



Global obligations, collective capacities, and ‘ought implies can’

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Abstract It is sometimes argued that non-agent collectives, including what one might call the ‘global collective’ consisting of the world’s population taken as a whole, cannot be the bearers of non-distributive moral obligations on pain of violating the principle that ‘ought implies can’. I argue that one prominent line of argument for this conclusion fails because it illicitly relies on a formulation of the ‘ought implies can’ principle which is inapt for contexts which allow for the possibility of non-distributive plural predications of agency, which are precisely the contexts in which we might expect non-agents to be obligation-bearers.

Keywords Collective obligation · Ought implies can · Agency

1 Introduction

One might think that problems posed by global poverty, climate change, or the need to recognize a right to health as a human right, compel us to think that there are obligations that fall on humanity as a whole.¹ The idea of an obligation falling on humanity as a whole might be understood as involving obligations falling on each individual moral agent or each individual human being in virtue of their being a moral agent or a human being. However, there is a different way of understanding the phrase, namely as referring to obligations of which humanity as a whole is the

¹ Those who have supposed this include Wringe (2005, 2010) and Nussbaum (2006) (see especially pp. 279–280).

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bearer. So understood, it involves the idea of an obligation falling on everyone *collectively*, rather than *distributively*.²

In this paper I shall call such obligations ‘global obligations’. Although the view that there are global obligations has been defended by some authors, it is very much a minority view.³ Here I aim to defend it against one prominent and influential objection. The objection depends on considerations about the relationship between obligation and capacity: that is to say, on the principle that ‘ought implies can.’ It is that in the relevant sense of can, humanity *cannot* do the things which according to the advocate of global obligations, it is allegedly obliged to do. This is because, in the relevant sense of can, it is only agents—whether individual or collective—that *can* do things and humanity as a whole is not an agent.

This objection fails. It does so, I shall argue, because it overlooks the possibility of non-distributive plural predications of agential capacity. Once we do so, we have good reason to allow for a sense of can on which humanity as a whole can do the things that it would need to be able to do in order to satisfy its collective obligations. And it is this sense of ‘can’ which we should take to be relevant to applying the ‘ought implies can’ principle to situations involving collectives which are not agents. When we do so, we see that the ought implies can principle presents no obstacle to regarding non-agential groups as obligation bearers.

Someone who wants to defend the possibility of global obligations against the objection that I am considering along the lines I suggest needs to be cautious in offering an analysis of non-distributive plural predications of agential capacity. For there might be an analysis of these predications which allowed non-agent groups to have such capacities, but which precluded a group like humanity from having such capacities. An account of this sort would open up the possibility of some non-agent groups being obligation bearers. However, it would be of no use to the defender of global obligations.

In fact Felix Pinkert has recently offered an analysis of precisely this sort.⁴ Pinkert’s view, which I shall discuss in due course, entails that a group only has a capacity to do something if its members satisfy a certain condition involving members’ beliefs about

² Predications of properties to groups may be either collective or distributive. When a predicate is applied to a group distributively, the truth of the predication entails that each member of the groups has the property in question. When it is applied non-distributively, or collectively, it does not. ‘The students surrounded the building’ is an example of a non-distributive predication: it can be true without it being true of any one student in particular that *they* surrounded the building. By contrast ‘the students entered the building’ would typically be read as involving distributive predication—that is to say as entailing that each student entered the building. For further discussion of distributive and non-distributive predication, see Smiley and Oliver (2013) and for the idea that obligations may be attributed non-distributively, Wringe (2016, 2018).

³ Recent advocates include Wringe (2005, 2010, 2014) and Nussbaum (2006) (see especially pp. 279–280). Prominent critics include Valentini (2015) and Lawford-Smith (2015).

⁴ A number of other authors have claimed either explicitly or implicitly—that non-agent groups can be capable of doing things (for example Schwenkenbecher 2013, 2014; Isaacs 2011, 2014). But neither of them gives explicit accounts of what is involved in a non-agent group having a capacity in the way Pinkert does. Shapiro (2014) gives an account of widely distributed shared agency, on which shared agency requires a shared plan to carry out a particular action. However, although his account provides a plausible set of sufficient conditions for a group of agents having collective capacities, it is far from clear that it identifies a necessary condition (as the examples I give in Sect. 6 of collectives acting without a plan suggest.) Furthermore, his account is unlikely to be of use to the advocate of global obligations for

how the thing in question is to be done. There are strong reasons for thinking that humanity as a whole does not satisfy the belief condition. But, as I shall argue in what follows, we should reject analyses which entail the belief condition.

The body of my paper thus falls into two parts. In Sects. 3, 4 I argue that the ‘ought implies can’ principle does not establish that non-agent groups cannot be obligation bearers. In Sects. 5–7 I address the belief condition focussing on the role which the ‘ought implies can’ principle plays in generating excuses, and arguing that a plausible excuse-generating principle for non-agent groups should not use a sense of can for which anything like Pinkert’s belief condition holds. Section 2 deals with some preliminaries to the main argument and Sect. 8 concludes.

2 Prefatory clarifications

Here are some prefatory clarifications. First, I am primarily concerned in this paper with ‘forward-looking’ obligations: obligations to see to it that certain things happen. Whether what I say also applies to backward-looking obligations will depend on the nature of the relationship between forward-looking and backward-looking obligations: I take no firm view on this issue here.⁵

Secondly, my aim here is not to establish that non-agent groups can be obligation-bearers. I have argued for this conclusion elsewhere.⁶ Here my aim is a much more limited: it is to show that a line of argument that purports to show that this view is a non-starter fail to establish this. In other words, the intention is to rebut an objection to the idea that obligations can fall on humanity as a whole, not to provide an independent argument for the claim that they do.

Thirdly, my target is comparatively narrow: I do not claim to rebut every possible objection to the idea that obligations can fall on humanity as a whole, but only those based on the ‘ought implies can’ principle. Other objections to the idea of obligations falling on humanity as a whole are possible. For example, Schwenkenbecher holds that some unstructured groups have duties but denies that humanity as a whole can because its members are unable to co-ordinate themselves appropriately.⁷ While I think this objection fails, explaining why falls outside the scope of this paper.⁸

Fourthly, I shall assume for dialectical purposes that *some* version of the ‘ought implies can’ principle is true, for both individual and collective obligation bearers.

Footnote 4 continued

reasons analogous to those I mention in Sect. 2 for thinking that humanity as a whole is unlikely to be a collective agent (Igneski 2017).

⁵ There are a range of possible views on the topic. For discussion of some of them see Wringe (2018) pp. 337–339

⁶ Wringe (2005, 2016).

⁷ Schwenkenbecher (2013, p. 326).

⁸ Wringe (2010, 2014).

Some have doubted this.⁹ If they are right to do so, this is grist to my mill. If the ‘ought implies can’ principle is incorrect, or if for some reason it applies only to individual obligation bearers but not collective obligation bearers then the objection in question fails.

Finally, I shall assume for the sake of argument that humanity taken as a whole is not a collective agent. There is certainly no account of collective agency on which it is *uncontroversial* that the world’s population is a collective agent, and many on which it is uncontroversial that it is not. For example, on Peter French’s account of collective agency, a group will qualify as a collective agent only if it has some kind of corporate decision structure.¹⁰ While we might think that the world’s population *could* have a collective decision structure of this sort—for example, if there was world state or a world-wide federation of independent states—someone who claims that it currently has anything of the sort takes on a heavy argumentative burden.¹¹

There are, of course, less demanding accounts of collective agency, on which groups with less formal structure than French’s can count as collective agents.¹² However, accounts of this sort do not provide promising terrain for arguing that humanity as a whole constitutes a collective agent. They are typically designed to account for the possibility of collective agency in small and often non-hierarchical groups in which face-to-face communication or something closely analogous is possible.¹³

3 The agency principle and ‘ought implies can’

Many philosophers regard the idea of global obligations—and of obligations falling on non-agent groups—as untenable.¹⁴ A key reason is commitment to the Agency Principle

AP: Only agents can be the subjects of moral obligation.

⁹ Sinnott-Armstrong (1984), Saka (2000), Mizrahi (2009) and Graham (2011). For responses to Sinnott-Armstrong (1984), see Streumer (2003), Howard-Snyder (2006) and Vranas (2007). For positive cases for Ought Implies can see Howard-Snyder (2006), Vranas (2007), Streumer (2007) and for an attack on a key claim on which Streumer and Vranas depend see Littlejohn (2009). For a response to Graham (2011), see Littlejohn (2012). Reasons of space preclude a full review of these debates in this paper.

¹⁰ French (1979). Cf also List and Pettit (2011).

¹¹ For extended discussion of the plausibility of this view see Wringe (2014).

¹² See for example Gilbert (1989, 2006) and List and Pettit (2011).

¹³ Aas (2015) is an exception. See Sect. 3 for discussion of his view.

¹⁴ Recent examples include Valentini (2015) and Lawford-Smith (2015). Aas (2015) may be an exception: he accepts AP, but does not think it rules out the possibility of ‘unstructured’ moral agents. But he does not address the possibility of humanity as a whole being an agent. Some philosophers, including Wringe (2010) reject AP; for a thorough critique of the arguments in this paper see Schwenkenbecher (2013). (I’m grateful to both Aas and Schwenkenbecher for useful discussions of their views both in correspondence and in Schwenkenbecher’s case also in person.)

If humanity as a whole is not a collective agent, then AP rules out the possibility of global obligations. But it is harder than one might think to explain why one should accept AP.

One might think that AP follows from what Darwall calls the ‘second-personal’ nature of claims about obligation.¹⁵ For one might think that a second-personal form of address must be addressed to some agent. But while it seems clear that a second-personal form of address must be addressed to agents rather than say tables and chairs, it is less clear that the second-person must be a second-person singular, addressed to one single agent, rather than a second-person plural, addressed to many agents.

Lawford-Smith argues that AP follows from a correct understanding of the principle that ‘Ought implies Can’.¹⁶ Her argument focuses on what I shall call ‘Impossibility Excuses’.¹⁷ Impossibility Excuses involve deploying the contrapositive of the ‘ought implies can’ principle to defeat a *prima facie* claim that someone is morally obliged to do something. Suppose, for example that a friend texts me to say that I’m morally obliged to attend a certain political demonstration. If I reply that I cannot come because I’m locked in the bathroom without a key, I have deployed an Impossibility Excuse’. Impossibility Excuses can be available even when it is both logically and nomologically possible for me to do the thing I am allegedly supposed to do. Perhaps it is both *logically possible* and *consistent with the laws of physics* for me to come to the demonstration.¹⁸ My excuse may still hold good. But if the bathroom door is so flimsy that I could easily knock it down it does not.¹⁹

This suggests that there is at least one sense of ‘can’ which is stronger than either logical or nomological possibility and for which the ‘ought implies can’ principle holds. Lawford-Smith claims that there is one such sense, and it is one on which ‘A can Phi’ entails that both that A can try to Phi and that if A does Phi, A is reasonably likely to succeed.²⁰ She then argues that anything that can do things in this sense must be an agent. She calls this the ‘Can of Agency’. For reasons that will become clear in a moment I shall call it the ‘Can of Simple Agency’. If saying of a group that it ought to do something entails that it is able to do things in this sense, then AP is established and the advocate of global obligations is in trouble.

We might think that focusing on the practice of excusing begs the question in favor of AP. Excusing is a practice that typically involves evaluating particular agents. So we might think that when we imagine ‘ought implies can’ being used in a

¹⁵ Darwall (2006) and cf also Stern (2011).

¹⁶ Lawford-Smith (2015).

¹⁷ Lawford-Smith (2015, p. 234).

¹⁸ Lawford-Smith (2015, pp. 235–236).

¹⁹ Note that the ‘excuse’ here is used to rebut a claim of forward-looking obligation, not as a way of deflecting backward-looking blame (consistent with the agenda set out in Sect. 2).

²⁰ Lawford-Smith (2015, pp. 234–235).

context where excuses are in play, we have already presupposed that the obligations involved are ones which apply to agents. If so, then there might be some doubt as to whether considerations of the role that ‘Ought Implies Can’ plays in generating and evaluating excuses could count either for or against AP. However, I think the charge of question-begging fails. Philip Pettit has argued that it makes sense to direct blame at non-agents for what he calls ‘proleptic’ purposes such as turning potential responsible agents into actual responsible agents and that blame directed at non-agent collectives might be proleptic in this way.²¹ But if the potentially proleptic nature of the practice blame can make it appropriate to blame non-agents, it is difficult to see why it should not also be appropriate to excuse non-agents as well. For it seems as though the practice of excusing and the practice of blaming are complementary.

Nevertheless, Lawford-Smith’s focus on cases involving individual agents leads her to overlook a sense of ‘can’ which might be relevant to the interpretation of the ‘Ought implies Can’ principle in contexts which involve groups of agents. Consider a situation where a group of individuals will succeed in lifting a heavy rock, provided each of them expends a certain amount of effort. We might say of this group of individuals that they can lift the rock. In doing so, we are making a plural predication: we are attributing to a collection of individuals exactly the same kind of thing that we would be attributing to one of the individuals if we said of them that they could lift the rock.

It is important to note that what we have here is an example of non-distributive plural predication. When we say of the rock-lifters that they can lift the rock or the boat passengers that they can prevent the boat from sinking, we are not saying that each of them can lift the rock or prevent the boat from sinking. We are saying that they can lift the rock together. Nevertheless, since the individuals in question need not form any kind of collective agent, the sense of ‘can’ in which the individuals can lift the rock is distinct from Lawford-Smith’s ‘Can of Simple Agency.’²² Call the sense involved here the ‘Can of Plural Agency’. The argument discussed so far does not tell us whether the can of simple agency or the can of plural agency is the correct sense of can to apply when deploying the ‘ought implies can’ principle in collective contexts.

There’s no obvious reason for assuming that the rock-lifters we have just imagined must constitute a collective agent or that their capacity for lifting the rock depends on being one. But some may find it difficult to imagine a situation where all the rock-lifters lift together without co-ordinating their efforts. Those for whom this is true may prefer to consider another scenario: a group of individuals on a sinking boat who can prevent the boat from sinking by jumping out and swimming to shore. Here, it seems as though no co-ordination is necessary: each individual may see what they need to do without being guided by some overarching plan. It may nonetheless be true that they can prevent the boat from sinking. And again we have a non-distributive form of plural

²¹ Pettit (2007).

²² I’m grateful to Sean Aas for comments which helped me to clarify my views here.

predication here: it needn't be true of any individual that they can prevent the vote from sinking.²³

Anyone who thinks that a group of individuals may fail to constitute a collective agent should accept that the 'can' of plural agency is distinct from the 'can' of simple agency. Some may be unpersuaded by this. One kind of resistance might involve rejecting the idea that there are any substantive constraints on the kind of internal structure a group must have to be a collective agent. Since there is something the rock-lifters can do—namely, lift the rock—we should regard them as a collective agent.²⁴

It is worth noting that those who takes this view may not be able to help themselves to the view that humanity is not a collective agent quite as straightforwardly as I suggested in Sect. 2. For all that has been said so far, there might be some things which humanity as a whole can do if each of them tries. If so, AP will no longer stand as an obstacle to the idea that there can be global obligations. There may still be further questions about whether we can do the particular things which the advocate of global obligations think we can do. But this would nevertheless mark a substantial change in the terrain on which discussion of the possibility of global obligations took place.

However, I shall not pursue this possibility in detail. For the account of collective agency on which it depends seems far too liberal. It deals badly with cases where a collection of individuals can bring something about without acting co-operatively. In May 2017 the following might have been true:

(M) May and Corbyn can make the General Election into a close thing.

But the truth of M should not commit one to the idea that at that time May and Corbyn formed some kind of collective agent.

4 Which 'cans' count?

Section 3 established that there's a sense of the word 'can' which is distinct from (and stronger than) either logical or nomological possibility which groups of agents who do not constitute a collective agent can do things. But this might not be enough to show that it's the right sort of can to appeal to when interpreting the 'ought implies can' principle. To do this, we need to see whether it can function in Impossibility Excuses in a way analogous to the way in which the Can of Simple Agency does.

Is the 'can' of plural agency ever relevant to situations where blame is in question? Yes. Consider a group of individuals who fail to turn up to a political demonstration. When reproached for the fact that the demonstration failed to generate news coverage because of its small size, they might reply that even if each

²³ We will meet passengers on a sinking boat again in Sect. 4. I'm indebted to a referee for this journal for the suggestion that their introduction here might contribute to the persuasive force of the argument at this point and to Stephanie Collins and Holly-Lawford-Smith for further discussion.

²⁴ See for example Aas (2015).

of them had tried to be there, they could not have swelled the ranks of the demonstrators sufficiently to generate favorable news coverage. In doing so, they deploy an Impossibility Excuse. The fact that they are able to do so presents difficulties for Lawford-Smith's defense of AP.

Further difficulties arise when we consider cases where there is something a group can do in the sense of the 'can of plural agency', but cannot do in the sense of the 'can of simple agency'. If Lawford-Smith is correct, Impossibility Excuses should be available to such groups. However, it is not clear that they are. Consider the following two cases:

SINKING BOAT: a group of individuals, many of whom can swim and some of whom manifestly cannot (because of age, youth, injury) are traveling as passengers in a boat. Within close reach of land, the boat starts to take on water. Those who can swim can easily reach land; those who cannot are in danger of drowning. The crew of the ship are clearly competent to get the boat to land if they only have to carry the non-swimmers, but are too preoccupied by the need to keep the boat afloat to organize the passengers. No individual can by themselves keep the boat from sinking by jumping out and swimming.

Variant One The passengers who can swim have time to form themselves into a collective agent, institute a collective decision procedure and make a collective decision about the matter.

Variant Two There is no time to institute a collective decision procedure.

One might think that in Variant One individuals have what Stephanie Collins calls a collectivization duty, to form a kind of collective agent to figure out what to do.²⁵ Equally plausibly, if such a collective agent is formed, the individuals should decide that those who can swim should swim, and the individuals concerned should put this plan into action.²⁶

What about Variant Two? Here it seems equally plausible that individuals in this situation have an obligation to jump out of the boat and swim for land. An attractive (though not compulsory) explanation of why this is so is that the individuals here have a collective obligation to prevent the boat from sinking, and derivative individual obligations to jump out.²⁷ It seems clear that the individuals in question cannot appeal to a collective version of an Impossibility Excuse here. If the boat sinks and the non-swimmers are drowned, they are in no position to say: 'We had no obligation to save the non-swimmers, for we could not have done so.' Clearly, they

²⁵ Collins (2013).

²⁶ One might not think there is a collectivization duty. One might think that just as in Variant Two, the swimmers have a collective obligation to stop the ship from sinking even prior to forming a collective agent, and that they have derivative individual obligations to jump out and swim. The important point is that on any view, the swimmers don't have an Impossibility Excuse in this case.

²⁷ Wringe (2016). Note that since no individual can stop the boat from sinking, without the co-operation of others, no-one has an individual obligation to save the non-swimming passengers. Here at least, 'Ought implies Can' significantly constrains the distribution of obligations.

could have. The fact that, on most views of collective agency they did not constitute a collective agent, and therefore, on Lawford-Smith's account 'could not', in the relevant sense, have saved the non-swimmers does not get them off the hook.²⁸

Elsewhere Lawford-Smith has discussed an example that may suggest a different moral. Consider the members of the German army in 1940.²⁹ Lawford-Smith says of these soldiers that they could not have launched a coup to stop Hitler: because of their reasonable distrust of one another they lacked the effective means to co-ordinate any such thing. This seems correct, if the 'can' is the 'can of simple agency': no co-ordination, so no collective agent. However, it may nonetheless be true of the soldiers that had each tried (in the right way), they would have stopped Hitler.³⁰ If so, then if we have in mind the 'can of plural agency', we can say of these soldiers that they could have stopped Hitler.

We might think that the soldiers did not have an obligation to stop Hitler. Lawford-Smith's account of 'ought implies can' can explain why we might think so. On her view an Impossibility Excuse is available to the soldiers, and so, collectively, they had no obligation to stop the soldiers. The fact that the account provides an explanation of a moral judgment we might be puzzled by is an argument in its favor.

But it is not clear how strong an argument it is. First it is not clear that the judgment is correct. Secondly, even if it is correct it is not clear that Lawford-Smith's account provides the only plausible explanation. Of course, it is true that no individual soldier had an obligation to stop Hitler; and one way of establishing this might be to show that no individual soldier could have stopped him. However, this fact is compatible with the truth of a claim that they were collectively obliged: that is to say, that they were obliged, on a reading where the plural predication is understood collectively rather than distributively.

Why might we think the members of the German army did, in fact, have an obligation to stop Hitler? One reason is that it makes intelligible certain kinds of emotional response that we might expect its members to have, and blame them for not having. We might, for example, expect them to feel either ashamed of, or guilty

²⁸ Isaacs (2011, pp. 144–154) suggests that such groups are 'putative agents' and have 'putative obligations'. But I take it that putative agents aren't agents, and putative obligations aren't obligations. Collins (2013) suggests that we might see groups of this sort as being ad hoc agents since there is an obvious course of action available to them. But the idea of agents who constitutively (as opposed to contingently) only have one course of action available to them seems highly dubious.

²⁹ Lawford-Smith (2012).

³⁰ We might deny this. If so, we have a case where neither the can of agency nor the can of plural agency is in place, and the example doesn't tell us anything either way. We might also say that if they had succeeded it could only have been as a result of the fluke that each person tried in the right way. But it only follows that the soldiers could not stop Hitler *in the plural agency sense of can* if we are willing to say that even in the case of a success on the part of the soldiers (attributable to the fluke of them all trying the right thing) whereby Hitler was stopped it wouldn't be true that the soldiers stopped him. We might say this. But we typically count an individual agent's fluky successes as successes of that agent (as many cricket score cards bear witness.) Why say differently for a group of agents? (I'm grateful to both Holly Lawford-Smith and Stephanie Collins for written comments and discussion here though both apparently remain unpersuaded.)

about, their failure to act so as to stop Hitler, and we might think that a failure to feel anything in those circumstances was blameworthy.

Furthermore, even if we agree with Lawford-Smith that the members of the German Army did not have (collectively) an obligation to stop Hitler, we can appeal to many other considerations than the availability of an Impossibility Excuse to explain why they might not have been so obliged: for example, the chances of betrayal and subsequent personal suffering; the effects of fear; the lack of knowledge that they had an effective means and so on. That being so, the German Army example provides at best comparatively weak support for AP. It should not lead us to revise the conclusions that we are led to by considering.

5 Pinkert on collective capacity

Felix Pinkert has proposed conditions for Joint Ability along the following lines³¹:

Immediate Joint Ability

Agents *aa* are immediately jointly able to Φ at time *t*, if and only if there is exactly one salient possible pattern of action of the relevant *aas* that constitutes Φ -ing, and which is such that every agent believes of the action that is her part in that pattern that she needs to ‘form this action in order to Φ

Mediated Joint Ability

Agents *aa* at *t*₁ are mediatedly able to Φ at *t*₂ iff for some *t*₁ and Φ 1

1. They are at *t*₁ immediately able to perform an action Φ 1 at *t*₁ where
2. Performing Φ 1 at *t*₁ makes it the case that the *aa* are at *t*₂ immediately able to Φ
3. The relevant members of *aa* believe that Φ 1 has this effect and also believe that in order to Φ they must Φ 1 at *t*₁

Recursive Joint Ability

Agents *aa* are jointly able to Φ at *t* iff

- (a) They are immediately able to Φ or
- (b) There is an action Φ 0 which they are able to perform immediately and a further set of actions Φ 1... Φ *n* such that for all *i* less than *n*, they can perform Φ *i* + 1 mediatly by performing Φ 0... Φ *i*, and by performing Φ *n* they can Φ
- (c) The relevant members of *aa* believe that performing Φ *i* will result in their performing Φ *i* + 1 for *i* = 0 to *n* − 1 and their performing Φ *n* will result in their Φ -ing.

³¹ Pinkert (2014).

Pinkert's conditions for Recursive Joint Ability provide us with an account of collective capacity on which collectives can have the capacity to bring about results even if they do not satisfy any substantial further conditions for being a collective agent.³² This seems like good news for the advocate of global obligations. But caution is required.

If a collective's having an obligation to do something entails that its members must satisfy Pinkert's conditions for having recursive joint ability to do that thing, then the advocate of Global Obligations may be in trouble. For we might well think that where the putative obligations whose existence the advocate of Global Obligations is arguing for are concerned, the belief requirement is not satisfied.³³ Even if there is some path which may lead to the satisfaction of the obligation, we—or those of us who would need to take the first step—may not be able to identify a first step which we (or they) believe will set us on that step. So if collective obligation entails collective capacity in Pinkert's sense, then the advocate of collective obligations may be in trouble once again.

To meet this challenge, a defender of Global Obligations needs to show that a collective can be obliged to Φ even when its members do not satisfy Pinkert's conditions for Recursive Joint Ability. I shall address this issue in two steps. First I shall argue (Sect. 5) that there are situations where it makes sense to say of a group of people who do not constitute a collective agent that they can do something, even though Pinkert's condition c) is not satisfied. Then I shall argue that we should not count Pinkert's condition c) as imposing a distinct constraint which non-agent collectives must meet in order to count as standing under an obligation.

6 Collective capacity without a belief requirement

There are at least two kinds of cases where it seems to make sense to attribute a capacity to a group even if it does not satisfy anything like Pinkert's belief requirement. The first kind of case is one in which members of a non-agent collective slowly come to believe, via the performance of successful intermediate steps that it could all along do something which its members may not have previously believed they could do.

6.1 Case 1: small steps

A group of rescuers may be able to rescue a drowning swimmer if they in fact succeed in identifying and acting on a salient pattern of action which succeeds (perhaps non-accidentally) in rescuing the person drowning during the course of the rescue. Similarly, a more ambitious (or more desperate) group of rescuers may succeed in rescuing a whole drowning crew consisting of several people, even

³² Aas (2015) might hold that any collective that satisfies Pinkert's conditions just *is* a collective agent. For he thinks there are no further substantive conditions on collective agency than collective capacity.

³³ Pinkert himself thinks that for many global obligations the belief requirement is satisfied (pers. comm). Those who agree need read no further: as far as they are concerned my task is already complete.

though at each stage of the rescue it may only be salient how the next rescuee is to be rescued.

It seems plausible that there is a sense of ‘can’ on which it is true to say that even at the beginning of the second scenario envisaged in ‘Small Steps’, the rescuers could rescue all the drowning swimmers. The rescuers’ success is surely evidence that they had the capacity to rescue all the swimmers. But Pinkert’s belief requirement need not be satisfied. Even if none of the rescuers would initially have thought they could save the rescuers do in fact manage to save all the swimmers.

Some might deny that in Small Steps, the rescuers have the capacity to save all the swimmers. They might argue that the success in rescuing the drowning swimmers is a mere fluke, and that a fluky success in doing something does not provide evidence of a capacity to do that thing.³⁴ But we can build further conditions into the example which ensure that it is not a fluke. Suppose that in a range of nearby possible worlds the individuals involved also save the drowning swimmers. In this case—call it Robust Small Steps—it certainly seems reasonable to say that the rescuers could rescue the drowning swimmers.

Pinkert’s belief requirement is not satisfied in either Small Steps or Robust Small Steps. At the start of the process, there is no set of steps which the individuals who need to act believe that they can take in order to rescue the drowning swimmers.³⁵ Nevertheless, the individuals concerned come to believe that there is a way of achieving the end they need to achieve. So we might think that even though they do not satisfy Pinkert’s requirement, they satisfy some close relative.

However, we can also envisage cases which are analogous to Small Steps which don’t require any kind of belief. Significant achievement on the part of a group of individuals may be sustained by a weaker state than belief.

6.2 Case 2: hopeful small steps

Suppose the rescuers from Small Steps merely *hope* that certain individual actions which they are capable of carrying out will result in a rescue of the drowning swimmers. Since one can hope that something is the case without believing that it is the case, they need not believe that they will succeed in rescuing the swimmers. Nevertheless they may act in the ways which (as they hope) will result in their Phi-ing. And suppose that their individual actions do in fact constitute Phi-ing. Then they will Phi. Again, it may be useful to rule out the possibility that they have Phi-ed by chance, by stipulating, as in *Robust Small Steps* that similarly placed rescuers in a range of nearby possible worlds also succeed in rescuing the swimmers.

In Hopeful Small Steps it also seems reasonable to say that the rescuers had the capacity to rescue all the drowners. But in this case it seems even clearer than in Robust Small Steps that Pinkert’s belief condition is not satisfied.

³⁴ Cf Southwood and Wiens (2016) who deny that what is actual must be feasible.

³⁵ One reader suggested that Pinkert’s distinction between immediate and mediate joint ability is sufficient to provide us with a sense in which the rescuers in Small Steps can save the drowners. This can’t be right. There’s nothing the rescuers can do immediately at the time the rescue commences that will put them in a position to be able immediately to complete the rescue.

7 Impossibility excuses again

I have argued that there are cases where it is natural to say of a non-agent collective that its members can do something, even though Pinkert's belief requirement is not satisfied. However, this is not enough to show that Pinkert's belief condition does not need to be satisfied in situations where a group is obliged to do something. There may be some further reason why a group's being obliged to do something entails that the belief requirement must be satisfied. One possibility to consider is that groups which have the capacity to achieve certain results which they might otherwise be obliged to achieve, but which do not meet the belief requirement are, for that reason, excused for achieving those results. If we think that such excuses are Impossibility Excuses (or can helpfully be understood as such) then we could plausibly take Pinkert's belief requirement to be entailed by a collective's having the kind of capacity that is at stake in the application of the 'ought implies can' principle to collective obligations.

Call the kinds of excuses in question here 'Salience-Based Impossibility Excuses'. I shall argue that Salience-Based Impossibility Excuses are not available to groups like the swimmers in 'Hopeful Small Steps'. There are two reasons for this.

First, allowing failures of salience to ground Impossibility Excuses seems to require us treat individual capacities and collective capacities asymmetrically. For we do not always allow failures of salience to count as undermining attributions of capacity in obligation undermining ways in the individual case. Suppose, for example, that I have acquired an obligation to bring back a birthday present for my son from a trip abroad. Due to laziness, ditziness or general disorganization, it may not occur to me that I have a free half-day after I have fulfilled all my professional obligations before I travel home. It may well be that the right thing to say when I return home without the present is that a) I should have thought of that and b) that this being so I could have bought the present, and am not released from my obligation by the 'Ought Implies Can' Principle.

Someone might reply that there is good reason to treat individual and collective capacities differently here: namely that in the first case we are considering what is salient for an agent, who we can expect to have developed habits of care and attentiveness, whereas in the second case we are dealing with a non-agent, who cannot be expected to develop such habits. However, it is not obvious that this disanalogy is as important as the objector suggests. For we might hope that in at least some cases we might expect individuals to develop standing dispositions to look for and be ready to contribute to collective enterprises (and we might regard practices of dispensing of blame as playing a significant role in developing such standing dispositions, just as we do in the individual case.)

A second reason for denying the existence of Salience-Based Impossibility Excuses is that if such excuses exist, individuals will be able to reduce the obligations of groups of which they are members by spreading doom and gloom. For what is salient to an individual will often depend on their motivational state. When we are depressed we may overlook or discount possibilities which would seem

salient to us were we more positively motivated. The same is true in situations where we face problems whose solution requires action by several individuals: we may fail to see solutions to problems which are staring us in the face simply because we become convinced—rationally or irrationally either that no solutions are available, or that none are likely to be implemented.

If so an individual would be able to decrease the obligations falling on a group of which they are a member by demoralising other members of those groups. This seems particularly problematic if we think that obligations on groups typically give rise to obligations on individuals.³⁶ For if so, individuals will be able to lessen the obligations falling on them simply by demoralizing others. This seems highly counter-intuitive. If there is (for example) a way of dealing with world hunger or climate change which would require sacrifices of us all, it seems implausible to suppose that it might be open to me to avoid the moral burden simply by persuading everyone that the method in question won't work.

It's worth noting that this objection to the idea of salience-based Impossibility Excuses doesn't depend on individuals being able to reduce their moral obligations without incurring some kind of moral cost. If that was the problem, then one might respond by suggesting that an individual would be acting wrongly if they demoralized others in the kind of situation which I am envisaging. However, that is not my point at all. My point is that even if it is morally costly for individuals to avoid obligations in this way it's relatively easy for them to do so. We ought to be suspicious of accounts that make it easy for individuals to evade potentially weighty obligations easily, even if this easy evasion is morally costly. Avoiding this consequence seems like a good reason for rejecting the suggestion that groups which do not meet Pinkert's belief condition should be regarded as being in a position to offer Impossibility Excuses.

8 Conclusion

In this paper, I have not attempted to establish the existence of global collective obligations. I have attempted to show that those who are convinced that there cannot be, on the basis of considerations about the relationship between obligation, agency and capacity have good reason to reconsider their views. Those of us who believe, as I do, that the notion of a global obligation might play a significant role in helping us to figure out the best way of addressing urgent moral problems should pursue this possibility further.³⁷

³⁶ As Wringe (2016) suggests.

³⁷ Earlier versions of this paper were presented at a conference on Collective Obligations at University College Dublin in June 2015, at a panel organized by Kendy Hess, Violetta Igneska, and Tracy Isaacs at the MANCEPT workshops in political theory in 2016. I was also able to discuss several of the issues discussed in this paper at a workshop on Collective Obligation and Collective Capacities organized by Nic Southwood at the Research School of Social Sciences at ANU in August 2018 (whom I also thank for support during a research visit during which this version of the paper was finalized.) I've received useful written comments from Sean Aas, Stephanie Collins, Holly Lawford-Smith and Felix Pinkert as well as several readers I am unable to identify and one referee for this journal and also had helpful discussions of

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Footnote 37 continued

related issues with Sandrine Berges, Gunnar Björnsson, Andrew I Cohen, Paul Mikhail Podosky Leonie Smith, David Schweikard, Anne Schwenkenbecher, Nic Southwood, Will Tuckwell and David Wiens, none of whom should be held responsible either collectively or individually for any of my errors.

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