GLOBAL OBLIGATIONS AND THE AGENCY OBJECTION

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Abstract
Many authors hold that collectives, as well as individuals can be the subjects of obligations. Typically these authors have focussed on the obligations of highly structured groups, and (less often) of small, informal groups. One might wonder, however, whether there could also be collective obligations which fall on everyone – what I shall call ‘global collective obligations’. One reason for thinking that this is not possible has to do with considerations about agency: it seems as though an entity can only be the subject of obligations if it is an agent. In this paper, I try to show that the argument from agency is not a good reason for being sceptical about the existence of global collective obligations: it derives whatever plausibility it has from the idea that claims about obligation need to be addressable to some agent. My suggestion is that we should accept this principle about the addressability of obligations, but deny that the addressee of an obligation need be the subject of that obligation. The collective obligations of unstructured collections of individuals, including global collective obligations, meet the addressability requirement insofar as they require something of the individuals who make up the collective.

1. Collective Obligations and Global Obligations

What does it take to be subject to moral obligations? For many people, the answer to this question is fairly straightforward: strictly speaking, only persons can be morally obliged, and as a matter of contingent fact the class of persons is more-or-less coextensive with some subset of the class of human beings. Some forms of mental defectiveness, along with some forms of deliberative immaturity or incapacity, may deprive an individual of moral personhood without depriving them of humanity, but by and large the subjects of moral obligation are individual human subjects. For people who take this view, the notion of a collective obligation involves ways of speaking that are best metaphorically
high-flown, if not metaphysically extravagant and on occasion morally dangerous.1

The view that individual human subjects are the only subjects of moral obligation has recently come under some pressure. A number of authors have argued that in many cases, non-metaphorical conceptions of irreducibly collective responsibility are neither morally nor metaphysically suspect.2 Many of these discussions have focussed on backward-looking conceptions of moral responsibility, or responsibility for past actions. Discussions of forward-looking responsibility have been much rarer. Nevertheless, it would be surprising if notions of backward-looking responsibility were on safer conceptual ground than notions of forward-looking responsibility or obligation.

Those who accept the coherence of some conception of collective responsibility often differ about how collective responsibility is best understood. They also give different answers to questions about the kinds of collectives can be the subject of such obligations. Some, like Peter French, have argued that a collective can only be the subject of obligations if it has what he calls a ‘formal decision structure’.3 Others, such as Larry May, have argued that groups with considerably less structure – such as the crowd which stormed the Bastille – can also legitimately be seen as loci of responsibility.4 And others such as Margaret Gilbert have a view which seems to come midway between the two.5

1 Lewis, H. D. (1948), ‘Collective Responsibility’ Philosophy 23 pp. 3–18. Lewis seems to think that ascriptions of collective responsibility derive from a morally objectionable form of institution worship. He also suggests that if we hold a group responsible for something we may end up holding individuals responsible for things for which they have no responsibility, as when we infer from the guilt of a nation that has prosecuted an illegal war that each citizen of that nation is guilty. While the inference may be tempting I take it to be an instance of the fallacy of division: we should no more infer the guilt of each citizen from the guilt of the nation than we should infer that each citizen of a populous nation is populous.


3 French, Collective and Corporate Responsibility.

4 May, Sharing Responsibility.

The question of which kinds of collectives can be the subject of obligations is one that ought to be of interest to members of those collectives, even if questions as to how the obligations of collectives bear on the obligations of the individuals who make up those collectives is far from straightforward. If so, then there is one collective whose potential obligations ought to be of particular interest: namely, the collective consisting of the full set of rational agents who are among the world’s population at any given time: what I shall refer to as ‘the global collective’. Obligations falling on the global collective, if indeed there can be any, I shall call ‘global obligations’.

One reason, although perhaps not the only one, for being interested in the notion of a global obligation is that it provides an interesting way of responding to an objection to the possibility of certain kinds of positive rights, such as subsistence rights, which is based on the idea that such rights, if they existed, would generate obligations, which if they existed would be obligations without a bearer. Since it seems that there cannot be obligations without bearers this seems to constitute a knock-down argument against the existence of the rights in question.6

The idea of a global obligation helps to provide for a response to this objection. The idea behind it is to treat the global collective as a kind of ‘obligation-bearer of last resort’ in situations where positive rights – such as subsistence rights, would generate ‘unowned obligations’. Thus in the case of a right to have certain basic subsistence needs met, one can argue that an objection to the existence of such a right on the part of individuals that is based on the idea that such a right would generate obligations which are obligations on no agent can be turned on its head and transformed into an argument for a global (collective) obligation to see that such needs are met.7

So much for the interest and the potential significance of the idea of global obligations. Is the idea coherent? I think that it is.


7 Wringe (2006) ‘Needs, Rights and Collective Obligations’ in Reader, S. (ed.), The Philosophy of Need, Royal Institute of Philosophy Supplement, 57 (Cambridge, Cambridge University Press). One advantage of appealing to a global obligation bearer rather than an obligation that falls on each individual up to some threshold is that it is plausible that the best way of discharging the obligation requires political organisation rather than individual charitable giving and that it less clear what it would mean to suggest that the burdens involved should be distributed ‘equally up to some thresh-hold.’ What would the currency in which equality is measured be in such a case?
My intention here is not to defend it against every possible objection, but to discuss one objection to it which I shall call the ‘Agency Objection.’

2. The Agency Objection

One plausible principle, which might be thought to pose a problem to the coherence of a notion of global obligation is what I shall call the ‘Agency Principle’:

Agency Principle: Only agents can be the subjects of moral obligation.

In the next two sections I shall consider two possible motivations for the Agency Principle, one based on the Kantian principle that ought implies can, and one based on the idea that coherent claims about obligations need to be ‘addressable’ to some deliberative subject. First, though, I want to spell out how the Agency Principle presents a challenge to the idea of a global obligation and consider one line of response which is tempting but unsatisfactory.

If the ‘Agency Principle’ is correct, then the idea of a global obligation seems problematic. For although there are many accounts of collective agency on offer, to any of which we might appeal in trying to show that a conception of collective obligation was compatible with the Agency Principle, most of these accounts seem to entail that the population of the world is not a collective agent. For example, on Peter French’s view, a collective’s capacity for agency depends on its possession of a ‘corporate decision structure’; on Margaret Gilbert’s more complex account it depends on a capacity for joint readiness for action on the part of individuals who make up the collective and so on. It seems implausible to think that the world’s population as a whole has either a corporate decision structure or a capacity for joint readiness for action.

One response to this line of argument might be to point out that (like the principle that ought implies can) the Agency Principle might be seen as cutting two ways. If one is antecedently

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8 French, Corporate and Collective Responsibility.
9 Gilbert, On Social Facts, ‘Who’s To Blame’.
committed to a metaphysically heavyweight conception of collective agency of the sort which Gilbert and French defend, then the objection is likely to seem compelling. However, if one is not so committed in advance, another potentially appealing – and possibly more Kantian – line of thought opens up.\(^\text{10}\) On this account, the bounds of agency are not given to us in such a way as to provide us with an antecedently given line which circumscribes the range of ascriptions of obligation. Instead, the correct conception of agency is derivative from a prior grip on the range of moral obligations that exist. On this account, it is not that certain entities are morally obligated in virtue of the fact that they are agents; rather, we should take them to be agents in virtue of the fact that they are the subjects of moral obligation.

This line of thought might be convincing if it were accompanied by a compelling positive case for thinking that there were global obligations. While I think that it is possible to make such a case, what I have said here to motivate interest in the idea of a global obligation falls a long way short of that. So for dialectical reasons I shall concentrate here on ways of undermining the Agency Principle.

3. Motivating the Agency Objection (I): Ought implies Can

The Agency Principle appears to follow from the principle that ‘ought implies can’. To say that a collective stands under an obligation is to say that there is something that it ought to do. If ought implies can, then to say the collective ought to do something is to say that it can do something. But something which can do something, in the sense of doing which is in question here is, plausibly, an agent.

However, there is an obvious response. It is to argue that the ‘ought implies can’ principle does not entail that all obligation bearers need to be agents. On certain conceptions of collective agency, one might want to distinguish between collectives that are agents and collectives which, although they do not currently meet the criteria for agency, would nonetheless be capable of doing so.

\(^{10}\) In the *Critique of Practical Reason* Kant seems to adopt the strategy of taking our recognition of a moral obligation in the individual case to ground our conception of agency. Of course that conception is very different from any plausible conception of collective agency.
under certain circumstances. If this distinction is legitimate, then the most that can be shown by the ‘ought implies can principle’ as applied to collective agents, would be that obligation bearers must be at least potential agents.11

If this line is correct, a sceptic about global obligations would need to show not only that the world’s population was not currently an agent on their preferred conception of collective agency, but that it was not even potentially an agent. This is a burden which is much harder to meet, even for maximally demanding conceptions of collective agency such as French’s. Anyone who is at least minimally sympathetic to the idea of collectives having obligations will want to accept that the sorts of collectives focussed on by authors such as French – highly structured organisations with formal decision procedures – are among the bodies which are capable of having collective obligations. And it seems hard to claim on purely a priori grounds that the world’s population could not organise itself in this way. (though whether it would be a good thing if it did so is another matter.)

A second line of argument would call into question the distinction between aggregates of individuals which are agents and aggregates which are merely capable of becoming agents. (I use the term aggregate to pick out groups of individuals in a way that is intended to be neutral on the question of whether these individuals constitute some further thing, whether an agent or not.) Here it seems useful to distinguish between two different directions from which the distinction could be attacked. If one accepts an expansive picture of the conditions for collective agency, then one may be inclined to think that an aggregate which is capable of becoming an agent will have already met the conditions for agency. But on this kind of expansive view it may well turn out to be hard to come up with good grounds to exclude the global collective from the class of (collective) agents.

However, one might attack the distinction from the opposite direction. In other words one might deny that aggregates which fail to meet the conditions for being an agent have sufficient unity

11 The claim here is that in the sense of ‘can’ which is relevant for ‘ought implies can’ something which is a potential agent and which can now become an agent can do any of the things which it could do if it were an agent. (Similarly, in the case of individual obligation, I can be counted as being able to do certain things even if I am only able to do them under certain conditions which do not currently hold, provided that I can make those conditions hold. For example, I am obliged to pay back my loan to you even if I now have no money, provided that I can, for example go to the bank.)
to be thought of as individual entities at all – something which seems to be required for thinking of them as entities with some kind of potential – namely the potential to become agents. On this account it would be collective agency itself that made the aggregate into a something of any sort whatsoever. On this view, and speaking strictly, non-agent aggregates would not exist at all, and so could not be the subject of any kind of obligation.

This line of thought coalesces with a third kind of objection to what I have said so far. This is to say that it makes no sense to distinguish between collectives which are agents and collectives which are not yet agents but which have the capacity to constitute themselves as agents, on the ground that constituting oneself as an agent is itself a kind of action. As such it is the kind of thing which aggregates which are not agents simply could not do.

On reflection, though, neither of these points seems especially persuasive. At least on the face of it, one can distinguish groups of individuals as unities of various kinds. Some are active, such as Michael Bratman’s well-known pair of mutually responsive housepainters,12 the crowd that stormed the Bastille, or the IBM Corporation. Others are held together by more passive ties: the passengers on a train; the dispirited supporters of an unsuccessful 2nd division football team; the individuals who together witnessed a gory crime. To say this is not to necessarily to claim that any random selection of individuals form the world’s population could legitimately be seen as a unity: perhaps there is no collective whose members are all and only Hillary Rodham Clinton, Zinedine Zidane and my 6-year-old son.

It also seems implausible to think that if there is a distinction between collectives which are agents and collectives which are not, then a collective’s becoming an agent requires that it be an agent already. This seems fairly clear on an account like French’s: individuals can presumably form themselves into a corporation, adopt a collective decision procedure, and thereby become a collective agent. Similar things are presumably true on an account like Margaret Gilbert’s: on her view a group of individuals becomes what she calls a ‘plural subject’ by becoming jointly committed to something. But there is no requirement that in

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order to become jointly committed one needs already to be a plural subject.\textsuperscript{13}

In fact, the idea that constituting oneself as a collective agent requires that one is already a collective agent is one that seems to lead pretty quickly to a \textit{reductio ad absurdum} of the claim that there are collective agents (unless one holds, implausibly, that such agents, when they exist, have existed from eternity). The way to avoid the \textit{reductio} is to insist that if collective agents can exist, they can also come into existence, and that a body’s constituting itself as a collective agent is not itself an exercise of collective agency, but is something achieved by the acts of individuals who act in such a way as to bring the collective into existence.

4. Motivating the Agency Objection (II): Addressability

In section 3 I tried to undermine a line of argument for the Agency Principle which tried to derive that principle from the ‘Ought implies Can’ principle. However, there is another line of argument in support of the Agency Principle. This is based on concerns about what I shall call the ‘addressability’ of claims about collective obligation. The basic idea underlying this line of argument is that statements about obligations are only intelligible if they have some kind of ‘addressee’: in other words, only if there is some individual or entity whose behaviour or attitudes might be affected if they came to accept the statement in question. I shall call this idea the ‘Addressability Requirement’.

One sort of reason for accepting the Addressability Requirement might be an expressivist or functionalist conception of the nature of moral discourse, or at least of that part of it which includes statements about obligation. One thought that might motivate a view of this sort would be the idea that it is part of the point of statements of obligation that they can be capable of affecting deliberation. But whether or not this kind of view of moral discourse can be convincingly defended, the idea that moral claims need to be addressable seems to have something to recommend it.

The Addressability Requirement is attractive because it seems to explain why we sometimes exclude certain kinds of entities

\textsuperscript{13} Gilbert \textit{On Social Facts}, Who’s To Blame?

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from the scope of moral claims. We often do exclude certain kinds of being in just this way: most obviously inanimate objects, and animals but also, perhaps, very young children, and individuals suffering from certain kinds of mental impairment. When we do so, the intuitive justification for doing so is that the individuals or entities concerned either lack the capacity for deliberation, or have a capacity for deliberation which is severely impaired. But if we did not accept something like the Addressability Requirement it would be difficult to see why we should regard the capacity for deliberation as making a significant difference to the applicability of moral principles.

If we accept the Addressability Requirement then we seem to be accepting that subjects of moral obligation must be individuals or entities with a capacity for deliberation. This will not rule out the possibility of collective obligation on many views of collectives. For individuals who take collectives to be capable of acting typically also take collectives to be capable of believing things, wanting things, choosing the most appropriate means to their ends and so forth. However, it will restrict the class of collectives which can be the subjects of obligation to that subclass of collectives which are capable of deliberation – in other words, plausibly to the class of collective agents.

Someone who wants to reject this line of argument for the Agency Principle need not reject the intuition which underlies the Addressability Requirement entirely. She may accept that intelligible claims about obligation must have addressees, but deny that the addressee need in every case be identical with the subject of the obligation. (Arguably, this is one way of making sense of some claims about the moral obligations of young children: the addressee is not the child but the person responsible for the upbringing and moral education of the child.) In the case of claims about collective obligations which fall on collectives which are not agents, we should take the addressee of the claims to be the individuals who make up the collective rather than the collective itself. (It might still be appropriate to see collectives themselves as being among the addressees of claims about obligations which fall on collectives which are agents).

One might wonder whether this move is simply ad hoc. I do not think so. Presumably, the line of thought which underpins the

Addressability Requirement is that statements about obligations should be somehow connectable with what actually happens or can happen in the world – or rather, with what gets done. But we can influence what gets done by collectives in more than one way. One is to affect the deliberations and actions of the collective as a collective. But another is to influence the individuals who make up the collective in question – because the collective can only act in virtue of their actions.

For example, and in line with what I have argued so far, individuals who are members of a collective may see fit to organise themselves in such a way as to enable them to act collectively. In section 3, I argued that when individuals organise themselves in this sort of way, we should not see the actions which bring a collective agent into existence as themselves being exercises of collective agency. But it seems plausible that a claim about the obligations of a collective of which I am a member could have a legitimate influence on me in deciding (or perhaps better, could be a reason relevant to deciding) how to respond to a situation which appears to call for collective action. If this is right then allowing that the individuals who make up a collective can be among the addressees of a claim about collective action does not seem ad hoc.

This point needs to be stated quite carefully, however. In saying that the individuals who make up a certain collective are the addressees of an obligation that falls on that collective (when that collective is not itself an agent), I am not saying that when a collective has an obligation to perform some action, and that collective is not an agent, each individual member of the collective has an obligation to perform that very action. If that were the proposal, it would be easily refuted by drawing attention to the possibility of collectives having obligations to perform actions which no individual could perform.

Here is one possible example of such a situation. One might hold that in 1945, the German people, or some portion of it, had some sort of collective responsibility to hold members of the Nazi regime legally liable for those of their actions that could be shown

15 Obviously (and importantly) not every way of influencing the actions of the members of a collective is a way of affecting the actions of a collective: some of the actions of members of a collective seem irrelevant to anything that they do as a collective. But some of them are relevant

16 I owe the example to my colleague Lars Vinx.
to be illegal under the laws as they then existed. One might also hold that in the wake of the Allied victory, there was no collective agent that could discharge this responsibility. On the account which I am putting forward, the addressees of this obligation would then be the individuals who made up the German people. However, it is clear that individual Germans could not hold members of the Nazi regime legally liable for anything: holding somebody legally liable for something is something that individuals simply cannot do on their own, in the absence of a properly functioning legal system. So if my suggestion were that in cases where there is a collective obligation but no collective agent, the addressees of the obligation each acquired an obligation to do exactly the same thing as the collective was obliged to do, the view would be absurd.

However, this is not what I am suggesting. Instead, the suggestion is that where there is a collective obligation but no collective agent the individuals who are the addressees of the obligation acquire obligations to do things which are appropriately related to the carrying out of the action whose performance would constitute fulfilment of the collective obligation. For example, one might take it that in the case described the addressees had an obligation (although perhaps only a pro tanto obligation) to organise themselves in such a way as to allow the institution of a state with a just legal system which would have allowed for the legal pursuit of these individuals, and for the performance of those actions which only a collective agent could perform.

One might object that the suggestion that the Addressability Requirement can be satisfied even when there is no individual agent who actually acquires an obligation to do what the collective is obliged to do amounts to an ad hoc weakening of the Addressability Requirement. However, I do not think that it is ad hoc. Consider again my earlier suggestion that the addressees of claims about the obligations of very young children are those who are responsible for bringing up the child, and imagine a situation where there is a requirement that young children do not make a lot of noise.17 (Imagine, for example, young children at a theatre performance aimed at an audience of mixed ages.) If we think that parents are the addressees of such an obligation, it would be

17 An anonymous referee asks why I have specified that the obligation here is not simply for the children to make no noise. My own experience with very young children suggests that the existence of such an obligation would fall foul of the principle that ‘ought implies can’.

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absurd to interpret this as meaning simply that they thereby acquired an obligation not to make a noise themselves. The obligation that they have, in virtue of being the addressees of an obligation that falls on their children, is not to be quiet (though they may also have this obligation in the situation envisaged), but to see to it that their children do not make a lot of noise, and to take some kind of remedial action if they do.

If this way of seeing things is correct, it suggests that there is nothing unusual about situations in which the addressee of an obligation acquires an obligation to do something which does not have the same content as the individual on whom the obligation falls (when the addressee and the individual on whom the obligation falls are different.) The situation with individual addressees of collective obligations seems to be analogous, and the charge of *ad hoc*ness fails.

One might still have some qualms. There is for example an apparent threat of indeterminacy as to precisely which individuals acquire which obligations in a situation of the sort that I have described. There may be situations in which it is unclear as to which actions on the part of individuals would enable the discharge of an obligation falling on the collectives of which they are a member. (Someone who thinks that there is a global obligation to meet the basic needs of the individual members of the world’s population, but is impressed by the political and institutional barriers in the way of achieving this goal may well think precisely this.) There may also be situations in which there is more than one way for individuals to act in order to discharge a collective obligation. In either case, the view I have put forward threatens to make it unclear what obligations individuals have in situations where non-agent collectives are the subjects of obligation.

All this is true. However, one should not overstate the significance of the point. In order to avoid doing so, it is worth making a distinction between views which entail that individuals have obligations with indeterminate content; and views which entail that it will often be unclear to individuals which obligations they have. Views of the first sort may be problematic,18 but it is far

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18 Although it is at least not obvious that they have to be: it is worth bearing in mind that any moral theory which allows for the possibility of so-called ‘imperfect duties’ – as for example, Kant’s moral theory does – will include obligations which have a somewhat indeterminate content. I am grateful to my former colleague Lucas Thorpe for pressing this point on me on a number of occasions.
from obvious that there is anything wrong with views of the second sort. In fact, one might feel that in some circumstances any view which is not of the second sort is unlikely to do justice to some features of moral deliberation – in particular that individuals in complex moral situations often spend quite a lot of time trying to figure out what exactly what their obligations are. However it is not clear how someone who wanted to press the indeterminacy objection could make the case that the view envisaged fell into the first, putatively objectionable category, rather than the second.\footnote{One might object that I have said nothing about how we are to determine which obligations fall on which individuals in this case. This is true, and to that extent the theory I am putting forward is at least partly incomplete. The topic is a large one, and deserves a separate paper. For some preliminary discussion see Wringe, B., ‘Explanation, Grounding and Supervenience: Some Relationships Between Collective and Individual Obligation’ (under review; earlier version delivered under the title ‘Collective Obligation, Individual Obligation and Supervenience’ at ‘Collective Intentionality V’ Helsinki, Finland, August 2006).}

5. Addressability: Some Final Questions

In section 4 I argued that considerations about the addressability of claims about obligation should not be taken to support the agency objection. In doing so I argued that in some cases of collective obligation we should see the individuals who make up a collective as being the addressees of claims of collective obligation, rather than the collective itself.

This suggestion raises three further questions. The first question is whether what I have said about the addressability of claims about the obligations of groups which are not agents carries over to the case of groups which are collective agents. My suspicion, which I shall not try to defend in detail here, is that to some extent it does: in the case of claims about the obligations of collectives which are agents we should see both the group as a whole and the individuals who make it up as being among the addressees of such claims.

A second question is about the psychological plausibility of the account I have put forward. I have argued that individuals can sometimes be seen as the addressees of claims about collectives, because it is plausible to think that sometimes individuals may rightly take facts about the obligations of groups of which they are a member to be reasons for actions of their own. But some people
are only rarely motivated to act in this kind of way: indeed, it is arguable that some are never so motivated. So one might wonder whether this raises difficulties for the account that I have put forward.

Understanding the circumstances under which the fact that a group has an obligation might constitute a reason for an individual to act in a particular way is no doubt a difficult task, and one which is only partly philosophical. However, one suggestion about the psychological mechanisms that might be required here which would be worth exploring in detail is that emotions of self-identification, such as pride in or remorse for one’s membership in a particular group play a crucial role here. Some might think that this presents a problem for someone who thinks, as I do that there can be global collective obligations in the absence of a global capacity for agency on the grounds that the relevant kinds of emotional identification work by defining the identity of an individual by contrast to a group of others. This is an issue which would be worth exploring in greater depth. As I have already said, the issues here do not seem to be purely philosophical ones. The main response that I wish to give, however, is that while it may be true that group identities are sometimes formed by means of the mechanism of exclusion outlined above, it is by no means obvious that this is something that need always be true.

The last question which I want to address is perhaps the most significant. I have argued that we should sometimes take the individuals who are the members of a group or collective to be the addressees of a claim about collective obligation rather than the group itself. But it might be wondered whether in doing so, I have made too large a concession to those who are sceptical about the possibility of non-agent collectives having obligations. The problem here is that there now seems to be an asymmetry in the position that I am putting forward. Whereas the addressees of obligations which fall on individuals are the individuals on whom the obligations fall, the addressees of obligations which fall on collectives are not the collectives themselves, but the individuals who make up those collectives.

Obviously there is an asymmetry here. However, it is not obvious, absent further argument, that we should be troubled by it. It should not surprise us that there are differences between the obligations which fall on individuals and the obligations which fall on collectives. After all, there are many other differences between collectives and individuals, and between individual and collective
agency. Given these differences, we should not be surprised that the obligations which fall on individuals and on collectives meet the Addressability Principle in different ways. What is important is that they both meet it in some way.  

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