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## 'Coalitions of the Willing' and the Shared Responsibility to Protect

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# 'Coalitions of the Willing' and the Shared Responsibility to Protect

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## 1. Introduction

There has been widespread support for the idea that the so-called 'international community' has a remedial moral responsibility to protect vulnerable populations from mass atrocities when their own governments fail to do so. Moreover, military intervention may, when necessary, be one means of discharging this proposed 'responsibility to protect' or, more colloquially, 'RtoP'.[1] But, where exactly is this responsibility located? In other words, which body, or bodies, can be expected to discharge a duty to safeguard those who lack the protection of – or, indeed, come under threat from – their own government? A particularly pressing context for this question arises when the United Nations (UN) is unwilling or unable to act, and there is no one state to fill the breach, no 'agent-of-last-resort' to invoke Michael Walzer's phrase (along with all of the controversy and potential risks that he acknowledges reliance on such a protector entails).[2]

This chapter will examine 'coalitions of the willing', or temporary, purpose-driven, self-selected collections of states, and sometimes non-state and inter-governmental actors, as one (likely provocative) answer to this question. It will also explore how the informal nature of

[1] As RtoP is often, inaccurately, treated synonymously with military intervention on humanitarian grounds, two points of clarification should be offered. First, RtoP is articulated as a comprehensive 'three pillar' strategy. Military intervention contributes to the third pillar, which sets out the international community's 'Timely and Decisive Response' when states manifestly fail to protect their own populations (and can also, conceivably, contribute to the second pillar in the form of preventative peacekeeping). Second, while military intervention as a means of responding to this failure is the focus of this chapter, sanctions and diplomatic strategies are examples of alternative, or preliminary, means. See the Outcome Document of the 2005 United Nations World Summit, UN Doc. A/RES/60/1 (24 October 2005), paras. 138, 139; and the Secretary-General's 2009 Report on Implementing the responsibility to protect, UN Doc. A/63/677 (12 January 2009).
[2] M. Walzer, 'The Politics of Rescue', (1995) 62(1) SR 53, at 64.

such associations complicates, and should inform, the judgements of moral responsibility that we make in relation to them. In undertaking both tasks, it will offer a practical and demanding account of *shared responsibility* in world politics. Moreover, it will illustrate the importance of two crucial, preliminary steps towards this volume's stated goal of determining how responsibility is to be distributed between agents in cases of concerted action: i) analysing how our expectations of discrete agents – and our evaluations of their acts and omissions – should be recalibrated when they participate in (or are in a position to participate in) a cooperative endeavour with other agents; and (as a second step made possible in part by the first) ii) clearly identifying the relevant agents amongst whom duties might be allocated or blame apportioned.

I will begin by briefly recounting what I call a 'model of institutional moral agency' in order to explain why it is conceptually coherent and necessary in practice to assume that moral responsibilities can be borne by formal organisations (such as states, multinational corporations (MNCs) and intergovernmental organisations), but why it seems theoretically and practically problematic to talk about the moral responsibilities of *informal* associations.[3] I will then focus on coalitions of the willing as prominent, and challenging, examples of the latter category, before raising misgivings about my own rather stark distinction if it means that accounts of moral responsibility must be reduced to the members – or potential members – of such coalitions in a way that neglects the moral significance of their acting together. Prompted by these concerns, I will explore important arguments by Virginia Held and Larry May about moral responsibility in relation to informal associations and identify insights that can be taken from these positions to refine our expectations and evaluations of the actions associated with such collectivities in world politics. Finally, I will consider the particular implications of these insights for addressing how the widely espoused duty to intervene to rescue vulnerable populations can be understood in relation to coalitions of the willing. Perhaps most controversially, this analysis will lead to a proposal that, under certain circumstances, states and other entities have a duty to form such *ad hoc* associations – and may be held to account when they fail to do so.

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[3] This chapter follows on from qualified arguments for understanding states and intergovernmental organisations (such as the UN) as bearers of moral responsibilities in world politics. See T. Erskine 'Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States' (2001) 15(2) EIA 67; and T. Erskine, '"Blood on the UN's Hands"? Assigning Duties and Apportioning Blame to an Intergovernmental Organizations' (2004) 18(1) GS 21. The arguments in each article have been revised and updated as chapters 3 and 4, respectively, of T. Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations* (in preparation).

## 2. A model of institutional moral agency[4]

Claims to moral responsibility are ubiquitous in world politics. Such statements make use of two different, but closely related, understandings of responsibility. Prospective moral responsibility involves *ex ante* judgments regarding acts that ought to be performed, or forbearances that must be observed. Retrospective moral responsibility entails *ex post facto* assessments of a particular event or set of circumstances for which an agent's acts or omissions were such that the agent is the object of praise or blame. The forward-looking variation is heard in assertions of duty and obligation;[5] the backward-looking variation emerges most often in charges of blame and accountability. Statements by two UN secretaries-general, both contemplating the consequences of inaction in the face of widespread human rights violations, provide respective examples of each understanding. '[T]he international community has a moral responsibility', Ban Ki-moon declared in 2012, 'to stop the bloodbath and find peace for the people of Syria'.[6] Apportioning moral responsibility for approximately 800,000 deaths in 1994, Kofi Annan lamented that 'the international community' is 'guilty of sins of omission' in the context of the Rwanda genocide.[7] These statements exemplify the judgments of moral responsibility so commonly voiced in world politics. However, they also highlight the worrying ambiguity that often accompanies them, and is apparent in key articulations of RtoP, by suggesting that duties might somehow be assigned, and blame apportioned, to the international community – an entity that would seem incapable of unified, purposive action in the first place.

Importantly, to be intelligible, judgments of moral responsibility must be directed toward entities capable of responding to ethical imperatives. In other words, they must be directed

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[4] This section draws on discussions of this model in the following: Erskine, 'States and Quasi-States', n. 3, reprinted in T. Erskine (ed.), *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations* (New York: Palgrave Macmillan, 2003), 19; T. Erskine, 'Making Sense of "Responsibility" in International Relations – Key Questions and Concepts', in Erskine (ed), *Can Institutions Have Responsibilities?*, ibid., 1; Erskine, 'Blood on the UN's Hands', n. 3; Erskine, 'Locating Responsibility: The Problem of Moral Agency in International Relations', in C. Reus-Smit & D. Snidal (eds.), *The Oxford Handbook of International Relations* (Oxford University Press, 2008), 699; and T. Erskine, 'Kicking Bodies and Damning Souls: The Danger of Harming "Innocent" Individuals While Punishing "Delinquent" States', (2010) 24(3) EIA 261.

[5] I am using 'moral responsibilities', 'duties', and 'obligations' interchangeably to indicate actions or forbearances that one is deemed bound to perform or observe.

[6] UN Secretary General Ban Ki-moon, speaking at Drake University in Des Moines, Iowa, attributed by his spokesperson, M. Nesirky. See 'Int'l community has moral responsibility to end violence in Syria: UN chief', English.news.cn, 20 October 2012, at: http://news.xinhuanet.com/english/world/2012-10/20/c_131918013.htm (accessed 30 April 2013).

[7] 'Rwanda genocide "must leave us always with a sense of bitter regret and abiding sorrow", says Secretary-General to the New York Memorial Conference', 26 March 2004, United Nations Press Release, SG/SM/9223 AFR/870 HQ/631.

toward *moral agents*, or those bodies that possess capacities to contemplate, recognise the significance of, and ultimately execute different courses of action. Overlooking those bodies that qualify as moral agents in world politics when considering how best to respond to crises, or mistakenly assuming that moral responsibilities can be borne by those bodies that do not qualify, each has detrimental consequences. Such missteps hamper attempts to consider, coordinate, and execute remedial action effectively and robustly. They also result in missed opportunities to determine what went wrong when crises are neither prevented nor mitigated. Avoiding such shortcomings is particularly pressing in just those cases that prompt calls to protect vulnerable populations – when inaction can have far-reaching and tragic consequences, and failing to learn from past mistakes deprives us of the knowledge needed to make meaningful pledges of 'never again'.

Yet, identifying moral agents in world politics is far from straightforward. Most philosophers understand moral agency exclusively in terms of individual human beings. Such an assumption seems unnecessarily limiting. In theory, it flies in the face of the observation that the norms, rules, procedures, practices and cultures of formal organisations frame and channel the decisions and actions of those individual human beings within them – with the result that these organisations can reach decisions and act in ways not adequately described in terms of the sum of decisions and actions of their constituents. In practice, such an assumption severely restricts often consequential assessments of moral responsibility in relation to some of the most pressing problems in world politics: when prescriptions for action and accounts of wrongdoing risk being incomplete if directed only at individual human beings. Duty and blame, in the context of certain acts and omissions, seem more accurately attached to the organisations themselves.

Given these objections to the idea that individual human beings exhaust the class of moral agent – along with the point that bodies like financial institutions, states, MNCs and the UN, for example, are often described as bearers of duties and appropriate objects of blame in practical discourses in world politics (in a way that might be unexamined, but that I do not think is always meant as shorthand for referring to individual human actors) – it makes eminent sense to consider the possibility that such collectivities also qualify. This potential is usefully gestured towards within the disciplines of International Relations (IR) and international law. A number of prominent movements within IR imbue certain collectivities

(most notably states) with agency;[8] contributions to international law defend the legal personality of an even broader range of collectivities (such as states, MNCs and intergovernmental organisations).[9] Yet, work within both fields either sidesteps or precludes a question that would address the ethical implications of the sophisticated capacities that they thereby already attribute to formal organisations in the international realm: namely, can certain collectivities be *moral* agents?[10] Raising such a question links unexamined assumptions within IR and international law to important philosophical enquires in a way that could inform and refine our understanding of responsibility in international law and politics.

Fortunately, this question has received sustained attention elsewhere. Focusing primarily on business firms, Peter French challenges what he identifies as an 'anthropocentric bias' in our moral reasoning and aims to illustrate that corporations can be 'moral persons'.[11] Borrowing terminology from geology, he distinguishes between what he calls an 'aggregate collectivity' ('merely a collection of people') and a 'conglomerate collectivity' ('an organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization').[12] He concludes that the latter are 'full-fledged members of the moral community, of equal standing with the traditionally-acknowledged residents: human beings'.[13] Moreover, in an article on duties to respond to nuclear dangers, Onora O'Neill highlights parallels between the capacities of individual human agents and those of institutions, and argues that institutions can also be agents for whom ethical reasoning is both

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[8] The same approaches, however, refuse to characterise as agents those bodies with arguably comparable capacities, such as intergovernmental organisations. For both points, see Erskine, 'Locating Responsibility: The Problem of Moral Agency in International Relations', n. 4, at 702-4.

[9] See, for example, J. Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013); and J. Crawford, A. Pellet and S. Oleson (eds.), *The Law of International Responsibility* (Oxford University Press, 2010). For an account of the relationship between assumptions of legal personality and the understanding of moral agency being addressed here, see Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 2.

[10] IR's general neglect of this question prompted the project within which the present work is situated. This project has also included a collaborative dimension, which has produced *inter alia* Erskine (ed.), *Can Institutions Have Responsibilities?*, n. 4. For the argument that many movements in IR *preclude* questions of specifically moral agency by being methodologically predisposed to avoiding ethical analyses, see Erskine, 'Locating Responsibility: The Problem of Moral Agency in International Relations', n. 4, 703.

[11] P. French, *Collective and Corporate Responsibility* (New York: Columbia University Press, 1984), at 46-47.

[12] Ibid., at 5, 13.

[13] Ibid., at 32. Note that my account of institutional moral agency, summarised here, does not go quite as far as French in maintaining that formal organisations are 'members of the moral community … of equal standing with ... human beings'. While both individual human beings and formal organisations can qualify as moral agents, or bearers of duties, I argue that only the former are 'moral patients', or entities to which duties are owed. See Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 2.

accessible and action-guiding.[14]

Adding to and elaborating upon French's account of 'conglomerate collectivities,' and inspired by O'Neill's 'thin theory of institutional agency',[15] I have proposed that a collectivity qualifies as a moral agent if it possesses five characteristics: first, an identity that is more than the sum of the identities of its constitutive parts, or what might be called a 'corporate' identity; second, a decision-making structure that can commit the group to a policy or course of action that is different from the individual positions of some (or all) of its members;[16] third, mechanisms by which group decisions can be translated into actions (thereby establishing, with the previous criterion, a capacity for purposive action); fourth, an identity over time; and, fifth, a conception of itself as a unit (meaning simply that it cannot be merely externally defined).[17] I refer to collectivities that have these qualifying features as 'institutional moral agents'. They can be subject to the assignment of duties and the apportioning of blame in the context of particular acts and omissions in a way that is not reducible to their individual constituents – as long as they enjoy the (limited) independence from other agents and structural constraints necessary to perform the requisite actions.[18] (Neither individual human nor institutional moral agents can coherently be expected to discharge a duty in the absence of enabling conditions.) To avoid misunderstanding, this proposed model in no way precludes or undermines the moral agency of those individual human actors, or subgroups, that constitute the institutional moral agent. Rather, moral agency exists simultaneously at different levels, and moral agents at all levels can be responsible for concurrent, complementary, or even coordinated acts and omissions.

In light of this model, one might ask which collectivities in world politics would be able to respond to the proposed moral imperative to protect vulnerable populations. Although each case warrants detailed examination beyond the scope of this chapter, one might argue that most states and many intergovernmental organisations (including the UN and, perhaps, some

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[14] O. O'Neill, 'Who Can Endeavour Peace?' (1986) 16 CJP 41 (special issue, supplementary vol. 12).

[15] Ibid., at 61-67.

[16] Although I was inspired by French's account of 'corporate moral personhood' in offering this criterion, Philip Pettit's work on why certain decision-making structures make possible group agency has also been influential. My description of this criterion moves some way towards Pettit's conception, but is less stringent. See French, *Collective and Corporate Responsibility*, n. 11, chapters 3-4; and P. Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Oxford University Press, 2001), chapter 5.

[17] Each of these criteria is set out in detail in Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 2.

[18] This final qualification highlights the crucial point that even those bodies that qualify as moral agents cannot exercise this agency in all circumstances. See Erskine, 'States and Quasi-states', n. 3, at 79-83; and O'Neill, 'Who Can Endeavour Peace?', n. 14, at 51.

regional alliances of states such as the North Atlantic Treaty Organization (NATO) and the Arab League) possess the sophisticated, integrated capacities for deliberation and action that allow them to qualify as institutional moral agents.[19] As moral agents, they could reasonably be expected to discharge such a duty in accordance with established moral guidelines and in the context of enabling conditions.[20] They could also, then, be blamed for the acts or omissions that derogate from this duty.

## 3. Coalitions of the willing as a 'hard case'

Coalitions of the willing, however, belong to a broad category of unlikely candidates for institutional moral agency: informal associations, or those collectivities that lack formal organisational structures and decision-making procedures. Informal associations are prominent in both the scholarly domain of IR and the practical world of international politics. 'International society', 'epistemic communities', 'transnational advocacy networks' and 'communities of practice' are all informal associations that are notable, and fruitful, objects of analysis in IR.[21] Terrorist networks, protest movements and coalitions of the willing – as well as the more amorphous collectivities known respectively as 'the international community', 'the (global) market', 'the media', and 'the Internet' – are examples of informal associations regularly invoked in practical discourses and debates.[22] Each would *prima facie* struggle to be

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[19] It is possible that if the Arab League and NATO were to qualify as institutional moral agents, they would only do so contingently. This is a tentative conclusion comparable to that reached about the UN, another body that similarly balances supra-national structures and processes with a commitment to its member states' sovereignty. For the conclusion that the UN might possess moral agency only 'contingently', see Erskine, 'Blood on the UN's Hands', n. 3, at 41. For a discussion of the Arab League and NATO, which focuses specifically on their respective decision-making structures, see Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 4.

[20] Regarding the first qualification, that an institutional moral agent might reasonably be expected to discharge a duty 'in accordance with established moral guidelines', it should be noted that the model proposed here says nothing about the source or substance of the moral demands to which formal organisations are expected to conform. These are important, but separate, considerations. The focus is, instead, on the question of who – or what – can respond to *what we understand to be ethical imperatives.*

[21] See, for example, the following: scholarship from IR's 'English School' on international society, such as I. Clark, *The Vulnerable in International Society* (Oxford University Press, 2013); the special issue of IO (1992) 46(1) and M.K.D. Cross, 'Rethinking Epistemic Communities Twenty Years On' (2013) 39 RIS 137 on epistemic communities; M. Keck and K. Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998) on transnational advocacy networks; and, E. Adler and V. Pouliot, 'International Practices' (2011) 3 IT 1 on communities of practice.

[22] The examples of nations, the internet and the international community are highlighted and briefly discussed in Erskine, 'States and Quasi-states', n. 3, at 72-3. Al-Qaeda, coalitions of the willing, international advocacy networks, and international society are raised as 'hard cases' of 'less formal organizations' in 'Locating Responsibility: The Problem of Moral Agency in International Relations', n. 4, at 705. Each of these examples is

considered a duty-bearer in its own right – and this matters to how we interpret, judge and respond to the assertions of moral responsibility made in relation to them. Of this diverse range of examples, coalitions of the willing are a particularly interesting case because they have been regularly ushered into (and occasionally conspicuously excluded from) recent, prominent discussions of moral responsibility in world politics, including discussions of RtoP. They also provide an exceptionally challenging case because they do not straightforwardly fail to meet every criterion for institutional moral agency, but, rather, demand careful consideration of the degree to which they might satisfy at least some.

*3.1 Defining 'coalitions of the willing'*

Coalitions of the willing are common phenomena in world politics. The label is most often used for associations that are summoned and established in cases of military intervention – with or without UN authorisation, and frequently on proposed humanitarian grounds – but is also applied in the context of single-issue campaigns involving norm promotion.[23] The term has achieved relatively recent currency. It was reportedly used for the first time in 1990-1, when a United States (US)-led, UN-authorised coalition of the willing responded to Iraq's invasion of Kuwait,[24] and was employed again in the late 1990s in the context of the campaign to prohibit anti-personnel landmines.[25] A coalition of the willing established around NATO, which included some non-NATO states, intervened in Kosovo in 1999 on humanitarian grounds without UN Security Council backing. In the same year, an Australia-led, UN-endorsed coalition of the willing intervened in East Timor. The 2003 US-led group of

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also addressed in Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapters 2 and 6.

[23] In 'Stretching the Model of "Coalitions of the Willing"', Centre for International Governance and Innovation, Working Paper No. 1, October 2005, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=857444 (accessed 31 March 2013), A.F. Cooper proposes two 'models' of coalitions of the willing along these respective lines, with the former represented by the 2003 Gulf War coalition. I do not accept the stark dichotomy proposed by Cooper (perhaps because I do not see the 2003 coalition as paradigmatic), and, rather, understand both as falling under one general category. Nevertheless, Cooper's paper is valuable for highlighting the significance of the label beyond the 2003 iteration.

[24] The claim that this is when the label was coined is made by L.P. Bloomfield in '"Coalition of the willing" is world's best weapon', The Baltimore Sun, 21 April 2002. Note that Bloomfield asserts that the phrase is used as 'shorthand for military action blessed by the U.N. Security Council but carried out by a pick-up team of member countries'. I do not take the label to connote action necessarily authorised by the UN Security Council – nor is this the current prevalent connotation of coalition of the willing, particularly given its usage in the year following Bloomsfield's op-ed.

[25] L. Axworthy, 'Address by the Hon. Lloyd Axworthy', Minister of Foreign Affairs [Canada], to the United Nations Commission on Human Rights, Geneva, Switzerland, 30 March 1998. Cited by Cooper in 'Stretching the Model', n. 23, at 1.

states that launched a 'preventive' war against Iraq – one that was also subsequently, and rather improbably, justified on humanitarian grounds – has arguably been the most prominent, and infamous, example of such a coalition. In 2011, a multinational coalition of the willing led by the US took military action to protect civilians in Libya (followed shortly after by NATO control of the military effort) under the authority of UN Security Council Resolution 1973. Most recently, respective calls have been made to establish a coalition of the willing to advance the climate change agenda,[26] and, in the absence of UN Security Council authorisation, to put a halt to the violence in Syria.[27]

Despite the differences between the various examples listed above, an important set of shared features tie them together. Coalitions of the willing are self-selected (and often self-authorised) constellations of states and sometimes intergovernmental and non-state actors (including, for example, regional alliances of states and private military and security corporations, respectively)[28] that come together to respond to a specific crisis and, in responding, act outside the control of any formal, overarching organisation to which they might already belong. The members of a coalition of the willing are thereby temporarily united in pursuit of a common purpose, but the coalition itself lacks an established organisational and decision-making structure. For those coalitions of the willing that either convene or are implored to materialise in order to engage in military intervention on humanitarian grounds, the issue of their authority to act invariably arises. As such, two clarifications are in order. First, the circumstances under which a coalition of the willing might intervene militarily on humanitarian grounds include both those in which the UN has

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[26] The former executive secretary of the UN Framework Convention on Climate Change, Yvo de Boer, has called for a 'coalition of the willing' to confront global warming in the absence of a formal international agreement. This is reported in J. Leake and B. Webster, 'No Hope for Climate Change', The Australian, 29 November 2010. See also T. Hale, 'A Climate Change Coalition of the Willing' (2011) 34(1) TWQ 89.

[27] US Senator John McCain, among others, proposed that the US form a 'coalition of the willing' to intervene in Syria in 2012. See 'Transcript of Piers Morgan Tonight: Interview with John McCain, Aired July 19, 2012 – 21:00 ET', at: http://transcripts.cnn.com/TRANSCRIPTS/1207/19/pmt.01.html (accessed 16 March 2013). There was also a flurry of calls for such a coalition a year later, particularly following the Syrian government's alleged chemical weapons attack on its own people. See, for example, P. Lewis, 'Syria: Chemical Weapons and the Spectre of War', 27 August 2013, at http://www.chathamhouse.org/media/comment/view/194007 (accessed 28 August 2013). As this volume goes to press, a US-led coalition has begun airstrikes against the so-called 'Islamic State' (ISIS) in Syria with neither UN Security Council authorisation nor the *formal* consent of the Syrian government (but justified by US officials as collective self-defense of Iraq). Although the Obama administration has used the label 'core coalition' for this newly-established, informal association of states, it is widely referred to as a 'coalition of the willing' in media coverage.

[28] I am grateful to James Pattison for highlighting the contribution of private military and security companies (PMSCs) to several recent humanitarian interventions (predominantly in the sense of performing logistical services – with Sierra Leone, where they adopted a role in the combat, as a notable exception).

effectively 'subcontracted' such an *ad hoc* association to act (to use Thomas Weiss' term),[29] and those in which the members of a coalition of the willing put themselves forward as agents of intervention when the UN is unwilling or unable to act at all.[30] I will refer to the associations in each case as 'subcontracted' and 'vigilante' coalitions, respectively.[31] The second point of clarification follows from this and concerns when I understand the UN as failing to act. As a body that has both explicitly assumed a moral responsibility to intervene in cases of mass atrocity, and has claimed a monopoly on authorising interventions conducted by other agents, the UN derogates from this responsibility when it fails to act *either* by deploying troops itself *or* by providing approval for another body to act in its place. Either failure can conceivably have one of two sources: a *decision* not to deploy troops or not to provide authorisation to other bodies to intervene; or the *inability* to act due to a decision-making stalemate (brought on by the exercise of the veto in the Security Council), or lack of resources (often in the form of insufficient material support from its member states). Questions of authority – including whether the UN should have a monopoly on authorising intervention in cases of humanitarian crises – are, of course, important.[32] Yet, whether or not vigilante coalitions of the willing should have the legal authority to intervene in cases of mass atrocity and large-scale loss of life is distinct from a possibility that will be explored in this chapter: that both subcontracted and vigilante coalitions (or at least their constituents) have a *moral obligation* to intervene in certain urgent circumstances.

Coalitions of the willing receive little attention as subjects for academic study in IR, and have been ignored within philosophical discussions of collective responsibility (perhaps

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[29] T.G. Weiss, 'The Humanitarian Impulse', in D.M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder CO: Lynne Rienner, 2004), 37, at 46.

[30] Each sub-category includes coalitions of the willing established for what are often referred to as 'robust peacekeeping' or 'peace enforcement' operations. Note, however, that I exclude UN-led (as distinct from UN-authorised) operations from the general category of coalition of the willing, whether traditional peacekeeping forces, enforcement operations, or something in the increasingly blurred area between the two. Not only does this exclusion accord with how the label 'coalition of the willing' is generally employed, but I understand UN-led operations to represent the UN's (albeit frequently inadequate) mechanism for acting on the basis of its decisions, and thereby as exemplifying the UN's own capacity for purposive action. See Erskine, 'Blood on the UN's Hands', n. 3, at 30-1.

[31] The latter label is inspired by C. Brown, 'Moral Agency and International Society: Reflections on Norms, the UN, the Gulf War, and the Kosovo Campaign', in Erskine (ed.), *Can Institutions Have Responsibilities?*, n. 4, 51, at 60-1, where he draws an analogy between coalitions of the willing and vigilante bands.

[32] For a sophisticated analysis of whether the UN Security Council possesses unconditional exclusive legitimacy to authorise military interventions on humanitarian grounds – along with a proposal for an original alterative – see A. Buchanan and R.O. Keohane, 'Precommitment Regimes for Intervention: Supplementing the Security Council' (2011) 25(1) EIA 41.

unsurprisingly given the hitherto largely domestic focus of such analyses).[33] Moreover, despite their concrete presence in military interventions on humanitarian grounds, they are conspicuously absent from recent RtoP reports and policy documents. Significantly, the seminal 2001 report, *The Responsibility to Protect*, drafted by the International Commission on Intervention and State Sovereignty (ICISS), acknowledges the potential necessity of vigilante coalitions, 'ad hoc coalitions … acting without the approval of the Security Council', engaging in military intervention for human protection purposes if the Security Council 'fails to discharge ... its responsibility in conscience-shocking situations crying out for action'.[34] However, when the UN member states unanimously endorsed RtoP at the 2005 World Summit, it was made explicit that the responsibility to protect deemed to be borne by the international community must be discharged exclusively through the Security Council (with, perhaps predictably, no mention of coalitions of the willing).[35]

If we accept that there is a responsibility to protect vulnerable populations from serious human rights abuses (a claim that has not only become increasingly widely accepted, but is also a prime example of what is broadly understood to be a moral imperative – and has been couched in such terms since its inception), then considering who should, and indeed can, discharge this responsibility when the UN fails to act is fundamental. The coalition of the willing is an obvious candidate for consideration. The question of how we understand such coalitions – whether as entities that we can reasonably expect to bear moral burdens, or as *ad hoc* associations of individual duty-bearers – necessarily follows. In order to respond, it might prove useful to return to the criteria proposed above and interrogate the preliminary judgment that coalitions of the willing fail to qualify as institutional moral agents.

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[33] An exception that spans both can be found in Brown's brief engagement with coalitions of the willing in 'Moral Agency and International Society', n. 31, at 60-63. See also the even briefer engagement in Erskine, 'Blood on the UN's Hands', n. 3, at 39, footnote 53. Rare instances of attention to the category of coalition of the willing within IR are also found in Cooper, 'Stretching the Model', n. 23; and, in the context of assessments of multilateral military cooperation, in P. Weitsman, *Waging War: Alliances, Coalitions, and Institutions of Interstate Violence* (Stanford University Press, 2013); and S.E. Kreps, *Coalitions of Convenience: United States Military Interventions after the Cold War* (Oxford University Press, 2011).
[34] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), at 54-55.
[35] This endorsement leaves a legitimate role for subcontracted coalitions of the willing, particularly as the UN Charter places on all member states a duty to implement Security Council decisions; yet precludes vigilante coalitions when the UN fails to act. See 2005 World Summit Outcome Document, n. 1, paras. 138 and 139; and, for member states' obligations to implement the decisions of the Security Council, see Charter of the United Nations, San Francisco, 26 June 1954, in force 24 October 1945, 1 UNTS 16, Article 25.

*3.2 Are coalitions of the willing institutional moral agents?*

A coalition of the willing struggles to meet the first criterion for institutional moral agency: that it possess an identity that is more than the sum of identities of its constitutive parts. Indeed, the importance that is often placed on the precise membership of such a coalition is indicative of this difficulty.[36] Moreover, a considerable obstacle to a consistent and convincing corporate identity is the coalition's failure to satisfy the second criterion. The absence of an established decision-making mechanism at the level of the coalition prevents the diverse perspectives, preferences and policies of its members (along with their potentially very different motivations for association) from being channeled into a position that is more than an agglomeration of discrete individual stances. Any independent identity that the coalition as a whole might achieve therefore remains partial and precarious at best.

Deliberation does, of course, take place between the members of the coalition – and is necessary for the coordinated action that its constituents come together to achieve. Yet, rather than the formal decision-making of so-called 'structured institutions' such as the UN, NATO and (all but failed) states, which entails codified rules and established practices for arriving at policies, the coalition of the willing relies on what might be called *informal* decision-making.[37] This involves negotiation, bargaining and consensus-building among various constituents in the absence of existing organisational structures and decision-making procedures.[38] In the case of both subcontracted and vigilante coalitions assembled for military

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[36] One example is the significance attached to the identities of the particular members of the 2003 Gulf War coalition. A White House press release, dated March 27 2003, lists the 49 states that ostensibly made up the coalition, see 'Coalition Members', The White House archives, available at: http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030327-10.html (accessed 25 March 2013). Notably, this archived document underwent a number of retrospective changes between 2003 and 2005, posted under the guise of the original – including, in one version, the removal of Costa Rica, which had vehemently objected to being included in the original list. (For an overview of the unacknowledged revisions made to this historical record, see S. Althens and K. Leetaru, 'Airbrushing History, American Style', available at: www.clinecenter.illinois.edu/research/airbrushing_history/ (accessed 25 March 2013).) See also Cooper's assessment (Cooper, 'Stretching the Model', n. 23, at 5) that even in the case of norm-generating coalitions (such as the anti-landmine coalition, which he contrasts with the 2003 Gulf War coalition on the grounds that the focus of the former 'has tended toward the collective rather than the individual members'), identifying individual members mattered greatly.

[37] For the term 'structured institution', see, *inter alia*, K.A. Shepsle 'Rational Choice Institutionalism,' in R. A.W. Rhodes, S.A. Binder and B.A. Rockman (eds.), *The Oxford Handbook of Political Institutions* (Oxford University Press, 2006), 23, at 27. On decision-making and 'failed states', see Erskine, 'States and Quasi-States', n. 3, at 78-9.

[38] My use of 'informal' in this context is informed by work on 'informal governance' and relates specifically to the *process* through which decisions are reached and policies are made. See, for example, the contributions to T. Christiansen and C. Neuhold (eds.), *International Handbook on Informal Governance* (Cheltenham: Edward Elgar, 2012), and, for this particular nuance, Christiansen and Neuhold, 'Introduction', in ibid., 1, at 4. For a different view, that even informal deliberative mechanisms would allow a group to qualify as what I call an

interventions, one member often takes the lead (whether a state such as the US or a regional alliance such as NATO).[39] Other coalitions of the willing, most notably those committed to norm promotion, tend to be less hierarchical in negotiating courses of action.[40] Yet, both cases display a further feature frequently associated with informal decision-making: the inability to translate calls for collective action into decisions that are binding upon the group as a whole if such proposals depart from the positions of some of its members.[41]

In sum, informal decision-making establishes and holds together the loose association of agents (or, indeed, fails to do so); achieves some consensus on a general course of action; and coordinates individual contributions (often imperfectly), with the specifically military command-and-control function of those coalitions assembled for interventions commonly provided through a single chain within the lead organisation.[42] Crucially, there is no overarching decision-making apparatus that can be said to both direct the actions and represent the intentions of the collectivity as a whole. With respect to the third criterion – that the collectivity have mechanisms by which decisions can be translated into actions and policies can be implemented – although the individual members of the coalition can carry out their respective decisions in order to coordinate their actions, and can even choose to follow the instructions of a lead agent, the lack of a decision-making structure at the level of the coalition impedes *corporate* purposive action.

As an association that is by definition temporary, a coalition of the willing also stumbles at the fourth, identity-over-time, criterion. A degree of continuity is necessary for it to make sense to talk about the moral expectations that we have of a collectivity performing certain actions at some point in the future. Logically, a coalition of the willing cannot be assigned

'institutional moral agent', see S. Collins, 'Collectives' Duties and Collectivization Duties' (2013) 91(2) AJP 231. I am grateful to Jon Herington for drawing my attention to common themes in this argument and Collins' piece.

[39] See G.F. Oliver, 'The Other Side of Peacekeeping: Peace Enforcement and Who Should Do It?', in H. Langholtz, B. Kondoch and A. Wells (eds.), *International Peacekeeping: The Yearbook of International Peace Operations* (Leiden: Martinus Nijhoff, 2002), vol. 8, 99. According to Oliver, this is both a common scenario when it comes to military action by coalitions of the willing and an ideal one – but ideal only, he qualifies, in relation to *subcontracted* coalitions.

[40] Cooper, 'Stretching the Model', n. 23, at 5.

[41] On the non-binding forms of cooperation that often define informal governance in international politics, see T. Conzelmann, 'Informal governance in international relations', in T. Christiansen and C. Neuhold (eds.), *International Handbook on Informal Governance* (Cheltenham: Edward Elgar, 2012), 219.

[42] Oliver, 'The Other Side of Peacekeeping', n. 39, at 113. Note that Oliver describes the specific decision process relating to the conduct of force as usually resting on 'a single national chain'. It is notable that the lead actor often does not enjoy complete compliance by the military personnel of the other members of the coalition, who do not totally relinquish their own chain of command and (potentially conflicting) rules of engagement.

duties prospectively when it does not exist prior to what is often taken to be the duty-generating event or set of circumstances that its constituents band together to confront. Moreover, it follows that, as a group, it cannot incur blame retrospectively for failing to discharge duties that it could not have been assigned in the first place.[43] This judgment is crucial for many of the cases being addressed: that is, when an *ad hoc* coalition is called to action to respond to the gross violation of human rights, but no such entity yet exists. It also highlights one of the vital questions that this chapter seeks to address. *To whom* – or *to what* – can duties be assigned in such a case?

However, it might be wise to pause on this criterion and consider another set of circumstances. Coalitions of the willing enjoy some continuity once they have been established, even if this is unlikely to represent the persistence of a corporate identity. Some are surprisingly eclectic (the 1990-1 Gulf War coalition, for example, comprised liberal democracies, traditional Arab states, and more radical Arab states, including Syria) and render an enduring association highly unlikely. Yet, others are relatively homogeneous, with many of their members bound together by overlapping regional and international associations that both predate and outlive the particular coalition in question (such as the 1999 Kosovo coalition).[44] In each case, once a coalition of the willing has been established, questions of prospective and retrospective moral responsibility arise in relation to the specific timeframe in which it exists. The proposed responsibility to respond, which the members come together to uphold, does not exhaust the range of possible duties to be discharged when the response takes the form of military action to protect vulnerable populations. Rather, other duties are also recognised in the context of that action: that military intervention be conducted discriminately and proportionately, for example. Questions remain of where these duties rest and where blame for their breach is to be apportioned. Convincing answers depend on the moral status of the coalition of the willing. Insight into this status is, in turn, revealed in the difficulty that such coalitions have in meeting the previous criteria – even if, once established, they can have a (limited) identity over time. Finally, the criterion that the collectivity be self-

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[43] Erskine, 'Blood on the UN's Hands?', n. 3, at 31.

[44] This point is inspired by Brown, who usefully distinguishes between the Gulf War and Kosovo coalitions in terms of what their members do and do not have in common (aside from a temporary, shared purpose). See Brown, 'Moral Agency and International Society', n. 31, at 61-2.

asserting is easily met by a coalition of the willing, given that its constituents are self-selected and explicitly committed to both a common goal and collective action.[45]

Even acknowledging the diversity within the category of coalition of the willing, and understanding each criterion for institutional moral agency as being able to be satisfied by degree (rather than constituting an all-or-nothing test), coalitions of the willing do not possess the sophisticated, integrated capacities for deliberation and action that would allow them to qualify.[46] According to this analysis, coalitions of the willing are not moral agents; the moral responsibility to protect vulnerable populations must be borne elsewhere. Individual states and other institutional agents might have duties to intervene, and can be blamed for inaction (or acting disproportionately or indiscriminately). However, such prescriptions and evaluations must remain exclusively at the level of those agents that make up the temporary association. We cannot coherently talk about assigning duties or apportioning blame to the coalition itself.

## 4. A gap in the analysis? Moral responsibilities and informal associations

This might seem a logical end-point to this analysis. Yet, three related concerns remain, each of which cautions against treating coalitions of the willing as mere aggregates of individual agents acting independently for the purposes of addressing questions of moral responsibility. First, if moral responsibly must be attributed to individual states (and possibly non-state and intergovernmental actors), rather than the *ad hoc* associations that they might come together to form, there will be some cases in which no state (or other actor) can be expected to discharge a duty to protect a population from egregious human right violations simply because each, as a discrete agent, lacks either the capacities or enabling conditions to do so.[47]

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[45] I am assuming here that they have not been merely co-opted into the coalition without their knowledge or consent and would not consider the coalition to extend to such actors. I am thinking of the case of Costa Rica and the 2003 coalition when making this qualification. See n. 36, above.

[46] See Erskine, 'States and Quasi-States', n. 3, at 79, for a discussion of the criteria for institutional moral agency often being met by degree.

[47] Even though unilateral military action would remain a viable option for a few great powers, possessing the power and resources to engage in military action is not the same thing as having the capacity to effectively protect a population at risk. The ability to understand the local culture and political situation, and to generate trust amongst those to be rescued, are also imperative for an effective humanitarian intervention, and will mean that an obvious 'agent of last resort' does not, in most cases, have the capacity to act effectively on its own. Furthermore, it should be noted that the perception that unilateral action is illegitimate provides an external normative constraint that pushes even powerful states towards multilateral action.

If the UN is also unable to respond, then we seem to have no choice but to concede that *no agent* can reasonably be burdened with a duty to protect the vulnerable population. This is eminently unsatisfactory. Second, accounts of moral responsibility with respect to some informal associations, such as coalitions of the willing, seem to resist being reduced without remainder to their component parts. If their members can accomplish things acting in concert that they cannot achieve when acting individually, this must somehow affect our judgments of moral responsibility in relation to them, even though the coalition that they come together to form cannot be a moral agent in itself. Third, coalitions of the willing are not amorphous collectivities in the way that the international community is. They are not purposive actors in themselves, but they nevertheless seem to possess something that at least resembles a capacity for purposive action.[48] Meeting *some* of the criteria addressed above to a limited degree does not take the coalition of the willing far enough to qualify as an institutional moral agent. Nevertheless, its informal deliberative capacity, the continued (albeit temporary) association of its members, and its constitution by actors who have come together to participate in a common project are features that, combined, seem morally significant. Perhaps informal associations like coalitions of the willing should not be so easily dismissed in assessments of moral responsibility.

Philosophers such as Virginia Held and Larry May have focused on questions of moral responsibility in the context of just those types of collectivity that I have argued cannot bear moral responsibilities at the corporate level: associations that lack formal organisational structures and decision-making procedures. Insights from their work provide a more nuanced and demanding account of moral responsibility in relation to informal associations in world politics than has been alluded to so far – and one that will complement the analysis of institutional moral agency already offered.

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[48] On this point, it is perhaps no coincidence that a few IR scholars attribute to informal associations some degree of 'independent' and 'collective' agency, 'informal agency', or 'agent-like moral effects'. See, respectively, Cross, 'Rethinking Epistemic Communities', n. 21, at 153, 156; Brown, 'Moral Agency and International Society', n. 31, at 51, 58, 63; and Clark, *The Vulnerable*, n. 21, at 17.

*4.1 Held's 'random collection'*

The question that Held set out to answer in an oft-cited 1970 article is reflected in its title: 'Can a Random Collection of Individuals be Morally Responsible?'.[49] The types of group that she wishes to hold up to scrutiny are those that contingently share a time and place, but lack any specific decision-making procedures.[50] We might, she suggests, think of unacquainted passengers riding together on a train or pedestrians sharing a sidewalk as thereby belonging to this category. Neither would have specific methods for deciding to act. Indeed, the groups that she addresses fail to qualify as institutional moral agents on each and every criterion offered above. They also, I will suggest, stand in a potentially instructive relationship to the types of *ad hoc* association overlooked in recent articulations of RtoP.

Held makes two claims. First she argues that, *in some circumstances,* a random collection – or, more accurately, those that make up such a collection – may be held responsible for not acting.[51] The specific circumstances in which they may be held responsible are those in which the following conditions are met: a) the individuals constituting the random collection were faced with a stranger in dire need of rescue and the gravity of the crisis demanded a response; b) these individuals could have rescued the stranger by acting together, even though no-one in the group could have done so acting independently; c) the required action was 'obvious' and its foreseeable outcome 'clearly favourable'; and, d) carrying out this action would have been possible without prior deliberation or special coordination between the individuals and would not have been open to disagreement.[52] As my intention is to apply Held's argument at the international level, it is worth noting that the extent to which the fourth condition can be met when we are talking about discrete states, rather than individual human beings, is questionable. It is difficult to imagine a scenario in which collective action involving states would require neither prior deliberation nor special coordination.[53] This condition would therefore *prima facie* shield individual states from any expectation that they engage in

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[49] V. Held, 'Can a Random Collection of Individuals Be Morally Responsible?' (1970) 67(14) JP, 471.

[50] From this point, I will use 'random collection' to refer to the type of collectivity that Held has in mind, regardless of challenges that this is not the most appropriate label. See, for example, S. Bates, 'The Responsibility of "Random Collections"', in L. May and S. Hoffman (eds.), *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics* (Lanham, Maryland: Rowman and Littlefield, 1991),101.

[51] Despite the ambiguity of her language in places, Held's position here supports my contention that moral responsibility is *distributive* amongst the members of a group that lacks a formal decision-making structure.

[52] Held, 'Random Collection', n. 49, at 476. Note that I take the fourth condition to be implicit in both the second and third conditions and in Held's analysis of several hypothetical scenarios.

[53] I think that individual states each reducing carbon emissions to collectively address climate change might be an example here. However, it should be added that, even in this context, prior deliberation and special coordination *would* be required to establish effective global environmental policies.

remedial collective action outside a pre-existing organisational structure. An exemption of this sort would have potentially tragic consequences in those cases in which no formal intergovernmental organisation were willing or able to act to discharge a moral responsibility, such as the proposed imperative to protect vulnerable populations. The duty would thereby go unmet without any agent having derogated from its moral responsibility to respond. However, before lamenting that states would be let off the moral hook given Held's analysis, this application to international relations might be valuably pursued – and the apparent leniency of this condition qualified – in the context of her subsequent assertion.

According to Held's second claim, even in some cases in which a random collection cannot be held responsible for failing to perform an action, the individuals who constitute it may be held responsible for not 'forming [themselves] into an organized group capable of deciding which action to take'.[54] The specific example that she constructs to convey this argument is worth relating. Held describes three pedestrians, who are strangers to each other, walking down an isolated street when '[a] small building collapses':

> A man inside is trapped; he calls to the three for help. He is bleeding from a lower-leg injury and needs immediate assistance. All four persons know that a tourniquet should be applied to his thigh, but this cannot be done until various beams are removed, and removing any would require the strength of all three. The three observers do not agree on how to proceed.[55]

Each person makes a different proposal, they argue, do not act, and the man slowly bleeds to death. Held observes that *any* of their proposed actions would have saved the man, and a 'reasonable person' should have known that any action would have been better than none; '[t]he problem was deciding which to take.' She concludes that we cannot hold the members of the random collection responsible for the non-performance of the action (given the fourth condition outlined above), but that they 'can be held responsible for failing ... to adopt a decision method' and thereby transforming themselves into the sort of group that might have been capable of the deliberation and coordination required for an effective response.[56]

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[54] Held, 'Random Collection', n. 49, at 476. Again, Held's language is ambiguous, and she seems, momentarily, to suggest that we can apportion blame to the random collection itself. (She uses 'itself' where I have inserted 'themselves', above.) However, in the context of her argument it is clear that she means to apportion responsibility to the individuals within it.
[55] Ibid., at 479.
[56] Ibid.

Intuitively, Held's judgement appears flawed in two respects – at least in the context of the domestic case that she illustrates. First, she seems too forgiving in concluding that the individuals are not responsible for failing to act when they are unable to reach an agreement (but are, rather, responsible for not forming themselves into the sort of group that would have been capable of acting), if, as she maintains, it is abundantly clear that *any* action would have been better than no action at all. Surely, then, each individual should have accepted the gravity of the situation, suppressed his or her own desire to orchestrate the rescue, and simply gone along with the others.[57] A more appropriate scenario for the individuals to have been spared responsibility would have been one in which it were *not,* in fact, clear that any action would have been better than none. Perhaps a false move of one beam, for example, would have conceivably resulted in the death of the trapped man – or indeed all four individuals. Such a scenario would have provided good reason for not contributing immediately to any proposed action, and would have genuinely required a group of individuals capable of some degree of deliberation over the consequences of possible actions and able to coordinate themselves to execute the considered course. Second, if transformation into a group capable of this sort of deliberation had been necessary, it does not seem plausible to suggest that the individuals could have achieved this in the time they had to move the beams without the victim bleeding to death.

Yet, when an analogy is drawn with a possible set of circumstances at the international level, and states (or even regional organisations of states) represent the pedestrians, Held's judgement becomes more compelling in both respects. First, whether the crisis is a malfunctioning nuclear power plant (such as the one involved in the Fukushima Daiichi nuclear disaster of 2011), or the mass violation of human rights in another state (such as Rwanda in 1994, or Syria from 2012), the situation is going to be infinitely more complex than simply moving three beams. Indeed, in such complex crises, it is not obvious that just *any* action would be better than none. Some actions will worsen rather than improve the situation, or cause more overall harm than good. Second, in many (although not all) cases of international crisis, there *is* time for relevant agents to transform themselves from a random collection into a group capable of accomplishing objectives that would be beyond their reach if they were each facing the crisis either in isolation or as part of a completely non-integrated

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[57] To the degree that one of the pedestrians had done this, I think that her responsibility would have been mitigated, even if the members of the group had failed to respond collectively. This qualification matters if neither of the other two pedestrians would similarly compromise to the extent necessary to cooperate in a situation in which the collaboration of only two individuals would have been insufficient to avert tragedy.

aggregate. (This potential is particularly important in the absence of a formal, permanent organisation willing and able to respond, and given that either establishing or reforming such an organisation would require a prohibitively longer time-frame.) Genocidal intent, for example, is often clearly articulated before it is acted upon: weapons might be stockpiled, hatred incited, human beings rhetorically reduced to 'cockroaches'.[58] In short, crises – or at least their escalation – may be anticipated, leaving time to establish some capacity for deliberation and special coordination between relevant agents. This is where Held's analysis and an exploration of moral responsibility in the context of coalitions of the willing come together in a particularly meaningful way.

Held's argument provides purchase in addressing certain, apparently intractable, cases in world politics in which the gravity and imminence of a crisis demands a response, and yet no agent seems able to act effectively on its own. Inspired by Held's position, one might propose that *even if* remedial action requires both a multilateral effort on the part of available agents (because of the limited capacities or constraining conditions faced by each), and prior deliberation and special coordination between them (because the requisite action is neither immediately obvious nor beyond disagreement), and *even if* these agents are not part of some pre-existing organisational structure that would facilitate such cooperation, there nevertheless remains a moral imperative for them to do something. Namely, they each have a duty to contribute to establishing the type of collectivity capable of the requisite collective action. It is important to emphasise that Held actually suggests that members of a random collection be held responsible for failing to transform themselves into an 'organized group' – comparable to those formal organisations that I argue qualify as institutional moral agents.[59] (For Held, an 'organized group' has 'a method for deciding to act: it has officials who can act in its name, or a voting procedure … or customary procedures to guide its actions'.)[60] Yet, her argument, and the particular time-sensitive, life-and-death examples that she invokes, actually point towards an intermediary type of association that the members of her random collection have an obligation to form themselves into: an *informal association,* loosely organised and capable

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[58] This is, of course, the description offered by both Radio Télévison Libre des Milles Collines (RTLM) in Rwanda in 1994, and Muammar Qaddafi in Libya in 2011 to refer to Tutsis and anti-Qaddafi demonstrators, respectively.
[59] Held's 'organized groups', like my institutional moral agents, can be held morally responsible at the corporate level for acts or omissions in a way that is not distributive amongst their members. See Held, 'Random Collection', n. 49, at 474-5. Indeed, I share Held's view that moral responsibility at the level of the formal organisations *cannot* be distributive amongst its individual members, although, as noted above, these members might be individually responsible for concurrent, complementary and even co-ordinated acts and omissions.
[60] Held, 'Random Collection', n. 49, at 479.

of some deliberation leading to coordinated action, but lacking the organisational or decision-making trappings of a structured institution.

Applying Held's argument to the international level – but with the crucial clarification that loose organisational structures may be sufficient for the deliberation and coordination needed to support some forms of collective action – leads to a compelling, and potentially controversial, suggestion. One might propose that individual states (and non-state and intergovernmental actors) each have an obligation, in the absence of a viable alternative, to contribute to the establishment, and then functioning, of an informal, temporary association for the purposes of responding to a particular crisis effectively, robustly, and in time to mitigate disaster. This seems especially persuasive in the worrying case where there is no formal organisation (whether the UN or some other potential 'agent of justice') that can be expected to discharge a duty to respond (either because of external, constraining conditions or the agent's own limited capacities for deliberation and action) – and no hope of reforming or creating one in the limited time needed for an effective response.[61]

Of course, once such an *ad hoc* coalition has been established, we are talking about neither a 'random collection of individuals' in Held's sense, nor what I have called an institutional moral agent. Rather, we are addressing what was formerly a random collection of individuals who have together transformed themselves into something between the two: that is, an informal association made up of actors who have come together in pursuit of a common goal. For consideration of such an intermediary category of collectivity, Larry May's work is invaluable.

*4.2 May's 'middle position'*

May observes that the structures of informal associations (such as amateur sports teams and mobs) 'enable their members to perform actions that they could not have performed on their own'.[62] Moreover, he argues that the 'in-between status' of the mob in particular – 'a status somewhere between a random collection of individuals and an organized group' – should

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[61] The phrase 'agent of justice' is taken from O. O'Neill, 'Agents of Justice' (2001) 32(1-2) *Metaphilosophy* 180.
[62] L. May, *The Morality of Groups: Collective Responsibility, Group-Based Harm and Corporate Rights* (University of Notre Dame Press, 1987), 26.

prompt us to re-think the requisite features for coherently talking about a group acting.[63] In constructing his argument, May focuses on the significance of relationships and, specifically, the notion of solidarity.

He maintains that collective action and responsibility can be predicated on individuals in groups, insofar as one refers to *both* individual persons *and* the relations among them. He thereby adopts an alternative to both my position as outlined above (that some collectivities can be moral agents, and therefore the bearers of duties, in their own right) and the 'individualist' insistence that accounts of group action and responsibility are always reducible to descriptions of the actions and responsibilities of their individual human constituents.[64] May explains his 'middle position' as follows:

> My own view is that social groups should be analyzed as individuals *in relationships.* Groups themselves do not exist in their own right; but the individuals who compose groups also are often not understandable as acting in isolation from one another. [65]

In distinguishing his position from that of French, May argues that French is wrong both to assert that a 'conglomerate' somehow entails a group that is ontologically independent of its individual members in relationships *and* to assume that an 'aggregate' is straightforwardly reducible to its individual members.[66] While I agree with French that certain collectivities have identities that are more than the sum of their constitutive parts – and in a way that is morally significant – May's point that French's aggregates are not always reducible to descriptions of individual action is a compelling one. In other words, I adopt the more radical 'minority position' (explicitly rejected by May) that certain types of collectivity can qualify as moral agents in their own right,[67] but nevertheless maintain that there is something in May's more moderate stance that is important for certain collectivities that neither meet the criteria for institutional moral agency outlined above nor can be adequately described in terms of Held's random collections. In short, May's argument is important for collectivities such as coalitions of the willing.

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[63] Ibid., at 37.
[64] Ibid., at 9.
[65] Ibid. (Emphasis in the original.)
[66] Ibid., at 22-23.
[67] Philip Pettit has also championed a position that is comparable to the one that I have outlined above. Indeed, Pettit draws the comparison, and describes both of our arguements as representing a 'minority position'. See P. Pettit, 'Responsibility Incorporated' (2007) 117(2) *Ethics* 171, at 172, footnote 3. See also C. List and P. Pettit, *Group Agency: The Possibility, Design and Status of Corporate Agents* (Oxford University Press, 2011).

May reminds us that French actually, albeit briefly, distinguishes between two different types of aggregate collectivity: 'the sort whose definition explicitly involves spatial/temporal contiguity' and 'the sort defined in terms of a common characteristic or feature'.[68] (Neither has formal organisational structures or decision-making procedures.) However, French does not treat the distinction as significant and maintains that descriptions of the actions of both are reducible to the actions of their individual constituents, with consequences for questions of moral responsibility. May challenges this and suggests that only the former, what he calls 'random aggregate groups', actually supports French's position that they are reducible to the actions of their individual constituents. As for the latter, May proposes that this 'subclass of aggregates, those defined in terms of a common feature, is surely not one which can be understood as a summation of the parts of persons who compose it'.[69] Offering mobs and teams as examples of this subclass, he maintains that 'both groups are defined by reference to the solidarity which allows the members of the group to engage in *joint purposive behaviour*'.[70] This middle ground between groups that I have argued are capable of corporate purposive action and groups such as Held's 'random collections', which are reducible to the actions of their constituents, promises to tell us something important about moral responsibility in world politics in general, and about the reasonable expectations that we might have of coalitions of the willing in response to humanitarian crises in particular.

Two points of clarification should, however, be offered about how I propose to use May's work in this respect. First, although I agree with May's important point that there is more than one type of 'aggregate collectivity', I disagree with his claim that individuals and relationships are all that there is. Some collectivities *can* achieve a status independent of their constituents. Second, while I am drawing on May's insight that individuals in informal associations act in a way that cannot be simply reduced to the actions and intentions of individuals acting in isolation, it is important to emphasise that by applying this insight to an analysis of coalitions of the willing I am not using May's work in a way that he would – or could, given the totality of his argument – endorse. This is because, going back to the previous point, I am assuming that the sorts of collectivities to which he denies independent ontological standing are actually the individuals in the informal associations being addressed. States, and possibly other institutional agents, are to my coalitions of the willing what

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[68] May, *The Morality of Groups*, n. 62, at 22-23; French, *Collective and Corporate Responsibility*, n. 11, at 12-13.
[69] May, ibid., at 22.
[70] Ibid. (emphasis added).

individual human actors are to May's mobs and amateur sports teams. This is not a problem for me given my arguments surrounding institutional moral agency, but it would be a problem for May's very different 'middle position'.

Importantly, May effectively introduces another category of collectivity: those entities that lack formal organisational structures, but that 'can facilitate joint action or common interest' nonetheless.[71] Within this category May includes collectivities that have 'informal organizational structures' and those 'such as mobs' that 'can attain unity even though they are not organized at all'.[72] Both types of collectivity, May argues, are distinct from those random collections of persons 'which do not have the ability to engage in joint action'.[73] Although the latter variation (which May understands to be exemplified by mobs) is less useful to the discussion here, the former would seem logically to be the type of collectivity that the individuals within Held's random collection have an obligation to contribute to establishing under certain circumstances – at least in the short term, given the time constraints that she assumes.[74] Indeed, May's account of the often-overlooked characteristics of such informally organised collectivities provide the foundation for a potentially valuable supplement to analyses of moral responsibility made possible by the model of institutional moral agency outlined above.

## 5. The moral significance of acting in concert: coalitions of the willing and responsibilities to protect

The proposal that I have taken from Held's article is the following: if there is a duty to perform a particular action, and if individual agents can come together to perform this action when they could not have performed it individually, then they each have an obligation to contribute to establishing the type of group necessary for this duty to be discharged. The examples that she invokes in constructing this argument gesture towards a category of informally-organised associations whose members are nevertheless capable of some degree of deliberation and special coordination. May's work is valuable in giving substance to this

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[71] Ibid., at 23.
[72] Ibid.
[73] Ibid.
[74] Again, this is a conclusion that I have reached given what I take to be the logic of Held's argument, rather than a position that Held herself asserts.

category. From May, I have taken the point that social relationships and their participants' shared interests and desire to work towards a common goal can make possible what he calls 'joint purposive behaviour'.

It is important to clarify here that I hesitate to take this further and accept that group action and intention are possible in the case of informal associations; I do not think that solidarity can replace a formal organisational structure and decision-making procedures, and thereby allow for purposive action in a way that is not ultimately distributive amongst the members of the association.[75] The thought of somehow melding together the actions and intentions of these constituents seems unrealistic – and worrying, particularly if one then treats each constituent as somehow complicit in the ostensible actions of the informal association as a whole. Despite my defending the view that formal organisations that meet specific criteria are capable of purposive action, and can thereby coherently be understood to bear moral responsibilities at the corporate level, I do not think that the same is true for informal associations. When it comes to this category of collectivity, descriptions of actions and intentions, and corresponding ascriptions of moral agency and responsibility, are reducible to their individual constituents, *as long as one recognises that such accounts are different in important ways from accounts of individuals acting independently or in isolation.*[76]

This difference is encompassed by what I take to be the defining feature of '*joint* action', '*shared* activity' or '*collective* action':[77] an outcome or effect that could not have resulted from the mere summation of individual acts. Importantly, the necessarily unified, concerted endeavours of individual agents that characterise such action vary in both sophistication and the capacities necessary to perform them – a point that is particularly important if we are considering joint action at the international level. Some types of joint action – including that which Held suggests the members of her 'random collections' can be blamed for not performing given certain conditions – require only limited cooperation between individual agents. Others demand some degree of prior deliberation and special coordination. Following May (to the point that draws on his analysis of groups with informal organisational structures, but not as far as to embrace his analysis of those that lack them, such as mobs), I will refer to

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[75] I am thereby rejecting a move that I associate with both May in *The Morality of Groups*, n. 62, and David Miller (who draws on May) in D. Miller, 'Holding Nations Responsible' (2004) 114 *Ethics* 240.

[76] I think that my reductive account of shared activity and shared intention (when it comes to informal associations such as coalitions of the willing) departs in significant ways from May's position – and that of Miller – but this requires further explanation and analysis beyond the scope of this chapter.

[77] I will treat these interchangeably.

the latter, more sophisticated variation as *joint purposive action.*[78] To be able to exercise joint purposive action, the members of a collectivity must have the following: compatible interests (although not common or even necessarily complementary motivations);[79] a concomitant willingness to cooperate – something that might be called 'participatory intention';[80] and the capacity to deliberate (however informally) in order to coordinate their actions (even imperfectly) in circumstances in which the required collective action is not obvious but, rather, open to disagreement.[81] Joint purposive action is thereby distinct from action that is best described at the level of the organisation as a whole and that generates coherent accounts of moral responsibility that cannot be reduced to its individual constituents. The model of institutional moral agency, presented above, aims to explore the latter (and to define the collectivities capable of it), but overlooks the moral significance of the former. Coalitions of the willing are capable of – and, indeed, created to exercise – joint purposive action.

With the potential for joint purposive action comes *shared responsibility.* By shared responsibility I mean responsibility that is necessarily distributive amongst the individual members of a collectivity for outcomes that can only be achieved when they act in concert. I am not, however, suggesting that joint purposive action thereby entails diminished responsibility on the part of each member of the group. From such a perspective, the fact that multiple actors are required to discharge a duty would mean that the responsibility of each to act is somehow reduced – and that each could only be blamed in fraction for failing to do so. Moral responsibility, by this view, is diluted when it is shared. I do not mean this at all. Rather, the position that I am proposing involves the individual constituents of those informally organised groups capable of this more sophisticated type of collective endeavour bearing *greater* individual responsibility than they would bear if they were acting independently. It also, by extension, suggests that we should have greater expectations of the individuals within random collections that have the potential to contribute to establishing such groups than we should have of individual agents who do not have this opportunity (because

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[78] There are differences between how I understand joint purposive action and how May understands what he calls 'joint purposive behaviour'. Nevertheless, the general concept, as presented in this chapter, is inspired by May's important *The Morality of Groups*, n. 62.
[79] The divergent motivations of those agents participating in joint action must not undermine cooperation, of course, but they might nevertheless be radically different and 'incompatible' in the sense that they could not be held simultaneously by the same agent without a substantial degree of cognitive dissonance.
[80] See C.L. Kutz, 'Acting Together' (2000) 61 PPR 1.
[81] The first two criteria are for joint action broadly (but are perhaps required to a greater degree for what I am calling joint purposive action); the third criterion is specifically for joint purposive action.

they find themselves either isolated or part of a random collection whose other constituents lack a willingness to cooperate).

*5.1 Joint purposive action, enhanced capacities, and redefined individual responsibilities to protect*

The arguments of both Held and May allow me to build on a relatively simple, but crucial, insight: that agents who come together, even in an informal association, to work towards a shared goal are able to achieve things by cooperating that they would not be able to achieve independently. This potential for *enhanced capacities* prompts me to suggest that individual agents (including states, non-state actors and intergovernmental organisations) should come together to form such an *ad hoc* group, in the absence of a viable alternative and when confronted with a moral imperative that would otherwise go unmet.[82] This also leads me to propose that there is reason to have *greater* expectations of these individual agents – both when they are already members of an informal association with the capacity for joint purposive action and when they find themselves in a 'random collection' with the opportunity to form such an association. In other words, the enhanced capacities with which individual agents can be imbued as part of an informal association (existing or potential) lead to *magnified individual responsibilities.*

This argument regarding capacities for joint purposive action and attendant shared responsibility is directly relevant to considerations of who can – and should – discharge the proposed remedial responsibility to protect vulnerable populations.[83] Indeed, if we accept the proposed moral responsibility to protect vulnerable populations as a starting point, and maintain that the 'just cause' criterion was met in the case of the 2011 intervention in Libya, this argument has implications not only for how we judge the actions of those states that

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[82] I acknowledge that this proposal requires another qualifying condition: that the cost of acting not be unacceptably high. For now, this qualification is assumed; exactly what it should entail will be examined in future work. I am grateful to one of EIA's anonymous reviewers for highlighting its importance.

[83] Interestingly, an early iteration of the 2005 UN endorsement of RtoP included the statement 'we recognize our *shared responsibility* to take collective action' (emphasis added). This assertion was replaced by '[w]e are prepared to take collective action in a timely and decisive manner' in para. 139 of the 2005 World Summit Outcome Document, n. 1, following an objection to the explicit acknowledgment of an obligation that the earlier version entailed. This amendment is highlighted by J. Welsh, 'Who Should Act? Collective Responsibility and the Responsibility to Protect', in W.A. Knight and F. Egerton (eds.), *The Routledge Handbook on the Responsibility to Protect* (New York: Routledge, 2012), 103, at 109.

formed a coalition in order to carry out UN Resolution 1973 (these actions were *required* – and not merely due to states' UN Charter-defined responsibilities to implement Security Council decisions), but also for what would have been required in a counterfactual case of no resolution. In such a case, either a state capable of acting independently would have had a duty to intervene (Walzer's 'agent of last resort'), or, more plausibly (given both the diverse range of capacities needed for an effective humanitarian intervention and the constraining perception of illegitimacy that threatens to accompany unilateral action), individual states, and possibly non-state and intergovernmental actors, would have each had an obligation to contribute to a collectivisation process, and then, as part of a joint endeavour, to respond to the crisis. Importantly, when such institutional moral agents have enhanced capacities as members of an informal association, or the opportunity to acquire enhanced capacities by contributing to the establishment of an informal association, the greater expectations placed on each of them also translate into increased vulnerability to blame if there is a failure to respond.[84] There is a compelling case for considering the possibility of shared responsibility for *joint omissions* or *inaction in concert* in certain cases.[85]

## 5.2 Distributing responsibilities and apportioning blame amongst relevant agents

Although Held's collapsing-building scenario vividly illustrates the logic behind this proposed imperative, the relative simplicity of her example avoids a question that is likely to arise in the international case being examined. Namely, how should moral burdens be distributed amongst the members, and potential members, of a coalition of the willing? Held's 'random collection' is populated only by three proximate pedestrians, each of whom is needed for a successful rescue. In contrast, the understanding of joint purposive action and shared responsibility developed above reveals the international community to comprise a *multitude* of (contingently) duty-bearing agents in cases of mass atrocity.[86] In the sense that distance precludes neither knowledge of a crisis nor the opportunity to respond, the international

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[84] An individual agent's vulnerability to blame is diminished, however, if other agents required for joint action refuse to cooperate, or if the deliberation made possible once an informal association has been established results in a reasonable decision that intervention should not be pursued (because it is likely to result in greater harm than good, for example).

[85] Compare to May, *Sharing Responsibility* (The University of Chicago Press, 1992), 73-124. These points are explored in detail in T. Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 6, in a section entitled, '"Dithering in concert": collective failures and joint omissions'.

[86] 'Contingently' because both the necessary initial move of collectivising and the subsequent joint endeavour depend on the cooperation of other agents (and are thereby beyond the ultimate control of each).

community as a whole is a comparable 'random collection' (in Held's sense) and each state is a bystander. Practical decisions need to be made about who is best-placed to act. After all, these institutional agents are capable of different types and degrees of contribution to a collective rescue, and the active participation of all is not required in order to achieve it. Moreover, and separately, the shared responsibility discussed above might weigh especially heavily on some members of the international community – those who have assumed a particular role to safeguard the population in question, for example, or those who have played some part in the events leading up to the crisis. Given both points, it makes sense to mention the factors of *capacity*, *culpability* and *special responsibilities* that arguably come into play in arriving at an efficient and just distribution of moral burdens (whether we are talking about assigning responsibilities or apportioning blame) in such complex cases of concerted action – even if a detailed examination of each must be left to others.[87]

Agents' particular capacities can generate expectations of who amongst those that bear a shared responsibility to protect should act in a particular case. Significantly, the capacities required to contribute to an effective collective rescue have not been understood in this chapter exclusively in terms of military might, but also, for example, as cultural and political knowledge of the crisis and (given the imperative to collectivise and the nature of informal deliberation) skills to negotiate effectively between competing interests. Moreover, different capacities are valuable at the respective points at which I have proposed there is an imperative for action: at the point where states (and other institutional agents) each have a duty to contribute to establishing an informal association; and at the point where the members of the resulting coalition each have a duty to consider, to coordinate, and – if viable – to participate in a response.[88] It is notable that an appeal to capacity thus understood entails neither a problematic reliance on a single, powerful and potentially over-burdened 'agent of last resort', nor the risk of ineffectiveness and charges of illegitimacy that might accompany unilateral action. Rather, such an appeal points most convincingly to multilateral action.

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[87] For valuable discussions of how remedial responsibilities are variously generated and assigned, see D. Miller, 'Distributing Responsibilities' (2001) 9(4) JPP 453, and, in the specific context of responding militarily to grievous human rights abuses, M. Walzer, 'The Politics of Rescue', n. 2; J. Pattison, *Humanitarian Intervention & The Responsibility to Protect: Who Should Intervene?* (Oxford University Press, 2010); and K.-C. Tan, 'The Duty to Protect', in T. Nardin and M.S. Williams (eds.), *Humanitarian Intervention, NOMOS* XLVII (New York University Press, 2006), 84, at 96-101.

[88] On the former point, May makes the case that a leadership capacity should bolster our moral expectations of a particular agent when a group needs to be established in order to discharge a duty. See May, *Sharing Responsibility*, n. 85, at 114.

Moreover, within the 'random collection' that is the international community, there will be institutional agents with assumed, role-dependent and, perhaps, community-based special responsibilities to protect particular vulnerable populations.[89] These agents might thereby be identified amongst the wider aggregate of those who each bear a shared responsibility to protect such populations as carrying a heavier burden – in terms of a greater expectation to act or to contribute to the costs of collective action. Finally, one might consider the possibility that certain agents have contributed in various ways and to various degrees to creating the crisis in question. This possibility cautions against taking the analogy with Held's scenario to imply that all states and other agents in world politics confronted with the problem of vulnerable populations at risk from their own governments are merely innocent bystanders.[90] Some members of the international community are *culpable* bystanders – not direct participants in the atrocity to be prevented or mitigated, but blameworthy to some degree for the context in which it is possible.[91] We might place added weight on their existing responsibility to contribute to remedial collective action – and also apportion to them an added burden of blame if no action is taken.

Crucially, the argument defended in this chapter stipulates that these factors (however defined and negotiated), and any resulting proposal for a differential allocation of burdens amongst the existing or potential members of a coalition of the willing, can neither eclipse nor extinguish the enduring shared responsibility borne by each member of the international community to ensure, in the absence of a viable alternative, that an informal association is established and acts to protect a vulnerable population from immediate danger. After all, precisely those situations in which agents who are expected to fill certain roles, perform particular tasks, and shoulder specific burdens manifestly fail to do so prompted this discussion in the first place. Each member of the international community has a shared

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[89] An intriguing proposal for designated states to assume special responsibilities to intervene to protect particular populations if they should ever require it is made by Buchanan and Keohane in 'Precommitment Regimes for Intervention', n. 32. Special responsibilities that attach to 'institutionally specified roles' are usefully discussed by M.O. Hardimon in 'Role Obligations' (1994) 91(7) JP 333. For an account of community ties and relationships giving rise to special responsibilities, see Miller, 'Distributing Responsibilities', n. 87, at 462-3; and S. Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford University Press, 2001), at 97-110.

[90] I am grateful to Richard Jackson for making this point when I presented this argument at the OCIS conference in Sydney in July 2012.

[91] France's alleged culpability for events leading up to the Rwandan genocide comes to mind, for example. See D. Kroslak, 'The Responsibility of Collective External Bystanders in Cases of Genocide: the French in Rwanda', in Erskine (ed.) *Can Institutions Have Responsibilities?*, n. 4, 159.

responsibility to step in and contribute to a collectivisation process, and to the collective endeavour that informal association makes possible, when such expectations are not met.


*5.3 Accompanying (on-going and long-term) responsibilities*

None of this is to say, however, that all moral responsibilities are somehow discharged when an *ad hoc* group of agents comes together and acts in concert to respond to a crisis in the absence of a viable alternative. Here it might be useful to return, again, to Held's example of the victim of the collapsing building. Even if individual actors have an immediate responsibility to form a temporary, informal association, and cooperate in order to save a victim facing a profound threat, such emergency measures, and even their possible success, do not mitigate the ongoing and long-term responsibilities both to create the conditions conducive to avoiding this sort of accident in the first place (by promoting the construction of safe buildings), and to ensure that a more suitable agent is in place to respond (by establishing robust and reliable emergency services). In the international realm, alongside the immediate – and transient – imperative that institutional agents act in concert when faced with a grave crisis that would otherwise be unattended, it is necessary to recognise the ongoing prospective moral responsibilities both to create an environment in which such crises are prevented and to build and bolster formal 'agents of justice' with the will, resources and procedures in place to act.

This final moral responsibility is crucial because the informal associations that satisfy the immediate imperative are, in many ways, imperfect alternatives. Informal associations such as coalitions of the willing may be capable of joint purposive action, and may even boast a speed and flexibility in responding to crises that some formal organisations (such as the UN) lack when their rigid, formal decision-making structures are slow to arrive at a course of action or result in stalemate. However, these associations also have limits. Unlike (effectively functioning) structured institutions, they have neither the potentially sophisticated capacity for deliberation manifest in highly developed mechanisms for accessing and processing information, nor the capacity for institutional learning whereby an organisation is able to reflect on past experiences (and the consequences of previous acts and omissions) in a way that allows calculated revisions to policies, practice, codes of conduct and organisational

culture.[92] Nor is there the same potential within such informal associations to integrate coherently the roles of their constituents and thereby achieve a comparably complex level of coordinated action. Accordingly, both individual human and institutional moral agents also have an obligation to create, empower or reform those formal organisations best able to respond to crisis so that such *ad hoc* arrangements do not exhaust our options in the future.

## 6. Conclusion

Coalitions of the willing *cannot* coherently be considered bearers of duties. Our calls to action and cries of condemnation in the wake of action that is stalled, ineffective or deemed unjust must be directed instead towards the states, non-state actors and intergovernmental organisations that variously constitute (or could constitute) them. And, even while such statements of moral responsibility are reasonably directed towards the members (or potential members) of these *ad hoc* associations, our attention should also remain focused on reforming and enabling the formal organisations for which coalitions of the willing act as either necessary supplements or, more controversially, unauthorised substitutes. Yet, these are only some of the conclusions that follow from the argument above. It has also yielded a more nuanced account of moral responsibility in relation to informal associations in world politics than the model of institutional moral agency could hope to offer on its own. This account, in turn, has far-reaching implications for our responses to practical problems, such as how to make sense of the widely accepted, and detrimentally vague, claim that 'the international community' has a moral responsibility to respond to mass atrocities, and how to organise ourselves to discharge this collective commitment.

Informal associations (which lack established organisational structures and decision-making procedures) do not qualify as institutional moral agents and cannot bear moral burdens at a corporate level. This judgement is important. However, the proposed model of institutional moral agency dismisses these types of collectivity too quickly with such a stark assessment and, therefore, fails to address important problems of moral responsibility in world politics. Fortunately, the same model allows us to understand certain bodies in world politics as

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[92] I argue that this capacity for 'institutional learning' results from the combination of an established decision-making procedure and an identity over time in formal organisations that meet the criteria for institutional moral agency. See Erskine, *Locating Responsibility: Institutional Moral Agency and International Relations*, n. 3, chapter 5.

themselves constituted by institutional moral agents. It thereby makes accessible valuable lessons from the work of philosophers such as Held and May, who focus on informal associations at the domestic level, populated by their individual human counterparts.

Consideration of the work of Held and May helps us to identify two categories of collectivity that lack formal organisational structures and decision-making procedures: 'random collections' of agents that contingently share a time and place; and, associations made up of agents that share a common purpose and have developed an informal organisational structure and deliberative capacity in order to pursue it. Both are distinct from those formal organisations (such as the UN and NATO) that are themselves made up of institutional moral agents, and are at least conditionally capable of deliberation and action at the corporate level. While the members of the former are only able to achieve (very limited) joint action that does not require prior deliberation and special coordination, the constituents of the latter can realise more sophisticated forms of cooperation, or what I have labeled 'joint purposive action'.

The members of informal associations capable of joint purposive action can address injustices and respond to crises (and, indeed, produce harm) in ways that far surpass what they could each achieve if acting on their own. Our prescriptions and evaluations of their actions should thereby be different in significant ways to those that we would make if these agents were acting independently. In short, their enhanced capacities within these associations lead to magnified responsibilities on the part of each individual agent. Significantly, however, this argument does not support the simple conclusion that we should only have greater expectations of agents if and when they become members of such informal associations. (There could then be a perverse disincentive to form such associations in the face of crises.) When confronted with what is commonly held to be a duty-generating crisis, and in the absence of a viable alternative, our expectations should attach, in the short term, to those individual agents able to contribute to establishing the sort of informal association needed to discharge the duty. In the wake of duty-generating crises that were neither prevented nor mitigated, blame should be apportioned not only to those individual and institutional moral agents who caused harm (by acting maliciously, recklessly or negligently), and to those individual and institutional agents who could have responded but did not, but also to those who failed to collectivise to create a temporary, informal, and arguably imperfect association necessary for urgent remedial action.

With respect to the hard case addressed in this chapter, this argument suggests that in order to discharge the responsibility to protect vulnerable populations in situations of gross human rights abuses, and in the absence of a single institutional agent willing and able to respond, individual states, non-state actors and intergovernmental organisations each have a duty to contribute to establishing an informal association capable of joint purposive action and then to participate in an effective response. This conclusion will understandably raise a number of concerns, particularly when we are talking about vigilante coalitions of the willing. Primary among these concerns must be whether the imperative that agents contribute to such informal associations can be appropriated as a convenient cover for some to circumvent intergovernmental organisations (and international law) for their own advantage – in other words, to surreptitiously bypass the UN as the designated 'custodian of collective legitimacy'.[93]

I do not deny that this can be – and has been – a motivation for establishing such associations. Nevertheless, if the value of such informal, collective action is brought out of the shadows cast by denial and wishful thinking (manifest in the mythical abilities of the so-called 'international community', or misplaced confidence in a frequently weak and constrained UN), and if the vigilante coalition of the willing is acknowledged as an alternative that is sometimes *necessary* when designated 'agents of justice' are unwilling or unable to respond, then explicit guidelines can be set regarding the conditions under which such collective action is genuinely required. Important questions of what these guidelines should look like, which amongst a multitude of duty-bearing institutional agents should be identified to come together and act in concert in a particular case and according to what criteria, and how ensuing tasks and costs are to be distributed, necessarily follow. By proposing that the nature of informal associations, such as coalitions of the willing, should profoundly affect our prescriptions and evaluations of the acts and omissions of their constituents (and potential constituents), this chapter aims both to offer a more demanding account of moral responsibility in relation to such entities in world politics and to set the stage for these crucial, further questions.

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[93] This phrase is taken from I.L. Claude Junior, 'Collective Legitimisation as a Political Function of the UN' (1966) 20 IO 267.