Joint Ought

Abstract: Suppose that it would be best if some set of people all did $A$, significantly worse if they all did $B$, and worst of all if some did $A$ while some did $B$. Now suppose that they’re all going to do $B$, regardless of what the others do. It seems as though each of these people ought to pick $B$, given what the others are going to do. Yet it also seems as though something has gone wrong. This leads to a puzzle: how can it be wrong for everyone to act as they ought? In this paper, I resolve this puzzle by arguing that there are joint ‘oughts’ which apply irreducibly to pluralities of agents; even if everyone individually ought to pick $B$ (given what the others are going to do), what they jointly ought to do is all pick $A$.

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Sometimes, what you ought to do depends on what other people will do: whether or not Dad ought to pick the kids up from school depends on whether Mum is going to do it. This seems obvious enough. Yet it leads to a problem. Suppose that several agents each have two options: $A$ or $B$. It would be best if they all did $A$, significantly worse if they all did $B$, and worst of all if some did $A$ while others did $B$. As it happens, each is going to do $B$, regardless of what the others do. Given how everyone is else going to act, it seems as though each of these agents ought to choose $B$: since if they were to pick $A$, they would bring about the worst possible result. Nevertheless, there seems to be something wrong here: after all, they could all pick $A$
and bring about the best result. But how could it be wrong for everyone to do what they ought to do?¹

Cases like this pose an obvious problem for act-consequentialists. Act-consequentialism says that you are morally obligated to do whatever will have the best outcome. But in cases like the above, the theory implies that everyone ought to act in ways which will collectively bring about a suboptimal outcome. While it isn’t strictly inconsistent, many consequentialists find this conclusion hard to swallow.²

But the problem isn’t restricted to act-consequentialism: you don’t need to be a consequentialist in order to think that outcomes sometimes determine what you ought to do. Consider the following example from David Estlund (2020: 211):

Slice and Patch Go Golfing: Mr Patient needs a life-saving operation from two surgeons, Ms Slice and Mr Patch. If left unattended, Patient will die, though not painfully. If Slice cuts and Patch stitches, then he will survive. But cutting without stitching would cause his death to be agonising, as would stitching without cutting. As it happens, Slice and Patch will each go golfing, regardless of what the other does.

Since Patch would not stitch if Slice were to cut, it seems Slice ought not to cut; by not cutting, she spares Patient pointless and agonising pain. Equally, given that Slice won’t cut, it seems Patch ought not to stitch. However, it also seems seriously wrong for Patient to be left to die. Instead of playing golf, Slice and Patch could save his life; and as such, he seems to have a

¹ For discussions of cases with this structure, see e.g. (Dietz 2016; Feldman 1980; Gibbard 1965; Hurley 1989; Jackson 1987; Parfit 1986; Pinkert 2015; Regan 1980; Smith 2009; Woodard 2003). A similar problem is discussed by (Goodin 2012).
² For a careful discussion of this issue, see (Regan 1980).
serious moral claim on them to do so. The puzzle is how to do justice to all of these intuitions. If (given how Patch will act) Slice ought not to cut, and (given how Slice will act) Patch ought not to stitch, how can Patient stand to be wronged?

This paper defends the following solution. I will argue that, as well as individual ‘oughts’ which apply to individual agents, there are also joint ‘oughts’ which apply irreducibly to pluralities of agents. While Slice ought not to cut and Patch ought not to stitch, they jointly ought to operate on Patient; and it is their failure to satisfy this joint ‘ought’ which (at least in part) accounts for the wrong which Patient stands to suffer.

A version of this view is presented in some old papers by Frank Jackson (1987; Jackson and Altham 1988) and Derek Parfit (1988), and has recently been revived by Alexander Dietz (2016). According to these authors, ‘we’ together can be morally required to do something, even if none of ‘us’ is required to do our parts. I develop this view in two ways. First, I argue that we should think of joint ‘oughts’ not as ‘oughts’ which are held by group agents, but rather as ‘oughts’ which are held jointly by several agents. This may or may not be the view which Dietz, Jackson, and Parfit meant to defend. But, for reasons I will explain, I think it should be. Second, I address two forceful reasons to be suspicious of the claim that several agents jointly ought to do something even though each of them ought not to do their parts. This claim seems difficult to square (a) with the idea that it is appropriate for a victim of wrongdoing to resent her wrongdoer/s, and (b) with certain intuitive principles about the logic of ‘ought’ (namely, what I’ll call ‘transmission’ and ‘satisfiability’). I argue that both of these worries can be avoided. The paper proceeds as follows. In §1, I critique four recent attempts to solve the Slice and Patch puzzle. §2 presents my own solution to the puzzle, and §3 and §4 defend it against the two aforementioned objections.
1. Some solutions

The problem posed by cases like Slice and Patch has attracted a lot of recent attention. Before I present my own solution, it will be helpful to consider some existing solutions, and the difficulties they face.

1.1. Bad motives

Niko Kolodny (2022: 32) distinguishes between two possible versions of Slice and Patch. In what he calls ‘good-motive’ versions, the second-best combination (Slice doesn’t cut, Patch doesn’t stitch) occurs because Slice and Patch each reasonably, though falsely, believe that the other would not do their part of the operation if they were to do theirs. Kolodny claims, and I agree, that it’s not intuitive to think that Patient is wronged in these versions of the case; here, his death seems akin to a natural disaster, something tragic but not wrongful. By contrast, in what Kolodny calls ‘bad-motive’ versions, the second-best combination occurs because either or both of Slice and Patch would decline to do their parts of the best combination even if they believed that the other would do their part. It is these versions which prompt the judgement that Patient has been wronged.

Distinguishing between good- and bad-motive versions of Slice and Patch suggests a simple solution to the puzzle: since Patient is wronged only in the bad-motive versions, it must be the bad motive of one or both of the surgeons which accounts for this wrong. As I’ll explain later on, I think this is partly right. However, it cannot be the whole story.

How exactly does the truth of the counterfactual – Slice and/or Patch would decline to do their part of the operation if they believed that the other would do theirs – explain the wrong which
Patient stands to suffer? How can facts about what one or both of the surgeons would do in nearby possible worlds account for Patient’s being wronged in the actual world? Here’s Kolodny’s answer. When, say, Slice declines to cut, and it’s true that she would so decline even if she believed that Patch was going to stitch, she does the right thing for the wrong reason (Kolodny 2022: 32). That is, she rightly declines to cut, but she doesn’t do so because it will save Patient from unnecessary suffering (the fact which makes not-cutting the thing she ought to do). Rather, her reason for declining is something tangential to not-cutting being what she ought to do (for instance, her passion for golf).

However, just because Slice wouldn’t cut if she believed that Patch would stitch, this doesn’t mean that the right-making feature of Slice’s not-cutting plays no role in her deliberation. Suppose that Slice’s preferences look like this: she prefers that Patient live rather than die, she prefers that he be in less pain than more, and she prefers to go golfing over both Patient’s surviving and his experiencing less pain. This makes the relevant counterfactual true: even if Slice thought that Patch would do his part of the operation, Slice wouldn’t do hers (because she prefers to go golfing over saving Patient’s life). But when, in actuality, Slice knows that Patch won’t show up for the operation, the fact that not-cutting inflicts less pain on Patient could nonetheless be among her reasons for action. By not-cutting, Slice can satisfy both her preference for Patient being in less pain and her preference for going golfing: her act achieves both of these things. So, why not think that she acts for both of these reasons? Of course, by assumption, her preference for golfing is ‘stronger’ than her preference for saving Patient from pain. But all this means is that the former preference takes precedence over the latter when they
conflict. When there’s a single course of action that satisfies both preferences, why not say that Slice acts on both of them?

Kolodny has a reply. Let’s grant that the reasons which actually move Slice not to cut could include the fact that her doing so saves Patient from unnecessary pain. Even so, in bad-motive versions of the case, Slice still wrongs Patient because her not-cutting expresses a lack of due concern for Patient’s legitimate interests. Due concern requires that Slice’s actual motivational structure would lead her to save Patient’s life, or save him from pain, rather than going golfing, in the counterfactual situation where she has to choose between these things. Insofar as her motivational psychology is not like this, Slice’s actual behaviour communicates a lack of due concern for Patient, and so wrongs him, even though she does what she ought to do (see Kolodny 2022: 15).

The problem with this reply, however, is that it grounds Patient’s moral grievance in something which potentially predates the wrong he stands to suffer. As Estlund (2020: 226) points out, *Slice and Patch* seems to present us with a moral wrong which occurs at a specific point in time: namely, when Slice and Patch go golfing instead of saving Patient. However, Slice’s lack of due concern could predate this event. So, if we say that this motivational flaw is all that accounts for Patient’s being wronged, then we will lack an explanation of what goes wrong at the specific moment at which he is left to die.

This same problem also vitiates other motive-based solutions to the *Slice and Patch* puzzle. For instance, take Donald Regan’s ‘cooperative utilitarianism’, according to which one ought

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3 T. M. Scanlon (2008: 55-56) makes a similar point: when an agent sees more than one consideration as sufficient to make an act worth performing, she need not single out one of those considerations as the reason for which she acts.

4 [removed for peer review].
to “co-operate, with whoever else is co-operating, in the production of the best consequences possible given the behaviour of non-co-operators” (Regan 1980: 124). A co-operator, for Regan, is someone who is motivated to coordinate their actions with those of others in order to produce the best available outcome. So, in a bad-motive variant in which both Slice and Patch fail to be co-operators, each surgeon acts just as cooperative utilitarianism says they ought: since they each produce the best possible consequence given the behaviour of the non-cooperating other. Nonetheless, in failing to be co-operators, Slice and Patch fail to be as Regan’s theory says they ought to be. In a similar vein, Felix Pinkert (2015) argues that virtue requires not only that one’s actual actions produce the best possible results, but also that one’s motivational psychology is such that one would act to produce the best consequences in nearby possible worlds. The problem with such views is that they cannot account for the intuition that Patient stands to be wronged at a specific time. It may be true that, in bad-motive variants, both surgeons are unvirtuous, or fail to be motivated as they should. But this could be true at any point in time; it doesn’t necessarily become true when they leave Patient to die.

1.2. Plural requirement

David Estlund offers a different solution. He claims that it is a “Plural Requirement” that Slice cuts and Patch stitches, where this means that:

(1) If Slice cuts, then Patch is obligated to stitch

(2) If Patch stitches, then Slice is obligated to cut

and

(3) It ought to be the case that Slice cuts and Patch stitches (Estlund 2020: 233)

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5 Cooperative utilitarianism tells an individual that “he should hold himself ready to do his part in the best pattern of behaviour for the group of co-operators” (Regan 1980: 135). This, I assume, involves having motivations which would lead one to do one’s part if one believed that others would do theirs.
In order to grasp this proposal, we need to take note of an ambiguity in the meaning of sentences which contain the word ‘ought’ (‘ought-sentences’, for short). We frequently use such sentences in what I’ll call their deliberative sense, on which they say, roughly, that someone has most reason to act in a certain way. But we can also use ought-sentences in an evaluative sense, on which they say, roughly, that it would be best if things were a certain way. Sentence (3) above is intended to be read in the evaluative sense (Estlund 2020: 234). That is, it should be read as saying that it would be best if Slice and Patch were to cut and stitch, rather than as saying that they each have most reason to do these things. By contrast, the consequents of sentences (1) and (2) express what Estlund calls “deontic obligations” (Estlund 2020: 234; see also 169-172): that is, obligations which obligate an agent to act. I will assume that if one has no reasons to act otherwise, then one has most reason to fulfil one’s obligations. As such, in the absence of countervailing reasons, (1) and (2) will imply corresponding deliberative ought-sentences (just swap out ‘is obligated’ for ‘ought’).

Taken on their own, claims (1)-(3) are each insufficient to account for the intuitive moral judgements prompted by *Slice and Patch*. Neither (1) nor (2) can account for the intuition that Patient is wronged when Slice doesn’t cut and Patch doesn’t stitch: since here, neither conditional obligation gets triggered. Nor will (3) be able to account for this intuition. Since it is merely evaluative, all this claim implies is that things would have gone better if Slice and Patch had operated on Patient. Yet this seems insufficient to explain why Patient is wronged; it would be better if earthquakes didn’t occur near densely populated areas, but that doesn’t

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6 I borrow the terms ‘deliberative’ and ‘evaluative’ from Mark Schroeder (2011). Schroeder argues that the word ‘ought’ is systematically ambiguous between a deliberative reading, on which it expresses a relation between an agent and an action, and an evaluative reading, on which it functions as a propositional operator. However, theorists who deny this claim typically accept that whole ought-sentences sentences can have deliberative and evaluative readings (see Finlay and Snedegar 2014).
mean that anyone is wronged when they do. Nonetheless, Estlund argues that (1)-(3) can account for our intuitions if they are taken together. Combining (3) with (1) and (2), he claims, ‘ties’ what would otherwise be a merely evaluative ought-sentence to deontic obligation, thus generating a hybrid of deliberative and evaluative ought-claims (Estlund 2020: 234-236).

An initial worry with Estlund’s solution is that it is difficult to see how exactly his notion of Plural Requirement is supposed to account for the intuition that Patient is wronged when Slice and Patch leave him to die. The ‘tie’ between Plural Requirement and deontic obligation holds only in the event that the Plural Requirement is satisfied: when Slice cuts and Patch stitches, (1)-(3) jointly imply both that they do what is best, and that they each act in accordance with at least one of their obligations. However, when Slice and Patch go off golfing and the Plural Requirement goes unmet, all that follows is that it would be better if the surgeons were to act differently. So, while the combination of (1)-(3) might do a better job of accounting for our intuitions than (3) in the case where Patient is saved, it’s not clear that they do so in the case where he isn’t.

However, this initial worry overlooks the central point of Estlund’s view. He characterises Plural Requirement as a kind of non-agential moral requirement: that is, a moral requirement which can be violated without any agent acting contrary to an obligation (Estlund 2020: 236-239). The core idea is that when Slice and Patch go off golfing, Patient is wronged because the Plural Requirement that Slice cuts and Patch stitches goes unmet. However, neither surgeon contravenes an obligation, nor do they fail to act as they ought. The wrong which Patient suffers occurs despite the fact that everyone acts in accordance with their obligations: it is a wrong without wrongdoing.
This idea of a non-agential moral requirement, of a wrong without wrongdoing, is intriguing. But it is also at odds with a deeply intuitive element of common-sense morality: the claim that if a person is wronged, then there must be at least someone who has wronged them. This is an aspect of what is sometimes called the ‘relationality’ or ‘bipolarity’ or interpersonal morality (Thompson 2004; Wallace 2019): to be wronged and to do wrong are two sides of the same coin. The puzzle in Slice and Patch seems precisely to be how to square this claim with the intuitions that Patient is wronged when he left to die, and that Slice and Patch each act as they ought to when they go golfing (given what the other is going to do). To discard the claim that wrongs require wrongdoing, without offering independent reasons for doing so, would be to fail to engage with the puzzle as a puzzle.

To be fair to Estlund, he does provide reasons to doubt that wrongs require wrongdoing. He offers two putative counterexamples to this claim. However, I find neither persuasive. First, he cites certain views of distributive justice according to which “distributive patterns of social goods can be unjust whether or not there is anything anyone ought to do about it” (Estlund 2020: 237). But this just begs the question. Estlund is simply pointing out that there are theories which imply that there can be wrongs without wrongdoing. Yet this will not convince anyone who finds that implication implausible.

As his second counterexample, Estlund claims that “there are familiar statements such as, “One of those two people ought to help,” where this is meant not to ascribe an obligation to any particular person, but only to a disjunction of persons (so to speak)” (Estlund 2020: 237). For instance, suppose that a swimmer gets into trouble off of a crowded beach; one of the sunbathers ought to jump in and save him, but it needn’t be anyone in particular.\(^7\) Estlund

\(^7\) An example of Joel Feinberg’s (1968: 683).
claims that in examples like this it is not the case that any particular individual ought to help. Yet if no one were to help, then a moral wrong would occur; in that scenario, he says, “[v]iolation takes place without a culprit” (Estlund 2020: 238).

However, I’m unconvinced. Why not think that the sunbathers simply have conditional requirements? To make things simple, suppose that there are just two sunbathers on the beach. We can say of these two:

(4) If Sunbather B doesn’t rescue the swimmer, then Sunbather A ought to rescue him

and

(5) If Sunbather A doesn’t rescue the swimmer, then Sunbather B ought to rescue him

Neither of these conditionals says, unconditionally, that any sunbather in particular ought to rescue the swimmer. But together they imply that if neither sunbather rescues him, then both fail to do what they ought to do. So analysed, the case is not one of violation without a culprit; if the swimmer isn’t rescued, both sunbathers are culprits.

Estlund (2020: 238) objects to this proposal. He points out that if both sunbathers were to jump in and save the swimmer, then, according to (4) and (5), neither would be doing what they ought to do. Rather, their actions would be merely permitted, a result which Estlund finds unintuitive. However, there’s a simple fix for this. We can remove the unwanted implication by widening the scope of the ‘ought’ in (4) and (5) to cover an entire (material) conditional, giving us:

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8 See (Broome 1999) for a pioneering discussion of wide-scope requirements.
(4-WS) Sunbather A ought [to rescue the swimmer, if Sunbather B doesn’t rescue him] and
(5-WS) Sunbather B ought [to rescue the swimmer, if Sunbather A doesn’t rescue him]

Sunbather A satisfies the requirement expressed by (4-WS) either if Sunbather B rescues the swimmer, or if she rescues him herself. And Sunbather B satisfies (5-WS) either if Sunbather A performs the rescue, or if she performs it herself. So, when both of them jump into the water, the requirements in (4-WS) and (5-WS) are both fulfilled. But again, if neither saves the swimmer, then both fail to act as they ought.

To summarise, Estlund thinks we can solve the Slice and Patch puzzle by supposing that, when the surgeons go golfing, Patient is wronged because the Plural Requirement that Slice cuts and Patch stitches goes unmet: even though neither Slice nor Patch does anything wrong. However, I suggest that his case for rejecting the claim that wrongs require wrongdoing is undermotivated.

1.3. Pattern-based reasons

Christopher Woodard (2003; 2008; 2017; 2019) argues that there are two fundamentally distinct kinds of reasons for action. Act-based reasons count in favour of an action by virtue of the value of that action itself or its effects. Someone has an act-based reason to do something, on Woodard’s view, just if it would be good (and it’s possible) for them to do it. By contrast, pattern-based reasons\(^9\) favour an action by virtue of the value of a pattern of actions of which that action is a part. In order for an agent to have a pattern-based reason to do something, it

\(^9\) Woodard also uses the term ‘group-based reasons’ (see Woodard 2003; 2017).
needn’t be the case that it would be good for them to do it. Rather, that action needs to be part of a possible pattern of actions which, if they were to occur, would be good.

It might seem that the notion of a pattern-based reason can help to resolve the *Slice and Patch* puzzle. Given that Slice and Patch are both going golfing, neither has an act-based reason to do their part of the operation; indeed, each has an act-based reason *not* to do their part. Nevertheless, the surgeons can still have pattern-based reasons to do their parts. Even though neither action would do any good on its own, the pattern comprised of Slice’s cutting and Patches stitching is valuable. So, while they have act-based reasons not to do these things, Slice and Patch could each have pattern-based reasons to cut and stitch, by virtue of the value of the pattern of which these actions are parts.

Let’s suppose that Slice and Patch have such pattern-based reasons to play their parts in the operation. Is this sufficient to account for the intuition that Patient is wronged when they leave him to die? I don’t think so. Given that neither is going to play their part, we don’t want to say that Slice has most reason to cut, and that Patch has most reason to stitch; that would be to say that they each ought to inflict terrible and avoidable pain on Patient. So, it cannot be the case that the balance of conflicting act- and pattern-based reasons facing each surgeon tilts conclusively in favour of the pattern-based reasons. In fact, it seems most plausible to think that this balance is conclusive in favour of the act-based reasons. But if so, then it cannot be that Slice and Patch each wrong Patient by acting against their pattern-based reasons to play

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10 Whether or not this is true depends on whether some version of what Woodard calls the “willingness requirement” is correct. This says that in order for an agent *a* to have a pattern-based reason to play her part in some pattern *P*, there must be some chance that *P* would be realised if *a* were to play her part in it (Woodard 2019: 99). In earlier work, Woodard rejects all forms of the willingness requirement (Woodard 2003; 2008; 2017). However, in response to criticisms from Dietz (2016), he has since endorsed a minimal version of it (Woodard 2019). Though I focus on the earlier view, my criticism applies equally to Woodard’s current view: since if Slice and Patch lack pattern-based reasons to play their parts in the operation, then their act-based reasons not to do these things will hold sway.
their parts in the operation; while these reasons have some valence in favour of Slice cutting and Patch stitching, they are outweighed by the stronger act-based reasons.

1.4. Group agents

There’s one more possible solution I’d like to discuss. This solution adds an extra protagonist to the story: in addition to Slice, Patch, and Patient, we also have the group agent comprised of Slice and Patch (call it ‘Slice-and-Patch’). It is this fourth agent, the solution says, which bears the moral requirement to operate on Patient. That is, while neither Slice nor Patch ought to do their individual parts, Slice-and-Patch ought to undertake the operation. So, when Patient is left to die, it is not the behaviour of the individual surgeons which wrongs him, but rather that of the group agent, Slice-and-Patch.11

This solution is attractively neat. But is it plausible that Slice and Patch comprise a group agent which can bear moral requirements? Maybe in some versions of the case. Christian List and Philip Pettit (2011: 20) argue that a group of agents counts as an agent in its own right if it possesses both representational and motivational states, and is able to intervene in its environment on the basis of those states. In order to be ascribed representational/motivational states, they claim, a group needs to have in place some sort of organisational system which aggregates the states of individual group members. So, on the List-Pettit view, Slice and Patch will comprise a group agent only in situations in which they have some procedure which outputs group beliefs/desires as a function of their own individual beliefs/desires.12

11 David Killoren and Bekka Williams (2013) defend a view like this.
12 Additionally, the aggregation function/s instituted by the procedure need/s to meet some minimal requirements of rationality: though it turns out that no aggregation function can satisfy all of these requirements (Pettit and List 2011: ch. 2).
However, the intuition that Patient stands to be wronged seems to persist in versions of the case in which Slice and Patch lack such an organisational procedure. For instance, suppose that the two surgeons have never met. Both of them are standing outside the hospital on a coffee break when Patient suddenly falls to the ground in front of them. The problem is common knowledge between Slice and Patch: he needs immediate surgery or else he’ll die (though painlessly). Furthermore, it’s also common knowledge that Slice is able to cut and that Patch is able to stitch. But, as it happens, both of them are going to stand there drinking their coffees, regardless of whether the other attends to Patient or not.\(^{13}\) Here, the List-Pettit view says that Slice and Patch do not constitute a group agent. Nonetheless, it still seems as though Patient is wronged when he is left to die.

An advocate of the group-agent solution might respond by endorsing a more permissive theory of group agency (see e.g. Killoren and Williams 2013). Such a theory would have to say that a concatenation of agents can comprise a group agent even if they lack any procedure for aggregating individual group-member beliefs.desires, and so lack any determinate basis on which they can be assigned group beliefs.desires. But this response seems a little \textit{ad hoc}. What reason do we have to believe in such a permissive theory of group agency, beyond the fact that it helps the group-agent solution to avoid the above objection?

An alternative response is to grant that Slice and Patch do not comprise a group agent in the coffee-break case, but to claim that they each bear a moral requirement to take steps to form one (Collins 2013). So, when the surgeons stand around sipping their coffees, both fail to act as they ought, and thereby wrong Patient. However, this just defers the problem. Presumably, it is not true that Slice and Patch each unconditionally ought to take steps towards forming the

\(^{13}\) This version of the case is adapted from (Estlund 2020: 217).
group agent Slice-and-Patch: since it would be futile for only one of them to do so. But if Slice ought to take these steps only if Patch will, and Patch ought to take them only if Slice will, then neither of them will fail to act as they ought when they both decline to form a group agent.

2. Joint ought

I’ve rejected four attempts to solve the *Slice and Patch* puzzle. This section introduces an alternative: the *joint-ought* solution. The basic idea is that the requirement to operate on Patient is possessed not by any one thing, but rather jointly by Slice and Patch.

To elucidate this idea, consider the ways in which several things can possess a property. Sometimes, when we say that multiple objects possess a property, what we mean is that they each possess that property individually. For example, ‘these daffodils are yellow’ is best understood as being synonymous with ‘this daffodil is yellow, and that daffodil is yellow etc.’. However, in other cases this is not what we mean. For instance, think of a shady glade in a forest. It’s true that the trees shade the glade. But it’s false that any particular tree shades the glade; for any given tree, it shades only a small section. So, there must be another way of understanding this sentence. One option is to posit a compound object as the referent of ‘the trees’, and to say that it is this object which shades the glade. But it’s unnecessary to proliferate objects in this way. Instead, we can take seriously the grammatical plurality of ‘the trees’: we can suppose that this noun-phrase refers to several things, and that there is a single instance of the property shading-the-glade which is possessed by them. In other words, we can say that the trees *jointly*, or *together*, or *collectively* shade the glade.  

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14 I borrow this conception of joint property possession from Thomas H. Smith (2011). Smith develops this idea by drawing on notions of plural denotation, predication, and quantification in plural logics (see e.g. Oliver and Smiley 2016).
Similarly, I want to suggest that the property ought-to-\( \varphi \)\textsuperscript{15} can be jointly possessed by several agents.\textsuperscript{16} There are, I think, some fairly unproblematic examples of this. For instance, suppose that Teacher 1 and Teacher 2 share the marking for a class. It might be true that they ought to complete all of the marking before Friday. But it’s false that either one of them ought to do this: Teacher 1 ought only to complete her share of the marking by Friday, and likewise for Teacher 2. This case is similar to that of the shady glade. The trees jointly shade the glade by virtue of the fact that each one of them shades some portion of it. Similarly, it seems that the teachers jointly ought to complete the marking before Friday by virtue of the fact that Teacher 1 ought to complete her portion by Friday, and Teacher 2 ought to complete his by Friday.

However, I want to propose something bolder. I want to suggest that it could be true that several agents jointly ought to do something, even if each one of them ought not to do their parts. If this is true, then it enables the following solution to the \textit{Slice and Patch} puzzle. We can grant that (given what Patch will do) Slice ought not to cut, and that (given what Slice will do) Patch ought not to stitch. Nevertheless, we can say that Slice and Patch jointly ought to operate. As such, while neither surgeon fails to do what they \textit{individually} ought when they go off golfing, they fail to do what they \textit{jointly} ought to do; and it is this joint failure which accounts for the wrong which Patient suffers.

This solution assumes that \textit{Slice and Patch} has a structure different from that of the marking example: since, on this view, it can’t be that Slice and Patch jointly ought to operate by virtue

\textsuperscript{15} The assumption that ought-to-\( \varphi \) is a property fits best with the view that, on one of its readings, ‘ought’ expresses a relation. However, the claim that several agents jointly ought to \( \varphi \) can also be expressed using ‘ought’ as a propositional operator as follows (where \( aa \) denotes several agents): ought \([aa \ \varphi] \).

\textsuperscript{16} Felix Pinkert (2014) and Anne Schwenkenbecher (2021) have recently floated this idea, though they don’t connect it to the \textit{Slice and Patch} puzzle. Smith (2009) also defends the similar claim that several agents can be non-distributively blameworthy.
of the fact that Slice ought to cut and Patch ought to stitch.\textsuperscript{17} Is this a problem? Not necessarily; not all instances of joint property possession share the structure of the shady glade and marking examples. For instance, think of a couple owning a house together. The two spouses jointly own the house. But this isn’t so by virtue of Spouse 1 owning one half of the house, and Spouse 2 owning the other: their ownership, we might say, is \textit{brutely joint}. On the view I’m putting forward, Slice and Patch’s jointly possessing the property ought-to-operate is like this. Just as Spouse 1 and Spouse 2 jointly own their house without either one of them owning any particular bit of it, Slice and Patch jointly ought to operate on Patient despite the fact that neither of them ought to do their bit.

I think this is the most plausible version of the view defended by Dietz (2016), Jackson (1987; Jackson and Altham 1988), and Parfit (1988), according to which groups, ‘we’ together, can be obligated to act. As formulated by them, the Dietz-Jackson-Parfit position is ambiguous between the group-agent and the joint-ought solutions. Both solutions claim that there is a sense in which the deliberative reading of ‘Slice and Patch ought to operate’ is true. The difference, however, lies in who bears this requirement. The group-agent solution says that it is borne by one thing: the group agent, Slice-and-Patch. By contrast, the joint-ought solution says that the requirement is borne jointly by several things: namely, Slice and Patch.

The joint-ought solution is the better option because it avoids the problem I raised in §1.4. I argued that there are versions of \textit{Slice and Patch} (e.g. the coffee-break case) in which it’s implausible to think that the surgeons comprise a group agent, but nonetheless intuitive to think

\textsuperscript{17} I’m assuming that if an agent ought not to $\phi$, then it’s not the case that they ought to $\phi$. This relies on the satisfiability principle, which I discuss in §4.1.
that Patient is wronged. The group-agent solution struggles with cases like this because something like the following seems to be true:

*Agency principle:* If an entity bears a moral requirement, then it must be an agent.

Even if we suppose that Slice and Patch comprise a compound object in the coffee-break case, the agency principle says that this object cannot bear the requirement to operate on Patient: since, at least on a plausibly restricted theory of group agency, it is not an agent. However, the joint-ought solution implies no conflict with this principle. The agency principle stipulates a necessary condition on a single entity bearing moral requirements. But the claim that Slice and Patch jointly ought to operate does not ascribe a moral requirement to any single entity; rather, it ascribes one jointly to several entities.

However, this is only half of the story. If the agency principle gives a plausible restriction on when an entity can bear moral requirements, then maybe a similar restriction holds for when several entities can jointly bear moral requirements. Here’s one possibility:

*Plural agency principle (v.1):* If several entities jointly bear a moral requirement, then they must jointly form an agent.

If this principle is right, then the joint-ought solution won’t avoid the problem with the group-agent solution after all. It implies that in order for Slice and Patch jointly to bear the requirement to operate on Patient, they must jointly possess the property form-an-agent. But they will jointly

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18 For discussions of this principle in relation to group agents, see (Collins 2019: ch. 3; Wringe 2010).
possess this property only if they comprise a group agent. So we’re back where we started: no group agent in the coffee-break case, so no requirement to operate (joint or singular).

However, there’s another possibility:

*Plural agency principle (v.2):* If several entities jointly bear a moral requirement, then they must each be agents

This principle is perfectly consistent with the joint-ought solution. Even in cases like the coffee-break variant where Slice and Patch do not form a group agent, it is still true that each of them is an agent.

The question, then, is which of the two plural agency principles is true: v.1 or v.2? I think there are plausible examples of joint moral requirement without group agents. Recall the marking example I gave earlier in this section: Teacher 1 and Teacher 2 jointly ought to complete all of the marking by Friday. Let’s suppose that the teachers have been assigned their marking by an administrator and have never met; they lack a procedure for aggregating their individual beliefs/desires into group beliefs/desires, and so do not form a group agent. Does this undermine the claim that they jointly ought to finish all of the marking by Friday? I don’t think so; it still seems plausible to think that there is a moral requirement which is borne by neither Teacher 1 (she ought only to complete her portion) nor Teacher 2 (ditto). As such, I think we have grounds for rejecting v.1, and endorsing v.2 instead.

To summarise, the joint-ought solution resolves the *Slice and Patch* puzzle by positing that the surgeons jointly possess the property ought-to-operate. This avoids the problem facing the
group-agent solution, since we have grounds for thinking that several agents can jointly bear a moral requirement even if they don’t form a group agent. However, I haven’t yet defended the claim that Slice and Patch jointly ought to operate *even though* Slice ought not to cut and Patch ought not to stitch. There are several reasons to think that this claim is suspect; the following sections address two. §3 revisits the issue of motives, and considers whether it could be appropriate for Patient to resent Slice and/or Patch. §4 responds to an objection which arises from considerations about the logic of ‘ought’.

3. Motives and resentment

In §1.1 I expressed agreement with Kolodny’s claim that it’s intuitive to think that Patient is wronged only in bad-motive versions of the case, and not in good-motive versions. In good-motive versions, recall, Patient is left to die despite the fact that Slice and Patch would both do their parts of the operation if they believed that the other would do theirs. In bad-motive versions, by contrast, either one of both of the surgeons wouldn’t do their part/s even if they believed that the other would do theirs.

It might seem that Kolodny’s observation grounds an objection to the joint-ought solution. On my view, Slice and Patch fail to what they jointly ought to do in both good- and bad-motive cases. But how does this square with intuition that Patient is wronged only in the latter cases?

The correct response, I think, is to say that Slice and Patch omitting to do what they (singly or jointly) ought to do is necessary but not sufficient for Patient to be wronged; additionally, that omission needs to be tied to some failure in Slice and/or Patch to show due concern for Patient’s legitimate interests. This is what we have in bad-motive cases. Here, some element of Slice and/or Patch’s motivational psychology makes it true that they wouldn’t do their part/s of the
operation even if they believed that the other would do theirs. Being motivated in this way amounts to a failure to have due regard for Patient; and, moreover, this motivational flaw is at least part of what explains why Slice and/or Patch choose/s to golf rather than cut/stitch. In good-motive cases, by contrast, the surgeons omit to operate not because they have insufficient regard for Patient, but rather because each justifiably (though falsely) believes that the other would not do their part if they were to do theirs.

In this way, my view can be seen as complementary to Kolodny’s. I argued in §1.1 that motive-based views like Kolodny’s cannot account for the intuition that a discrete wrong occurs when Slice and Patch go off golfing. However, this can be rectified by introducing the notion of a joint ‘ought’: in bad-motive cases, Patient is wronged in part because Slice and/or Patch exhibit a lack of due concern, but also in part because this motivational flaw causes them to fail to do what they jointly ought to do at a precise moment in time.

However, there seems to be another objection in the vicinity. Since Patient is wronged in bad-motive cases, it seems appropriate that he should feel resentment for those who wrong him. But whom can he resent? By not cutting/stitching, Slice and Patch each do what they individually ought to do. As such, it seems inappropriate for Patient to resent either of them.

My answer to the first objection helps to answer the second. Resentment seems to be more fine-grained than this objection supposes. The wrong which Patient suffers doesn’t make it appropriate for him to resent Slice and Patch simpliciter. Rather, it makes it appropriate to resent them for something. What for? According to the view I’ve presented, Patient can resent Slice and/or Patch for a lack of due concern which helps to explain why the pair have failed to do what they jointly ought to do. This doesn’t imply, however, that he can resent them for
doing what they individually ought to do. Of course, it may be true that the same lack of due concern helps to explain both why the surgeons contravene their joint ‘ought’, and why they each comply with their individual ‘oughts’: for instance, if they both care more about golfing than saving Patient. My claim is that this motivational flaw is an appropriate object of resentment under certain descriptions, but not under others: *qua* (partial) cause of Slice and Patch’s failing to do what they jointly ought to do, it can be resented; *qua* (partial) cause of Slice and Patch’s each doing what they individually ought to do, it cannot.\(^\text{19}\)

**4. The logic of joint ought**

A different challenge to my view emerges when we consider principles governing the logic of ‘ought’: that is, principles which govern relations of inference and consistency between ought-sentences. My view seems to contradict a plausible principle, according to which ‘ought’ transmits from ends to necessary means; that is, if \(A\) ought to be done, and \(B\) needs to be done in order for \(A\) to be done, then \(B\) ought to be done as well. At least at first glance, this principle seems intuitive. For instance, if I ought to catch a flight, and I need to buy a ticket in order to fly, then it seems I ought to buy a ticket. However, my view appears to violate ends-means transmission. When it’s true that Slice won’t cut and Patch won’t stitch, my view says that they jointly ought to operate, but that Slice ought not to cut and Patch ought not to stitch. Yet Slice’s cutting and Patch’s stitching are both necessary means to their operating together. So, my view implies that the surgeons jointly ought to do something which they ought not to take the necessary means to.

\(^{19}\) To be clear, I take resentment to be appropriate only as a response to perceived wrongdoing. However, I grant that it may be appropriate for Patient to feel other moral emotions, such as anger, in response to a lack of due concern which results in Slice and/or Patch acting as they individually ought.
This challenge, however, is too quick: it conflates two different principles about the transmission of ‘ought’ from ends to necessary means. The example I used to motivate ends-means transmission lends intuitive support to the claim that an agent ought to take the necessary means to any end which she ought to pursue. This can be formulated as follows:

\[ \text{Transmission: for any agent } a, \text{ if } a \text{ ought to } \phi, \text{ and } \psi\text{-ing is a necessary means for } a \text{ to } \phi, \text{ then } a \text{ ought to } \psi \] (Kiesewetter 2015: 922)

However, my view is perfectly consistent with this principle. What it contradicts is the claim that an agent ought to take the means necessary to any end which she and others \textit{jointly} ought to pursue, a claim which can be formulated as follows:

\[ \text{Plural transmission: for any agents } aa, \text{ and for any agent } a \text{ among } aa, \text{ if } aa \text{ jointly ought to } \phi, \text{ and } a'\text{'s } \psi\text{-ing is a necessary means for } aa \text{ to } \phi, \text{ then } a \text{ ought to } \psi \]

Now, the fact that my solution to the \textit{Slice and Patch} puzzle is inconsistent with the plural transmission principle does not necessarily count against it. If you think that plural transmission is particularly attractive, then you’ll be inclined to reject the joint-ought solution on that basis. But equally, if you find my solution compelling, then you might well be inclined to think of \textit{Slice and Patch} as a counterexample to the plural transmission principle. The same point works both ways. Is there a way to make progress?

Here’s what I propose to do. In §4.1 I’ll present a recent defence of the transmission principle offered by Benjamin Kiesewetter (2015). In §4.2, I’ll then argue that even if Kiesewetter is right about transmission, his argument cannot used to defend plural transmission. In discussing
Kiesewetter’s defence of transmission, I’ll also raise another principle about the logic of ‘ought’ which my view seems in tension with: namely, ‘satisfiability’. I’ll consider whether an analogous principle holds for joint ‘oughts’; again, my answer will be ‘no’.

4.1. Actualism and satisfiability

As I’ve already noted, the transmission principle has considerable intuitive plausibility. However, it has been criticised by authors who endorse a view known as ‘actualism’. This view says that what an agent ought to do can depend on what she will actually do in the future. Given actualism, the transmission principle is open to counterexamples which are essentially intrapersonal versions of cases like *Slice and Patch*. Consider the following well-known example, due to Frank Jackson and Robert Pargetter (1986)\(^{20}\):

*Professor Procrastinate:* Professor Procrastinate has been invited to review a book. It would be best if he were to accept the invitation and write the review. It would be significantly worse for him to turn down the invitation: if he declines, then someone else will write a mediocre review. But it would be worst of all if Procrastinate were to accept the invitation but fail to write: not only will someone else write a mediocre review, but the journal editors’ time will have been wasted. As it happens, if Procrastinate accepts, then he will not write; he is lazy, and will put off writing until it’s too late to meet the deadline.

What Procrastinate ought to do, it seems, is [accept and write], since this course of action has the best available outcome. However, according to actualism, Procrastinate ought not to accept: since, given what he will actually do, accepting would lead to the worst available outcome. So,

\(^{20}\)For similar examples, see (Broome 2013: 126; Kolodny 2018; Raz 2005).
since accepting is a necessary means to [accepting and writing], actualists hold that Professor Procrastinate is a counterexample to the transmission principle.

Kiesewetter rejects the actualist challenge to transmission. The actualist position, he argues, is inconsistent with another intuitive claim about the logic of ‘ought’, according to which it must be possible for an agent to satisfy all the ‘oughts’ which hold of her. This can be formulated as follows:

Satisfiability: for any agent $a$, if $a$ ought to $\varphi$ and $a$ ought to $\psi$, then it is possible for $a$ to $[\varphi$ and $\psi]$ (Kiesewetter 2015: 930)

Actualism contradicts the satisfiability principle, since it holds that Procrastinate both ought to not-accept and ought to [accept and write]. However, his not-accepting is incompossible with his [accepting and writing]. So, actualism implies that it’s impossible for Procrastinate to do everything he ought.

Merely pointing out that actualism contradicts satisfiability might not worry an actualist. Why can’t they simply treat Professor Procrastinate as a counterexample to both the transmission and the satisfiability principles? However, Kiesewetter argues that satisfiability cannot be rejected. This is because if this principle were false, then an agent could be necessarily irrational purely by virtue of believing the truth: an absurdity. To see this, suppose, contra satisfiability, that an agent $a$ ought to do both $A$ and $B$, and that $A$ and $B$ are incompatible. Kiesewetter claims that if someone believes that they ought to do something in the deliberative sense, then they are rationally committed to intend to do it; in other words, it’s irrational to believe that you ought to do an action while, at the same time, lacking the intention to do it.
Given this, if \( a \) believes the truth about what she ought to do, then she will be rationally committed to intend to do \( A \) and to intend to do \( B \). However, it is irrational to intend actions which one believes to be incompatible. So, if \( a \) has true beliefs about her situation, then she will be necessarily irrational (Kiesewetter 2015: 931).

Let’s consider more closely how this argument applies to the actualist’s position on *Professor Procrastinate*. This violates satisfiability because it says that Procrastinate both ought to not-accept and ought to [accept and write]. Suppose that he believes this. As such, he’ll be rationally required to intend to [accept and write]. But will he also be committed to intend not to accept? I’m doubtful. Rather, his belief that he ought not to accept seems to commit him merely to lack a particular intention: namely, the intention to accept. To illustrate, suppose that I believe that I ought not to murder. Am I irrational if, at the same time, I lack the intention not to murder? A ‘yes’ here seems too strong; all rationality appears to require is that I lack the intention to murder.

So far, then, the actualist position doesn’t imply that Procrastinate’s true beliefs commit him to incompatible intentions: all they commit him to is having the intention to [accept and write], and lacking the intention to accept. However, we will get a similar result if we endorse a plausible principle about means-end rationality. Intuitively, if an agent intends to do \( A \), and believes that \( B \) is a necessary means to doing \( A \), then she’s rationally required to intend to do \( B \).\(^{21}\) If this is right, then it follows that Procrastinate will be necessarily irrational if he has true beliefs about his situation. Given that he intends to [accept and write], and believes that accepting is a necessary means to [accepting and writing], Procrastinate will be rationally required to intend to accept. Yet his belief that he ought not to accept rationally commits him

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\(^{21}\) This is often labelled the ‘instrumental principle’. See e.g. (Broome 1999; Raz 2005; Wallace 2001; Way 2010).
not to intend to accept. So, Procrastinate’s true beliefs seem to make irrationality unavoidable: either he has or lacks the intention to accept, and either way he’s irrational.

Kiesewetter thus provides a roundabout argument for the transmission principle. Contra actualism, cases like Professor Procrastinate cannot be treated as counterexamples to transmission: since if we endorse the actualist challenge, then we’ll have think that Procrastinate could be necessarily irrational by virtue of believing the truth.

4.2. An argument for plural transmission?

Does Kiesewetter’s argument translate into an argument for the plural transmission principle? You might think that it does. Just as actualists claim that Professor Procrastinate is a counterexample to transmission, advocates of the joint-ought solution want to say that Slice and Patch is a counterexample to plural transmission. However, treating Slice and Patch in this way contradicts a version of the claim that ‘oughts’ must be jointly satisfiable. The joint-ought solution contradicts plural transmission because it says that if Slice won’t cut and Patch won’t stitch, then, even though Slice ought not to cut and Patch ought not to stitch, they jointly ought to operate. However, Slice and Patch’s operating is incompossible with Slice’s not-cutting and Patch’s not-stitching. So, if we treat Slice and Patch as a counterexample to plural transmission, then the surgeons will be unable to do everything they ought.

Again, however, we need to be precise about the claim being contradicted. The joint-ought solution does not conflict with the satisfiability principle, as formulated in §4.1. This says that it must be possible for an agent to do everything she ought. But my view is perfectly consistent with that claim. What it contradicts is that claim that it must be possible for several agents to
do everything which they, *individually and jointly*, ought to do. This can be formulated as follows:

*Plural satisfiability:* for any agents $aa$, and for any agent $a$ among $aa$, if $aa$ jointly ought to $\varphi$, and $a$ ought to $\psi$, then it is possible for $[aa$ to $\varphi$ and $a$ to $\psi]$.

The question, then, is whether Kiesewetter’s argument in favour of the satisfiability principle can be adapted to support the plural satisfiability principle. Here’s an attempt. If claims about joint ‘oughts’ are to have deliberative readings, then, you might think, they must rationally commit agents to intentions. What intentions? Here’s a suggestion: if an agent believes that ‘we’ jointly ought to do something, then she is rationally committed to intend that ‘we’ do it. Given this, if it were true that several agents jointly ought to do $J$, and that (at least) one of those agents individually ought to do $A$ which is incompatible with $J$, then that agent could be necessarily irrational simply because she has true beliefs: either she correctly believes that ‘we’ jointly ought to do $J$ while lacking the intention that ‘we’ do it, or she correctly believes that she individually ought to do $A$ while lacking the intention to do it, or she intends two actions ($J$ and $A$) which she correctly believes are incompatible.

I suggested in §4.1 that actualism implies that Procrastinate’s true beliefs make him necessarily irrational only given the instrumental principle (if you intend to do $A$, and believe that $B$ is a necessary means to $A$, then you’re rationally required to intend to do $B$). Similarly, we’ll need a plural analogue of this principle in order to get the result that Slice and Patch’s true beliefs commit them to irrationality: if an agent intends that ‘we’ do $J$, and believes that her doing $A$ is a necessary means to ‘our’ doing $J$, then she’s rationally required to intend to do $A$. Suppose that Slice correctly believes that she and Patch jointly ought to operate. According to the above
argument, she’ll therefore be committed to intend that she and Patch operate. Given the plural analogue of the instrumental principle, if she also believes that her cutting is a necessary means to their operating, she’ll be rationally required to intend to cut. Yet if she also believes that she ought not to cut, then she’ll be rationally committed not to intend to cut. So, it seems the joint-ought view implies, absurdly, that Slice’s true beliefs make irrationality unavoidable: either she has or lacks the intention to cut, and either way she is irrational.

However, I propose that this variation on Kiesewetter’s argument is unsound. It’s only true that Slice ought not to cut because, if she were to cut, Patch wouldn’t stitch. But if Slice knows this, then it will not be rational for her to form the intention that she and Patch operate. In order for an agent rationally to intend an action, she needs to believe that the action is within her control, that she could bring it about. Yet if Slice believes that Patch won’t stitch even if she were to cut, then she cannot consistently believe that her and Patch’s operating is within her control.

Some authors (e.g. Baier 1997; Stoutland 1997; Velleman 1997) have argued that joint actions (or at least, cooperative joint actions) are never within the control of an individual. A joint action, they point out, necessarily requires input from multiple agents. But what you do cannot be within my control, and vice versa. So, it is never rational for an agent to intend that ‘we’ (cooperatively) act together. However, Michael Bratman (1999) points out a flaw in this argument. Agents can be sensitive to the actions and intentions of one another. In such contexts, it can be reasonable for an agent to believe that the actions of others are within her control: not because she has authority or coercive power over other agents, but rather because they hold conditional intentions to act on the condition that she acts or intends a certain way.
Given Bratman’s observation, it will be rational for Slice to intend that she and Patch operate when she believes that Patch would do his bit of the operation if she were to do (or intend to do) hers; under such conditions, Slice can take it to be under her control whether or not she and Patch operate. However, if this belief is true, then it will be false that Slice ought not to cut. So, the plural analogue of Kiesewetter’s argument fails: neither surgeon will be unavoidably irrational by virtue of believing (what the joint-ought view says is) the truth. On the one hand, if the belief that she and Patch jointly ought to operate rationally commits Slice to intend that ‘we’ operate, then she must believe that Patch would stitch if she were to cut; and if this belief is true, then it’s false that she ought not to cut. On the other, if it’s true that Slice ought not to cut, then she cannot correctly believe that her and Patch’s operating is within her control, and so cannot be rationally required to intend it (even if she believes that it’s what they jointly ought to do).

5. Conclusion

Cases like Slice and Patch pose a problem for anyone who thinks that consequences can sometimes determine what you ought to do. The joint-ought solution resolves the problem by positing that the property ought-to-operate-on-Patient is possessed jointly by Slice and Patch. So, while Slice and Patch each act as they individually ought (given what the other will do) when they go off golfing, they fail to do what they jointly ought to do. I’ve defended this view against two forceful objections. It is appropriate for Patient to resent one or both of Slice and Patch for the wrong he stands to suffer: since, in bad-motive variants, the surgeons’ failure to satisfy their joint ‘ought’ is caused by a lack of due concern in one or both of them. Furthermore, the joint-ought solution does not violate plausible principles for the logic of ‘ought’. While we may have good grounds for endorsing transmission and satisfiability, they do not translate into grounds for endorsing plural transmission and plural satisfiability.
Bibliography


