relation of “counts as”? It is simply the relation of authorization or, more specifically, of delegated authority.

\textsuperscript{21} Copp’s own concern appears to be with blameworthiness; in my view this is a somewhat different notion.
Some joint institutional mechanisms involve joint technological mechanisms. Expert systems in information and communication technology are an example. Consider the following kind of expert system for approving loans in a bank. The bank determines the criteria—and weightings thereof—for offering a loan, and the amount of the loan to be offered; the bank does so for a range of different categories of customer. These weighted criteria, and associated rules, are “designed-in” to the software of some expert system. The role of the loans officer is to interview each customer individually in order to extract relevant financial and other information from them. Having extracted this information, the loans officer simply inserts it as input into the expert system. The expert system processes the information in terms of the weighted criteria and associated rules built into it, and provides as output that the customer does, or does not, meet the requirements for a loan of a certain amount. (Naturally, the decision whether or not to approve the loan is a additional step; it is a decision based on the information that the customer meets, or does not, meet the requirements for being offered a loan.) The loans officer then tells the customer that his loan request has either been approved, or not approved, based on the information provided by the expert system.

I am assuming that the overall context of this scenario is customers and banks seeking to realize a collective end, namely, a bank loan to appropriate customers. (I will ignore the inherent elements of conflict, for example, some customers who want loans are unable to afford them, and banks often want to lend at higher rates of interest than customers want to pay.) The bank’s use of the expert system involves a series of joint actions consisting in informational input from customers, and the application of criteria to that information by the bank’s members (via the expert system). However, the use of the expert system also involves the application of a joint mechanism, since there is differentiated, but interlocking, input (information from the customer, and the application of criteria on the part of the bank) and a derived resultant action (the customer does, or does not, meet the requirements for a loan) that can, and does, differ from one application of the mechanism to the next. In our example, the joint (institutional) mechanism has been partially embodied in the (technological) expert system.

Let us now suppose that the customer defaults on the loan, and that this is because the customer is not, and never was, financially able to make the loan repayments. Who is institutionally and/or morally responsible? Perhaps no one is responsible (in either sense). Certainly, no one intended or foresaw this outcome. However, negligence is a possibility, depending on how the example is described.

Assume the following: The customer knowingly overstated the amount that he had available to make payments, so he is individually institutionally, and—given the morally significant outcome—morally responsible for this; the criteria for


23. Although he is not a member of the institution and, therefore, he is not an institutional actor per se, he had legal or contractual responsibilities to the institution as a client or customer by virtue of having signed a form to the effect that his income was such and such.
approving loans are known by the members of the bank not to be restrictive enough—this is the joint institutional and, in this context, moral responsibility of the members of the management team; the designers of the expert system knowingly failed to design in the correct, and higher, weighting for one of the key criteria in play—this is the joint institutional and, in this context, moral responsibility of the members of the design team; the loans officer was aware of this design deficiency in the expert system, but forgot about it in his rush to approve the loan—so he is individually institutionally and morally responsible for this.

Accordingly, in the above scenario, the customer, the members of the bank’s management team, the designers of the expert system and the loans officer all intentionally, or knowingly, failed to adequately discharge their institutional responsibilities and therefore, given the moral significance attaching to such failures, they are individually and/or jointly morally responsible for their respective institutional failures.

What more, if anything, can be said? Assume that it is common knowledge among all of the persons in the above scenario that there is a tendency for customers to overstate their capacity to make payments, a tendency for the weighted criteria banks use in approving loans not to be restrictive enough, and a tendency for expert systems (of the relevant kind) to have design faults. Therefore, in addition to the specific individual and joint institutional and moral responsibilities already detailed, each of the above persons may well be morally responsible (jointly with the others) for the adverse outcome; directly morally responsible in the case of the defaulting client, indirectly morally responsible in the case of everyone else. The sense of collective moral responsibility in question here is that of collective moral negligence.

Arguably, the above-described instance of collective moral negligence leading to the defaulting loan demonstrates that the joint mechanism—which has the expert system as a technological component—has institutional, that is, nontechnological, design faults. For one thing, it does not have designed into it a sufficient margin for error on the part of its various contributing components, for example, the informational input, the expert system itself, the weighted criteria for loan approvals and their use by loans officers; for another thing, it does not have designed into it adequate monitoring and accountability mechanisms, for example, to verify the client’s financial claims or to audit the loans officers’ decisions. This raises the issue of collective moral responsibility for the design and redesign of joint institutional mechanisms. In some instances, such as the long-standing use of a voting mechanism, the past and present users might be the de facto designers and redesigners. In others, such as the expert system for bank loans, government regulators might be the de facto designers and redesigners.

24. This notion of the collective moral responsibility of the designers of a joint mechanism is available to handle examples such as that of the tenure committee provided by David Copp (“On the Agency of Certain Collective Entities: An Argument from ‘Normative Agency’ ” in this volume). The design issue in Copp’s example is the collective responsibility for seeing to it that the specific voting processes of the committee deliver results consonant with university guidelines on tenure.
COLLECTIVE RESPONSIBILITY FOR OMISSIONS

In this final section, I explicitly consider collective moral responsibility for omissions. Consider a scenario in which a boat at sea is sinking and dozens of its passengers (who are refugees from war) are about to drown. The bystanders are the members of the crew in an adjacent, but somewhat distant, boat. Here there are large numbers of people whose lives are at immediate risk, and there is one group of bystanders, and only one group, who could successfully intervene; moreover, they could do so without significant cost to themselves.

The first question that arises in relation to this scenario is, Who, if anyone, ought to intervene? In some rescue scenarios involving multiple agents, the action of one agent could save the life or lives at risk. In such cases, each bystander has an individual, but conditional, moral obligation. Each has an obligation to perform the rescue on the condition that none of the others do so. So if someone performs the rescue, then the others have not failed to discharge their individual moral obligations. On the other hand, if no one performs the rescue then each has failed to discharge their individual moral responsibility.\(^{25}\) In short, we have interdependence of individual moral responsibility to intervene; though not joint moral responsibility to intervene.

However, in the scenario under consideration this is not the case. Rather let us assume that a collective decision is required on the part of the bystanders in the adjacent (potential) rescue boat to sail sufficiently close to the sinking boat, and then assist the drowning passengers to board their boat. What is needed is the performance of a joint action involving all of the bystanders. Let us further assume that although this collective action is considered by the bystanders, they make a collective decision not to intervene, and do so having as an end that the passengers in the sinking boat not be prevented from drowning; the crew of the boat in question despise refugees.

Here we have a species of joint action, namely, intentional joint inaction. Although each of the bystanders refrains from acting, each does so in the service of a collective end, that is, the end that the drownings not be prevented from occurring, or at least, not be prevented from occurring by the bystanders (maybe they would not prevent a third party from rescuing the drowning passengers, if such a party existed). Accordingly, there is individual moral responsibility on the part of each of the bystanders for their refraining to act, and there is joint moral responsibility for failing to prevent the drownings. So the members of the crew are collectively morally responsible for failing to prevent the drownings in the manner of collective moral responsibility set forth in the first section of this chapter.

On a second version of the rescue scenario, the members of the crew might individually intentionally refrain from doing anything to contribute to effecting the rescue, for example, no one strongly argues to their fellow crew members that the

\(^{25}\) I accept the existence of positive rights, such as the right to security and subsistence. Such rights give rise to individual and collective responsibility. For the case in favor of positive rights, and an explanation of how rights generate responsibilities, see Henry Shue, *Basic Rights* (Princeton, NJ: Princeton University Press, 1996).
crew jointly ought to assist; but there is no collective decision not to intervene. There is no collective end; rather, each individually decides not to intervene because it is too much bother to intervene. Let us also assume that one crew member decides to try to do something on his own, hoping that others will join in and assist him. However, they do not, and his efforts are to no avail.

Naturally, there is no obligation on the part of any single crew member to do anything, if they know that the others are not going to do likewise; for in that event the end would not be realized. So each is under a moral obligation to contribute to the rescue effort on condition, and only on condition, that the others do. It is important to distinguish this kind of case from ones in which each will intervene if and only if the others do, but each does not have as an end to effect the rescue; rather each has, say, the individual end to avoid bringing about a situation in which the others intervene, but he does not. This latter situation is a case of having the individual end of not being the odd person out; but this is not the same as having the collective end of saving the lives of the drowning passengers.

In our rescue scenario the following ascriptions of moral responsibility are warranted. First, a given bystander is individually morally responsible for failing to individually intervene in order to effect the rescue, if: (1) the passengers did in fact drown; (2) that bystander intentionally refrained from individually intervening to assist in the prevention of the drownings, even though the other bystanders did intervene; or that bystander would have intentionally refrained from intervening, if the others had intervened; and (3) the intervention of that bystander, taken in conjunction with the intervention of the other bystanders, would have been sufficient to prevent the drownings, and at little or no cost to the bystanders.

Second, the members of the crew are collectively morally responsible for failing to prevent the drownings, if: 26 (1) the passengers did in fact drown; (2) the members of the crew individually intentionally refrained from intervening; (3) each of the crew members intervening (having as an end to save the lives of the passengers) would have resulted in the prevention of the drownings; and (4) each of the crew members would still have intentionally refrained from intervening with the end of preventing the drownings, even if the others had intervened with that end.

It should also be noted that, other things being equal, if a given crew member is not individually morally responsible for failing to individually intervene in order to prevent the drownings, then that crew member does not share in the collective moral responsibility for failing to jointly intervene in order to prevent the drownings. 27

The rescue scenario illustrates the individual moral obligation to assist others whose lives are at immediate risk, if one can do so at little or no cost to oneself, and if there is no one else available to assist. It also illustrates the joint moral obligation

26. Note that here, and in the Pony Express example below, I am only offering sufficient conditions for collective moral responsibility.

27. Other things might not be equal. For example, the individual might be locked up, and hence unable to intervene, even if she wanted to. It might be argued that if so, then the person does not have a full share in the collective responsibility for non-intervention.
on the part of members of groups to cooperate to assist others whose lives are at immediate risk, if the members of the group can do so at little or no cost to themselves, and if there is no other group (or for that matter individual) able to do so.

These individual and joint moral obligations to rescue are in some jurisdictions legally enshrined, for example, in international law ships have a legal duty to assist other ships that are sinking. If so, there are a set of individual and joint institutional obligations to reinforce the preexisting individual and joint moral obligations.

Let me now consider an example of collective moral responsibility for joint omission in the case of sequential omissions, that is, a set of omissions, each member of which is completed before the next begins.

One paradigm of sequential joint action is a relay. Suppose A, B, C, and D are members of the U.S. Olympic 4 × 400 m relay team. Each participant runs 400 m and passes a baton to his fellow relay member. This is joint action; but it is joint action in which the constitutive individual actions are performed sequentially rather than simultaneously. The agents have a collective end, that is, to complete the running of the relay, and they each believe that the other members have done, are doing, or will do their parts. If this collective end has moral significance, then each of the participants is—jointly with the others—morally responsible for this outcome. This might be so if, for example, a large company has agreed to make a large donation to charity if the U.S. team wins the relay. While the members of the relay team might be collectively morally praiseworthy, if they win the relay and thereby ensure that the large charitable donation is made, it is doubtful that they are blameworthy if they do not. So this case does not involve individual or collective moral responsibility for omission.

For the purpose of exploring the notion of collective moral responsibility for omissions, let us consider a somewhat different version of the relay scenario, namely, the Pony Express scenario. Assume that the “relay” is run by ten men on horseback, and involves the passing of important mail from one participant to the next; the collective end is the delivery of the mail to the final destination. Assume further that the Pony Express is an institution in which the institutional role occupants—the riders—have a collective institutional responsibility to realize this collective end. So each rider has a derived, individual institutional responsibility to ride for one day and deliver the mail to the next stop. Once again, the delivery of the mail involves a joint sequential action and, given the morally significant collective end, each of the riders is—jointly with the others—morally responsible for the outcome, that is, for the successful delivery of the mail to its final destination.

Given this institutionally based moral responsibility, any one of the riders who failed without adequate justification to deliver the mail on his sector would be morally responsible for an omission. Moreover, in so doing he would ensure that

28. Contra some theorists, for example, Michael Bratman (“Shared Cooperative Activity,” *Philosophical Review* 101 [1992]: 327–41), the members of the relay team do not intend the actions of the other members. How could the last runner, for example, intend the action of the first runner, given the latter action took place in the past? See Miller, *Social Action*, 80.
the collective end was not realized. However, the other riders would not be similarly morally responsible, if they were ready and willing to deliver the mail across their sectors—or indeed had already done so. Here there is individual, but not collective, moral responsibility for an omission.

Now consider a joint omission on the part of the riders. The riders would be collectively morally responsible for an omission, if they collectively and intentionally brought it about that, for example, ten separate mail deliveries were not made. Assume that this is in fact what happens, and that the means by which they achieve this outcome is by agreeing to an arrangement whereby each rider takes a turn in not turning up to work, knowing that the participation of each is a necessary condition for the mail getting through. Each knows which day he is not to turn up to work, though not which day any one of the others is not to turn up. Moreover, each knows that if he turns up for work, he will have no option but to deliver any available mail.

The Pony Express riders are collectively morally responsible for failing to deliver the mail on each of the ten occasions, if: (1) the mail was not in fact delivered on these ten occasions; (2) the riders have an institutionally based joint moral responsibility to bring it about that the mail is delivered to its final destination on each occasion; (3) each of the riders delivering the mail in his sector on each occasion (having as a collective end the delivery of the mail to its final destination) would have resulted in the delivery of the mail to its final destination on each occasion; (4) each rider individually intentionally refrained from delivering the mail in his sector on one occasion, and did so having as an end that the mail would not reach its final destination on that occasion and, given the arrangement with the other riders, on the other nine occasions.\(^{29}\)

Finally, it should be noted that, other things being equal, if a given rider is not individually morally responsible for failing to deliver the mail in his sector, then that rider does not share in the collective moral responsibility for failing to deliver the mail to its final destination on that occasion and on the other nine occasions.

\(^{29}\) Each rider has the collective end that the mail not reach its final destination on each of the ten occasions. Each also has an individual end that the mail not reach its final destination on that one occasion when he does not turn up to work.