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PLANNING ON A PRIOR INTENTION

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Thereis in the philosophy of action a debate about the nature of intention and of its relation to belief. According to *doxasticism*, intending to act is a special kind of belief that one will so act, or at least necessarily involves such a belief.[1] For *conativism*, in contrast, intending to act is a conative attitude that need neither involve nor be identified with the belief that one will so act.[2] The debate between such views of intention bears on several pressing problems in the philosophy of action and practical reasoning. Adherents of the former view point out that it is only by endorsing "the thesis that intention involves belief" that we can shed light on issues such as knowledge of intentional action, the grounds of the norms of rationality for intention such as means-end coherence and consistency, and the role that intention plays in facilitating further planning and coordinating action.[3] Supporters of the latter view, of course, deny this.[4]

1   See, e.g., Grice, "Intention and Uncertainty"; Harman, "Practical Reasoning"; Davis, "A Causal Theory of Intending"; Velleman, *Practical Reflection*; Setiya, "Practical Knowledge"; and Marušić and Schwenkler, "Intending Is Believing." This view is also sometimes called "cognitivism" about intention; see Paul, "How We Know What We're Doing"; and Marušić and Schwenkler, "Intending Is Believing." I think, however, that "doxasticism" is a more felicitous label for it, as it stresses the connection of intention with the specific attitude of belief. The latter attitude shares with the attitudes of supposing, imagining, pretending, and so forth, the property of being a cognitive attitude. But belief is distinctive among such attitudes in having a special connection to the truth, that is, in being a doxastic attitude. For discussion, see, e.g., Velleman, "On the Aim of Belief."

2   The *locus classicus* is Bratman, *Intention, Plans, and Practical Reason*. See also Davidson, "Intending"; McCann, "Settled Objectives and Rational Constraints"; Mele, *Springs of Action*; Paul, "How We Know What We're Doing"; and Brunero, "Cognitivism about Practical Rationality."

3   The apt expression comes from Harman, "Practical Reasoning," 432. On the first issue, see esp. Velleman, *Practical Reflection*; and Setiya, *Reasons without Rationalism*, "Practical Knowledge," and "Practical Knowledge Revisited." On the second, see Harman, "Practical Reasoning"; Davis, "A Causal Theory of Intending"; Setiya, "Cognitivism about Instrumental Reason"; and Velleman, "What Good Is a Will?" Below I discuss how doxasticists tackle the third issue.

4   Paul addresses the first issue ("How We Know What We're Doing"); Bratman (*Planning,*

Much of the recent literature has focused on how the cited debate bears on the first two issues mentioned above and only limited attention has been given to how it bears on the third. In this paper I attempt to remedy that deficit. I offer a systematic discussion of how the debate between doxasticism and conativism bears on the question of the role that intention plays in facilitating further planning and coordination. It is commonly thought that intention facilitates the coordination of action by allowing one to form further intentions for the future on the basis of the *belief* that one's former intention will be successfully executed. However, this thought is naturally deemed by doxasticists to present a serious challenge for conativist accounts of the cited phenomena, as conativism denies the existence of a necessary connection between intention and belief. Call this the *Belief Challenge* to conativist accounts of intention-based planning and coordination. This paper is an inquiry into that challenge and its implications for our theory of intention.

There are three main reactions that conativists have had—or, might have—in response. First, some have denied that the challenge is calling attention to a real problem altogether. It is not true, some conativists maintain, that in order for intention to facilitate coordination, it must involve or engage a belief concerning its successful execution.[5] Second, others have argued that the cognitive (or doxastic) constraint that the challenge sets on intention-based coordination is too demanding, and that a weaker constraint—formulated in terms of either (full) belief about chances or credences—might do as well.[6] These reactions represent two forms of skepticism—strong and weak—about the Belief Challenge. Finally, in opposition to those two reactions, some others have acknowledged the role of belief in success in intention-based coordination but found this compatible with conativism.[7]

I believe that the cited challenge raises genuine concerns for conativism. I also believe that none of the aforementioned reactions to it is adequate. In this

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Time, and Self-Governance) and Brunero ("Cognitivism about Practical Rationality"), among others, address the second. How conativists address the third issue is the subject of my inquiry below.

5   Mele, *Springs of Action*.

6   Brunero, "Cognitivism about Practical Rationality"; Audi, "Intending" and "Intention, Cognitive Commitment, and Planning"; Davidson, "Reply to Pears." A note on terminology: I will often speak more broadly of "cognitive"—rather than of "doxastic"—constraints on intention-based coordination in order to leave open the possibility that the cognitive attitude responsible for framing such coordination is not belief. For the sake of consistency, I will similarly speak more broadly of "cognitive"—rather than of "doxastic"—constraints on intention.

7   Bratman, *Intention, Plans, and Practical Reason*.

paper I propose an alternative answer to the challenge on behalf of conativism. My proposal rests basically on two theses. The first is methodological. While it is true that, as noted earlier, the question of the cognitive constraints on intention-based coordination is intimately connected to the question of the cognitive constraints on mere intending, it is also true that those questions are, in respects to be discussed below, distinct or independent questions. Call this the *Independence Thesis*. Philosophers on each side of the debate have in general seen the former question as a mere spin-off from the latter, and as a result they have failed to consider the former question in its own terms, as raising its own difficulties. I believe, in contrast, that appreciating the specific issues that the former question raises is crucial to understanding the coordinating role of intention. The second thesis I defend is substantive rather than methodological. I claim that the cognitive aspect of intention-based coordination is better understood not in terms of belief, but in terms of a different cognitive attitude, the attitude of *reliance*. Call this the *Reliance Thesis*. This thesis, and the theory of reliance that underpins it, I contend, afford conativism with a comprehensive account of that central aspect of coordination and a satisfactory answer to the associated challenge.

The paper is organized as follows. In section 1, I describe some of the main features of the conativist account of intention-based coordination and explain how the Belief Challenge originates. In sections 2 and 3, I consider the aforementioned conativist reactions to it in turn and show why they ultimately fail. Consideration of such reactions will allow us to single out the specific form of intention-based planning and coordination that is the object of our inquiry, identify the respects in which the aforementioned two questions are independent, and produce a more compelling formulation of the cited challenge. In section 4, I show how appeal to the Reliance Thesis helps conativism to answer the question of the cognitive aspects of intention-based coordination and to successfully address that challenge. I conclude in section 5 with some implications of the current proposal for our theory of intention.

1. THE BELIEF CHALLENGE AGAINST CONATIVISM

Many of our daily activities are complex and call for the coordination of our present and future actions. Preparing tomato sauce, for example, often requires one to find a recipe, get the ingredients, and follow the recipe step by step. If one does not do this—say, if one adds the garlic before the oil is sizzling hot—the sauce will likely be ruined. Likewise, doing things with others requires one to coordinate one's actions with those of others. If you and I are to dance the tango, it must be the case that one of us leads while the other follows.

It is widely agreed that intention plays an important role in facilitating intrapersonal and interpersonal coordination, a role that other conative attitudes, such as ordinary desire, cannot—or at least typically do not—play. Among contemporary philosophers, Michael Bratman has done most to stress and elucidate this role of intention.[8] Bratman maintains that our capacity to form intentions (or "plans") about the future is in part a response to our need to coordinate our activities with ourselves and with others. Bratman argues that intention plays such a coordinating role partly because it involves a distinctive conative commitment to action. This commitment, Bratman thinks, has two dimensions. One of them has to do with the causal-motivational connection between intention and action. Intention, Bratman asserts, "controls" or settles action in that, normally, if one now intends to perform a certain action in the future, and one's intention persists, one will (at least try to) perform that action then. The other dimension of it concerns the role that intention plays in practical reasoning. When one intends to act in a certain way in the future, Bratman says, one is disposed to reason in two basic ways. First, one is disposed to see the issue of one's so acting as being settled in one's mind and to persist in that state of settledness until the time of action arrives. Second, one is disposed to engage in further reasoning aimed at the execution of that intention, where this includes forming intentions concerning means and excluding incompatible options from consideration in deliberation. Thus, it is partly because it involves such a two-dimensional, conative commitment, Bratman explains, that intention facilitates the coordination of action.[9]

It is important to note for our purposes that Bratman's explanation of the coordinating role of intention is consistent with his endorsement of conativism and thus is independent of the thesis that intention involves belief. Bratman thinks that such a thesis is subject to counterexample. Suppose, Bratman illustrates, that I intend to perform a difficult action—say, to carry out a difficult rescue operation. In such a case, I may be aware of my strong determination to succeed and yet be agnostic about success. On reflection, I may not believe that I will fail, but I may not believe that I will succeed, either.[10] In Bratman's view, the

8 Bratman, *Intention, Plans, and Practical Reason*. For a pioneering discussion, see Harman, "Practical Reasoning," 438, 446–48. Cf. Grice, "Intention and Uncertainty," 270–72.

9 Bratman, *Intention, Plans, and Practical Reason*, 15–17. As noted in the text, this constitutes in Bratman's view only *part* of the explanation of the coordinating role of intention. I presently concentrate on this part of Bratman's explanation, as this is the focus of the criticisms that give rise to the Belief Challenge. I discuss another key part of Bratman's explanation in section 3.

10 Bratman, *Intention, Plans, and Practical Reason*, 38. For a recent defense of doxasticism in light of such cases, see Marušić, "Belief and Difficult Action."

existence of cases such as this does not conclusively establish the falsity of the intention-belief thesis, but it nonetheless recommends that we seek an explanation of intention-based coordination—and, in fact, of any intention-related phenomenon—independent of it.

Some philosophers have found fault with Bratman's explanation of the coordination role of intention, however. They have argued that a conativist view of intention such as Bratman's does not sit well with a conception of this attitude as playing the cited coordinating role. J. David Velleman presses a forceful version of this objection in recent work.[11] To appreciate its force, we must first consider the account of intention-based coordination that Velleman himself endorses. Like Bratman, Velleman thinks that intention coordinates action because it involves a characteristic commitment. Intention, Velleman writes, is a "mental commitment to act," an attitude that settles one's course of action in a way that "enables us and those around us to count on our performing particular actions in the future."[12] However, Velleman also thinks, unlike Bratman, that this commitment is of a cognitive, rather than a conative, nature. The commitment distinctive of one's intention to act, Velleman asserts, is a "cognitive commitment to the truth" of the proposition that one will so act—where this is the commitment characteristic of the *belief* that one will so act.[13] Moreover, and this is key to his account, Velleman maintains that this belief (or "cognitive commitment") "is what actually does the work ... what provides the basis for coordination."[14] One's intention to act facilitates the coordination of one's activities in the further future because it allows one to plan some of those future activities on the basis of its (partly) constitutive belief that one will so act.[15] To account for the coordinating role of intention, Velleman insists, we must endorse the thesis that intention involves belief.[16]

It is useful to understand Velleman's account of intention-based coordina-

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11 Velleman, "What Good Is a Will?" 204–8; cf. Audi, "Intention, Cognitive Commitment, and Planning."

12 Vellman, *Practical Reflection*, 111; cf. review of *Intention, Plans, and Practical Reason* and "What Good Is a Will?" 195.

13 Velleman, "What Good Is a Will?" 204.

14 Velleman, "What Good Is a Will?" 208.

15 Strictly speaking, Velleman no longer speaks of intention as being (partly) constituted by "belief"—as he did in earlier work (*Practical Reflection*)—but by a "cognitive commitment to the truth," thus "leav[ing] open whether that cognitive commitment should be called a belief" ("What Good Is a Will?" 209n10). For ease of exposition, in this paper I stick to Velleman's earlier formulation.

16 Cf. Marušić and Schwenkler's weaker claim that intention-based coordination "is *especially* easy to understand if intentions are a kind of belief" ("Intending Is Believing," 320–21).

tion as involving two separate ideas. The first is that one's intention to ϕ facilitates the coordination of action in part because it allows one (and others) to plan to ψ in the future on the basis of the belief that one will ϕ. The second is that such a belief, the belief that one will ϕ, is (partly) constitutive of one's intention to ϕ. Call an account that builds on such ideas *Doxasticism about Coordination* (DC).[17]

The two ideas enjoy considerable initial plausibility. The first can be broken down into two further components: the idea that intention facilitates coordination by way of a relevant *belief*, and the idea that intention facilitates coordination by way of a belief with a specific content, a belief *in success*. The former component finds support in a familiar and widely accepted view of the nature of belief. According to this view, it is a function of belief to *cognitively guide* or *frame* one's reasoning. In believing that p, one is disposed to, among other things, deliberate, plan, and act on the premise that p.[18] Thus, according to DC, one's intention to ϕ facilitates coordination partly because the belief it involves—namely, the belief that one will ϕ—disposes one to plan one's future activities on the premise that one will ϕ. Suppose that I intend to spend the weekend in Chicago. Since my intention involves the belief that I will be there, I can go ahead and plan my activities for the weekend. I can plan to attend the Chicago Bulls game on Saturday and plan to meet an old friend for lunch in Wicker Park on Sunday, all based on the premise that I will be there. Similarly, my friend can plan to meet me for lunch on Sunday, on the basis of his belief that (I intend to be in Chicago this weekend and that ultimately) I will be there. The latter component rests on the intuitive thought that, in order to coordinate one's actions, it is not sufficient for one to be able to plan and act on the belief that one has a certain intention; one must also, and more fundamentally, be able to plan and act on the belief that such an intention will be successfully executed.[19] Lastly, the second idea advanced by DC guarantees that an attitude deemed necessary for intention-based planning and thus for facilitating coordination—namely, belief in success—will be present in the context in which such planning and coordination takes place.

Reflection on such ideas naturally raises a question as to whether Bratman's view can actually account for the coordinating role of intention. Those ideas indicate that intention coordinates action partly because it involves the belief that one's intention will be successfully executed. The worry is that in Bratman's view intention is compatible with agnosticism about success, and such agnosticism

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17 Other supporters of DC include Harman, "Practical Reasoning"; and Grice, "Intention and Uncertainty."

18 See, e.g., Velleman, "On the Aim of Belief," 255–77; and Schwitzgebel, "A Phenomenal, Dispositional Account of Belief," 253.

19 Cf. Velleman, "What Good Is a Will?" 195.

seems to undermine, rather than facilitate, coordination. As Velleman eloquently puts it:

> The coordinating role of intentions would … come into doubt if intentions did not involve a cognitive commitment. When an intention coordinates behavior, the agent and his associates proceed on the assumption of its being executed—which would be an odd way to proceed if the agent himself were agnostic on the question. If I am agnostic as to whether I will be in Chicago on [Saturday], why should anyone plan or act on the assumption of my being there?[20]

In pressing this objection Velleman is in fact setting a challenge not just for Bratman's conativism but for any account of the coordinating role of intention that builds on that view of intention.[21] Call any such an account *Conativism about Coordination* (CC). The challenge is for CC to explain how intention can facilitate further planning and coordination, given the common idea that intention can do this only in the presence of belief in success and given their rejection of the thesis that intention involves such a belief. That is the "Belief Challenge" to conativism I anticipated in the introduction to this paper. From a conativist perspective, Velleman's objection is best viewed not as denying the existence of a conative aspect to intention-based coordination, but as calling attention to the existence of a cognitive aspect to it as well, an aspect that, in Velleman's assessment, is not properly appreciated by conativist accounts. Thus, from this perspective, the Belief Challenge confronts the conativist with the task of giving an explanation of the cognitive aspect of the coordinating role of intention. In the next two sections, I consider some conativist responses to this challenge and show how this motivates important ideas and distinctions, which will assist us in formulating a more satisfactory response to it in section 4.

2. SKEPTICISM ABOUT COGNITIVE CONSTRAINTS ON INTENTION-BASED COORDINATION

2.1. *Mele's Strong Skepticism and Two Forms of Planning on a Prior Intention*

In his defense of conativism, Alfred Mele anticipates a version of the Belief

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20 Vellman, "What Good Is a Will?" 206.

21 It is an exceptionally pressing challenge for Bratman's conativism in particular, however, as in his view part of the point or "aim" of intention has to do with the role this attitude plays in coordination (*Intention, Plans, and Practical Reason*; "Intention, Belief, Practical, Theoretical," 41–42).

Challenge and offers a skeptical response to it.[22] Mele maintains that the role that intention plays in the coordination of action is parasitic on conative features of that attitude alone, such as its tendency to causally control action, persist through time, lead to the formation of intentions about means, and disregard incompatible options in deliberation.[23] Accordingly, Mele asserts that the role that intention plays in coordination "need in no way depend upon" any beliefs one may have concerning its execution.[24] "There is nothing about coordinative capacity itself," Mele remarks, "that calls for … belief constraints on intention."[25] As will become apparent below, in making this remark Mele is in fact rejecting not only the idea (mentioned in section 1 above) that the formation of an intention to act in the further future on the basis of a prior intention to act in the nearer future must be cognitively framed by the belief that one's prior intention will be successfully executed; he is also rejecting the idea that the formation of such a further intention must be framed by any cognitive attitude about the success of one's prior intention at all.

Mele takes his skepticism about cognitive constraints on intention-based coordination to draw support from everyday experience. It is worthwhile to consider Mele's main example in some detail:

> There are three seconds left in the basketball game. The Pistons are behind by four points, and Dumars has just drawn a foul. The players have a standing plan for just this situation [but they] believe that their chances of executing this plan beyond his sinking the initial foul shot are slim.… [Now, if] Dumars does intend to execute his portion of the plan, his intention can help to coordinate his activities, including his interaction with his teammates.… [Moreover,] some of Dumars's plans for the non-immediate future may rest on his intention … even though he believes that the odds are against him. For example, Dumars's intention … may figure in the etiology of an intention (formed on his way to the foul line) to explain the strategy later, in a postgame interview.[26]

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22   Mele, *Springs of Action*, ch. 8.

23   Mele, *Springs of Action*, 137. Mele takes himself to be following Bratman on this issue (*Intention, Plans, and Practical Reason*). As we will see in section 3, however, Mele's interpretation of Bratman's view is partially misguided, for in the latter view an appeal to conative features of intention is necessary but not sufficient to account for the role that this attitude plays in coordination.

24   Mele, *Springs of Action*, 138.

25   Mele, *Springs of Action*, 138.

26   Mele, *Springs of Action*, 137–38.

Mele's central claim is that in the envisaged scenario Dumars may intend to execute his part of the team's strategy while failing to believe that his intention will be executed, and yet his intention may support both interpersonal and intrapersonal coordination. I think that Mele's claim faces serious difficulties, however. Consider the claim as it connects to *inter*personal coordination. In the original formulation of the example, Mele identifies the actions that the players must coordinate with each other in order to win the game, but is silent about how Dumars's intention may facilitate such coordination and, especially, about how it may do this in light of his doubts about success. So, insofar as it connects to interpersonal coordination, Mele's claim is largely unargued for. The claim is also controversial, for it is widely accepted that normally when individuals act jointly they coordinate their actions by intending to do their parts on the assumption that the other participants (intend to and) will eventually do theirs.[27] If Dumars and his teammate—say, Thomas—achieve successful coordination, that will be partly because, say, Dumars intends to sink a shoot on the assumption that Thomas's intention to pass the ball to Dumars is first carried out. Consider next Mele's claim as it regards *intra*personal coordination. The trouble here is that the example Mele uses in this regard misfires, for it describes a case that is relevantly different from the cases of intention-based coordination at which Velleman's Belief Challenge is directed.

We should distinguish between two forms of intention-based planning. First, one may form the intention to ψ (for the more distant future) on the basis of one's prior intention to ϕ (for the nearer future) in a context in which one assumes that (one will ψ only if one first ϕs and consequently that) one's intention to ψ will be executed only if one's intention to ϕ is first executed.[28] In such cases, it is intuitive to suppose, the formation of one's intention to ψ is cognitively framed by the assumption that one will ϕ. My forming the intention to attend the Chicago Bulls game on Saturday on the basis of my prior intention to be in Chicago this weekend is a case in point. Here in intending to attend the game, I

27 See, e.g., Tuomela and Miller, "We-Intentions"; and Bratman, "Shared Intention" and *Shared Agency*. I discuss the issue further elsewhere (Alonso, "Shared Intention, Reliance, and Interpersonal Obligations"). In this paper I concentrate mainly on the role intention plays in *intra*personal coordination.

28 For ease of exposition, in what follows I use the expression "assuming that p" to mean "having a relevant cognitive attitude that p" and leave open—until section 4—whether such a cognitive attitude must be belief. Note that this use of the term "assumption" diverges from a familiar use of it associated with Velleman's work, according to which to assume that p is to have a *specific* type of cognitive attitude, different from belief ("The Guise of the Good," 112–13). See section 4.2 for some similarities between Velleman's "assumption" and the attitude I call "reliance."

assume that my prior intention to be in Chicago will be executed first. I do so partly because I assume that the execution of my intention to attend the game causally depends on the prior execution of my intention to be in Chicago.[29] Call cases of planning on the presumed prior success of a prior intention "prior-success planning." Second, one may form the intention to ψ on the basis of one's prior intention to ϕ in a context in which one does not assume that the execution of one's intention to ψ causally depends on the execution of one's intention to ϕ. In such cases, I suggest, the formation of one's intention to ψ need not be framed by the assumption that one will ϕ. Call these cases of "non-prior-success planning." A clear illustration is provided by familiar instances of means-end reasoning. Normally, when one forms the intention to pursue what one believes is a means to one's intended end, one is aware that one possesses such a prior intention for the end. But in such cases one need not, and typically does not, assume that the execution of one's intention for the means depends on the prior execution of one's intention for the end; normally, one believes the converse of this.

The foregoing distinction indicates that it is cases of prior-success planning, rather than cases of non-prior-success planning, that the Belief Challenge puts pressure—or, in any case, should put pressure—on conativism to account for. It also explains why Mele's example of the role that Dumars's intention may play in *intra*personal coordination misfires as a response to that challenge. It misfires because it is an instance of non-prior-success planning, rather than of prior-success planning. Mele imagines that during the game Dumars first forms the intention to do his part of the team's strategy and on the basis of that intention then goes on to form the further intention to later describe the team's strategy in a postgame interview. However, it is apparent that in this scenario Dumars need not assume that the execution of his intention for the future (postgame) depends on the prior execution of his intention for the present (game), for he may simply realize that the causal efficacy of his future-directed intention is compatible with the causal inefficacy of his present-directed intention. Therefore, a serious difficulty with Mele's skeptical response to the Belief Challenge is that it overlooks the foregoing distinction and cognitive aspect of prior-success planning, thus failing to appreciate the force of the challenge and consequently to provide a satisfactory answer to it.

Before going any further, I want to return briefly to the above-mentioned supposition that prior-success planning works by way of an assumption of prior success. Besides its intuitive appeal, I think two ideas work in tandem to lend

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29   There are thus two respects in which my intention to be in Chicago is prior here: it is formed antecedently to the formation of my intention to attend the game; and its prior execution is causally necessary for the execution of my intention to attend the game.

additional support to it. The first is owed to Donald Davidson and says that an "intention [to act in the future] assumes ... a certain view of the future."[30] When one forms an intention to act in the future, one does so against the background of what one assumes that future to be like. This is, undoubtedly, an important idea. But it is also too general for our purposes. It does not suffice to explain why, in cases of prior-success planning, when forming an intention to ψ on the basis of a prior intention to ϕ, one's "view of the future" must include, in particular, the assumption that one's intention to ϕ will be carried out. Here we must solicit the contribution of a second, more specific, idea. In general, it makes sense to intend to do something in the future only if one assumes that the conditions one takes to be necessary for the successful execution of one's intention will eventually be satisfied. In cases of prior-success planning, one assumes that a necessary condition for the success of one's intention to ψ for the more distant future is that one's prior intention to ϕ for the less distant future be executed first; and so, according to that second idea, in such cases it makes sense for one to intend to ψ only if one assumes that one's intention to ϕ will be executed first. Therefore, although the issues are complex, I think that, when put together, the cited two ideas make plausible the supposition that when engaged in prior-success planning, in intending to act in the future on the basis of a prior intention, one takes such a future to include the fact that one's prior intention is carried out.

2.2. Brunero's Weak Skepticism and a Distinction between Two Questions

In recent work, John Brunero has offered an alternative skeptical response to the Belief Challenge.[31] Rather than maintaining with Mele that belief in success is *never* required for intention-based planning, Brunero claims that the cited belief is *not always* required for such planning.[32] Brunero's is thus a form of weak skepticism, as opposed to Mele's strong skepticism, about the existence of cognitive constraints on intention-based coordination. More positively, Brunero proposes a disjunctivist account of such constraints. Although in some cases one coordinates one's actions by planning to act on the basis of the belief that one's intention will be executed, Brunero maintains, in other cases one achieves such coordination by "plan[ning] in light of the probability" that it will be executed.[33]

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30 Davidson, "Intending," 100. Although I borrow this idea from Davidson, I reject his famous identification of intention with value judgment ("Intending," 100). I discuss aspects of Davidson's view of intention in section 2.3.

31 Brunero, "Cognitivism about Practical Rationality," 27–30.

32 Mele, *Springs of Action*, 138; Brunero, "Cognitivism about Practical Rationality," 28; cf. Adams, "Trying with the Hope."

33 Brunero, "Cognitivism about Practical Rationality," 28–29. Richard Holton is another

Thus, Brunero contends, once we realize that intention-based planning need not be framed by belief in success, we see that the cited challenge vanishes and that acceptance of the intention-belief thesis is not necessary to account for the co-ordinating role of intention.[34]

The crux of Brunero's skeptical response to the Belief Challenge lies in his idea of planning to act in light of the probability of success of one's prior intention. The challenge, recall, is to account for prior-success planning—and, especially, for the possibility of such planning in contexts of agnosticism about success—in a way compatible with conativism. Initially, Brunero's idea seems well suited for the task.[35] Suppose that I have doubts as to whether my intention to spend the weekend in Chicago will be executed; perhaps I just heard on the radio that airline workers are deciding whether to go on strike this weekend. According to Brunero's idea, in such a case I may assess the probability of success of the cited intention and form the further intention to attend the Bulls game in light of that assessment.[36]

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advocate of conativism who proposes a form of disjunctivism about such constraints. Like Brunero, Holton maintains that one can plan to act either on an "all-out belief" in success or on a "partial belief" in success ("Partial Belief, Partial Intention," 52), though his conception of such beliefs is very different from Brunero's. See Holton, "Partial Belief, Partial Intention" and "Intention as a Model for Belief." The details are not to the point here. What matters is that Holton's idea of *planning on* a partial belief in success suffers from a problem of under-specification analogous to the one faced by Brunero's idea of *planning in light of* probabilities of success, discussed in the text below.

34 Brunero, "Cognitivism about Practical Rationality," 29.

35 This is not to say that Brunero's idea is aimed at accounting for only one such form of intention-based planning. See note 36.

36 The example is mine. Brunero himself offers a series of interesting examples with the aim of illustrating the cited idea, but unfortunately none of them involves the phenomenon of prior-success planning. Here is one of them: "Suppose we are teammates on a basketball team and you intend to make a shot, and, aware of your intention, I position myself for a rebound. I'm clearly not proceeding on the assumption that you'll execute your intention. Had I proceeded on that assumption, I would have hurried back down the court to set up on defense…. And much the same goes for [you]…. [You] might position [your]self for a rebound" ("Cognitivism about Practical Rationality," 28). Brunero is correct to claim that when I form the intention to position myself for a rebound in such a scenario I need not assume that you will make your shot. An explanation is found in the distinction introduced in section 2.1: in that scenario I need not assume that my getting the rebound depends on your actually making the shot. Indeed, it is plausible to add that when I form such an intention in that scenario, I do so on the assumption that you will *fail* in your attempt. (Basketball players are often taught to assume that every shot will be missed so they can position themselves for a rebound.) Thus, we may see the above-mentioned example by Brunero as calling attention to the fact that sometimes it can make sense for one to plan to act on the assumption of the failure, rather than of the success, of one's prior intention. Note that this invites

I think that Brunero is right in noting that the assessment of the probability of success of one's prior intention can play a role in coordination (I will say more about related matters in sections 2.3 and 4.4). However, I also think that Brunero's intuitive idea of planning to act in light of the probability of success is insufficiently fleshed out. Brunero's basic idea, we just saw, is that sometimes one assesses the probability of success of one's intention to φ and then plans to act in light of that probability assessment. Brunero seems to conceptualize such a probability assessment as a full belief with non-categorical content —that is, as one's believing that the probability of one's ϕ-ing is (say) .7—rather than as a partial belief (credence) with categorical content—that is, as one's having (say) .7 credence that one will ϕ. But there is a question as to what the process of *planning to act in light of* that probability assessment amounts to in Brunero's view. The question, in other words, is how such a form of planning works in one's psychology. As noted in section 1, when one plans to act in light of the belief that one will φ, one plans to act on the premise that one will ϕ. But when one "plans [to act] in light of the probability" that one will ϕ, what particular premise does frame one's planning in this case? Is it the premise that the probability that one will ϕ is (say) .7? And, if so, how does this form of planning differ from planning on the belief that one will ϕ? Unfortunately, Brunero does not say, and this makes it difficult to assess his case for the existence of an alternative cognitive constraint on intention-based planning and hence the possibility of accounting for prior-success planning in terms of it.

Brunero concludes his discussion of the Belief Challenge with an argument against DC, which is worth examining for our purposes. Brunero begins by calling our attention to Robert Audi's view of the cognitive aspect of intention.[37] According to Audi's view, intending to ϕ necessarily involves believing that one will ϕ or believing that one's ϕ-ing is more probable than not—where the latter belief is understood as a full belief with non-categorical content.[38] Brunero does not endorse Audi's view, but calls attention to it for polemical purposes. He argues that since such a view establishes a weaker cognitive constraint on intention than the one set by doxasticism, it is more successful than the latter view in accounting for the coordinating role of intention. For, unlike doxasticism, Brunero maintains, Audi's view can account for such a phenomenon not only in cases in which one plans one's future activities on the assumption of success, but also in

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the question, however, of whether it is one's flat-out assumption of failure, rather than one's probability assessment about success, that actually does the cognitive work of framing one's planning in such cases. I discuss a related question in section 2.3.

37 Audi, "Intending."

38 Audi, "Intending," 395; cf. Audi, "Intention, Cognitive Commitment, and Planning," 376n4.

(some) cases in which one "plans [such activities] in light of the probability" of success.[39] Therefore, Brunero concludes, not only do we need not embrace doxasticism in order to account for the coordinating role of intention; we are better off embracing an alternative view to that end as well. Thus, Brunero seeks to turn the tables against Velleman's Belief Challenge to conativism.

Brunero's argument prompts two comments. First, the argument rests on the mistaken presumption that Audi's view gives precise content to Brunero's intuitive yet also elusive idea of planning in light of the probability of success. As said above, Audi's view does make precise the idea of there being a tight connection between intention and probability assessments of its success. It establishes that sometimes intention comes accompanied by the assessment that success is more probable than not, where this is understood in terms of a full belief with non-categorical content. But the view does not specify what it is for one to plan one's further activities on the basis of such a belief. Among other things, it does not indicate whether, and if so how, planning on the basis of the belief that success is more probable than not differs from planning on the basis of the belief that success is forthcoming. So, in this regard, Audi's view does not improve on Brunero's idea.

The preceding comment lends support to what I earlier dubbed the Independence Thesis, according to which the question of the cognitive constraints on intention-based coordination is distinct from the question of the cognitive constraints on mere intending. It suggests that an account of the former phenomenon does not simply fall out of an account of the latter. In order to construct an account of the former phenomenon partly on the basis of an account of the latter, it is necessary to explain how it is that the cognitive attitude said to constrain intention plays the role of framing further planning. DC is a paradigm example of one such account. For, as we saw, it builds not only on the thesis that intention involves (full) belief but also, and most crucially, on a well-established view of the framing role that (full) beliefs (with categorical contents) play in our practical reasoning in general.

Second, whatever we might think about Brunero's "turning the tables" argument against Velleman's Belief Challenge, we surely should not interpret it as a partial defense of conativism. For an appeal to a view of the cognitive constraints on intention such as Audi's in the context of the present discussion does not answer the challenge on behalf of conativism, but only reintroduces it in a weaker form. In order for intention to play its characteristic coordinating role—or so the new challenge might go—it must involve at a minimum the belief that its execution is more probable than not, yet it is not obvious how conativism could

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39 Brunero, "Cognitivism about Practical Rationality," 29–30.

account for that role of intention, since this view rejects the existence of even that more minimal cognitive constraint on intention as well.[40] To answer the Belief Challenge, the conativist must look elsewhere. Unless otherwise noted, henceforth by "intention-based planning" I will mean prior-success planning. This is what the conativist must seek an explanation of.

2.3. A Davidsonian, Decision-Theoretic Alternative to Brunero's Weak Skepticism

One possibility is to look at another view of the connection between intention and probability assessments of success, one that is in fact compatible with conativism, and ask whether such a view can serve as a bedrock for an alternative account of the cognitive aspect of intention-based planning and response to the Belief Challenge. According to one version of that view, in order for one to intend to ϕ one must have credence greater than zero that one will ϕ, where such credence is a condition of possibility for, rather than a constitutive part of, the cited intention. Call this the *Minimal Credal Constraint* (MCC) on intention. The view is explicitly endorsed by Davidson.[41] Davidson famously likens intention to a judgment that an action of a certain type is desirable, where this judgment is conceived of as a conative attitude. But he also maintains that "the existence of the intention entails the existence of … a belief with a subjective probability greater than zero" that performance is forthcoming.[42] Davidson conceives of the cited belief as having two features: it is, deep down, a partial belief (credence) with categorical content; and it is "not part of what [one] intend[s], but an assumption without which [one] would not have the intention."[43] Hence the compatibility of MCC with Davidson's conativism.[44]

40 Davidson, "Intending" and "Reply to Pears"; Bratman, *Intention, Plans, and Practical Reason*; Mele, *Springs of Action*. Interestingly, Audi raises a version of this challenge against Bratman's view of intention in later work ("Intention, Cognitive Commitment, and Planning"). Audi remarks that it is only by "endorsing the belief condition" on intention that we can account for the coordinating role of this attitude and that this "add[s] to the plan-theoretical reasons for accepting [that condition]" ("Intention, Cognitive Commitment, and Planning," 377n11). In section 4, I dispute Audi's remark.

41 Davidson, "Reply to Pears," and cf. "Intending."

42 Davidson, "Reply to Pears," 213.

43 Davidson, "Intending," 100; cf. "Reply to Pears," 212–13. In earlier work, Davidson talks of the cited belief as a (full) belief in the possibility of success: "an agent cannot intend what he believes to be impossible" ("Intending," 93, and see also 94, 100–1; "Reply to Pears," 212). Davidson's appeal to credences in later work ("Reply to Pears") is an attempt to make that earlier talk ("Intending") more precise. For further discussion, see Ludwig, "Impossible Doings."

44 MCC should be contrasted with what we may call *partial doxasticism*, a view according to which it is partly constitutive of one's intention to ϕ that one has credence greater than

Having singled out a view of the connection between intention and probability assessments of success compatible with conativism—namely, MCC—the task now is to construct an account of the cognitive framing of intention-based planning on the basis of it.[45] A preliminary point is that, typically, having credence greater than zero in performance shapes one's intention-based planning in a different way than belief in performance does. Suppose that I intend to be in Chicago this weekend. If I have a low (say, .2) credence that I will be in Chicago this weekend, I will also have, provided that I am rational, a high (.8) credence that I will not be there then. Other things being equal, in such a case I will be more willing to plan my activities for the weekend on the premise that I will *not* be in Chicago than on the premise that I will be in Chicago. For example, I will be more willing to plan to cook dinner at home on the premise that I will be at home (and thus not in Chicago) than to plan to attend the Bulls game on the premise that I will be in Chicago. Yet, on many occasions other things are not equal. I may have a low credence in the success of my prior intention to be in Chicago but assign a much higher value to the outcome facilitated by planning on its success (here, attending the Bulls game) than to the outcome facilitated by planning on its failure (here, cooking dinner at home). How one's credence in the execution of a prior intention shapes one's further planning will typically depend on other factors, such as how one evaluates relevant outcomes. And this indicates that, at least on many occasions, appeal to MCC will not suffice to explain how intention-based planning is cognitively framed.

As hinted at in the preceding paragraph, a natural proposal here is to supplement MCC with elements from which to construct a decision-theoretic account of the role of credences in planning. This is by no means an obvious task. Standard decision theory says that I would be justified in planning on p—say, in planning on the success of my intention to be in Chicago—if the value I assign to this "act" is higher than the value I assign to relevant alternatives—say, to planning on the failure of my intention to be in Chicago. It also tells us that the value I assign to planning on p depends on:

> (a) my credence that I will (will not) achieve a certain outcome given that I plan on p—here: that I will (will not) attend the game given that I plan on the success of my intention to be in Chicago—where such credences

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zero that one will ϕ. See, e.g., Pears, "Intention and Belief," 78–79, 82; and Setiya, "Practical Knowledge," 391–92, 395–96, and "Practical Knowledge Revisited," 130.

45   It is not clear that this task has been undertaken by an advocate of MCC. Here I indicate how it might naturally be pursued.

are a function of my credence that p—here: a function of my credence that I will be in Chicago; and

(b) the value I assign to the outcomes facilitated (not facilitated) by such planning—here: the value I assign to my attending (not attending) the game.

Thus, the foregoing decision-theoretic account offers a detailed explanation of what it is for one to be *justified* in planning on the premise that p. That said, we should remind ourselves that our main question here is primarily *psychological*, rather than normative. What we want to know is what roles the cited credences (which include one's credence that p) and evaluations play, if any, in cognitively framing one's planning on p on such an account. A natural answer builds on two plausible claims. The first is that when such a set of credences and evaluations justifies one in planning on p, it disposes one to plan on p. The second is that to plan on p is to plan on a relevant full—rather than partial—cognitive attitude that p.[46] The answer, then, is that when one is justified in planning on p, one has a set of credences and evaluations that leads one to form a full cognitive attitude that p, and that it is this latter attitude—rather than one's partial belief (i.e., credence) that p—that plays the role of cognitively framing one's planning on p in such cases.

A decision-theoretic account of the cognitive aspect of intention-based planning along the preceding lines deserves much more scrutiny than I can give in this paper. Having said that, I think the account, as so far elaborated, raises some worries. One of them is that it does not identify the full cognitive attitude responsible for framing one's planning. This indicates that the account, even if correct, is incomplete.[47] Nevertheless, the main worry this account raises has to do in my view with the theoretical commitments that the conativist would have to take on if she were to embrace the cited decision-theoretic account. To arrive at such an account, the conativist would have to supplement MMC with the idea that in the context of intention-based planning one has the additional cre-

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46   See esp. Wright, "Warrant for Nothing (and Foundations for Free)?" 178–83.

47   Ross and Schroeder offer an account that seems to fill in this lacuna, arguing that the relevant full cognitive attitude is belief ("Belief, Credence, and Pragmatic Encroachment"). In a similar vein, Holton speaks in recent work of (full) belief "as providing a stable coordination point" and as "underpinned by practical considerations" ("Intention as a Model for Belief," 15, 16). In my view, practical considerations play a preeminent role, not in belief, but in a different cognitive attitude, the attitude of reliance (Alonso, "What Is Reliance?" and "Reasons for Reliance"). I return to these issues in section 4. For critical discussion of how practical considerations enter into Holton's account of belief, see Bratman, "Rational and Social Agency," 308–10.

dences and has made the evaluative judgments mentioned above. But this idea
encounters an objection often leveled against decision-theoretic explanations of
psychological phenomena in general, namely, that it makes the present account
of intention-based planning too demanding. For non-ideal agents like us engage
in such planning and yet often lack the time, energy, and intellectual resources
to go through the relevant calculations leading to the assignments of probability
and utility—i.e., credences and evaluations—that constitute the backbone of
the present account.[48] Given this, I think the conativist is well advised to con-
struct an account of intention-based planning that is neutral with respect to the
aforementioned idea.

3. BRATMAN'S CONCILIATORY REACTION AND TWO
PROBLEMS RAISED BY THE BELIEF CHALLENGE

Although often neglected, there is an alternative, non-skeptical conativist reac-
tion to the Belief Challenge that follows from Bratman's own initial discussion of
intention-based coordination.[49] As we saw above, several authors interpret Brat-
man as maintaining that the conative commitment characteristic of intention
is responsible for the role that this attitude plays in coordinating action.[50] This
interpretation is, strictly speaking, correct. But it is also incomplete. For Brat-
man points out, in addition, that intention facilitates coordination because in
normal cases commitment-related features of this attitude justifiably induce the
belief (or "expectation") that it will be executed, and because this belief serves
as a cognitive fixed point on the basis of which to plan further actions. Therefore,
Bratman thinks that they are *both* the cited conative commitment of intention
and induced belief that are responsible for the coordinating role of intention. As
Bratman summarizes the point:

> Intentions and plans normally support coordination in part by provid-
> ing support for expectations that they will be successfully executed. My
> intention to go to the meeting helps support interpersonal coordination

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48 For the general worry, see the classical study by Tversky and Kahneman, "Judgment under
    Uncertainty." On how that general worry connects to intention-related phenomena, see, e.g.,
    Harman, "Willing and Intending," 378–80; and Bratman, *Intention, Plans, and Practical Rea-
    son*, 10–11.

49 Bratman, *Intention, Plans, and Practical Reason*, and cf. "Practical Reasoning and Acceptance
    in a Context."

50 E.g., see how Bratman (*Intention, Plans, and Practical Reason*) is interpreted by Velleman,
    "What Good Is a Will?" 195; and Mele, *Springs of Action*, 137; cf. Audi, "Intention, Cognitive
    Commitment, and Planning," 377n11.

by providing support for your expectation that I will be there, an expectation that will play its role in your decision to come to the meeting. And my intention also supports my own expectation that I will be there, an expectation that allows me to plan my afternoon accordingly. Intentions and plans can provide this support for associated expectations because they are conduct-controlling pro-attitudes, ones that have a characteristic inertia, and ones that play a crucial role as inputs into and constraints on further practical reasoning.[51]

In advancing the just-mentioned point, Bratman acknowledges that there are two aspects to intention-based coordination: conative and cognitive. Since our interest centers on the Belief Challenge, let us concentrate on Bratman's view of the latter aspect of the phenomenon. Bratman advances two key ideas in relation to it in the quoted passage. The first is that intention-based planning is cognitively framed by belief in success. "That is," Bratman says, "a main role belief plays in ordinary planning."[52] The second is that the cited belief is normally brought about in that context by way of an inference from conative, commitment-related features of the intention, such as its tendency to control action, persist across time, and shape practical reasoning. So, according to Bratman's inferential model, one's intention to ϕ facilitates coordination partly by supporting an inference to the belief that one will ϕ, which frames the formation of an intention to ψ on the premise that one will ϕ. I will say more about this inferential model below. For now, what should be clear is that for Bratman the preceding two ideas help to explain the cognitive aspect of intention-based coordination and that this explanation presupposes that in the cases in question the prior intention is accompanied by belief in success.

All this notwithstanding, we saw earlier that for Bratman intention can be accompanied instead by agnosticism about success, and so there is still the question, incisively pressed by Velleman in his formulation of the challenge, as to how intention-based coordination works in such cases. Bratman argues that intention can indeed facilitate coordination in those cases, not by supporting prior-success (or "ordinary") planning, but by supporting a more complex form of planning, which Bratman dubs "conditional" planning.[53] Suppose that I am agnostic about the success of my intention to spend the weekend in Chicago and thus lack the beliefs that would permit me to engage in "ordinary" planning. In

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51 Bratman, *Intention, Plans, and Practical Reason*, 37.

52 Bratman, *Intention, Plans, and Practical Reason*, 38; cf. Paul, "How We Know What We're Doing," 12.

53 Bratman, *Intention, Plans, and Practical Reason*, 38–40.

such a case, Bratman suggests, I can still coordinate my activities by making my plans conditional on success. I can plan to attend the Chicago Bulls game if I go to Chicago and plan to cook dinner at home if I do not go to Chicago. Bratman's idea of conditional planning raises interesting questions but this need not detain us further here, for it is rather the phenomena of prior-success planning and co-ordination that is the target of the cited challenge.[54]

The foregoing remarks outline the main tenets of Bratman's view; however, they do not yet put us in a position to assess whether it offers a satisfactory response to the challenge. Ironically, a main obstacle is that, having taken a closer look at that view, it is now difficult to pin down the specific concerns that the challenge raises against it. At the heart of Velleman's own view and formulation of the challenge, there is the idea that the cognitive framing of intention-based planning works by way of belief in success. But, as we just saw, this idea is "central" to Bratman's view as well.[55] So, if the challenge raises some specific concerns about Bratman's view, those concerns must lie elsewhere. In what follows, I identify two concerns Velleman—or the doxasticist in general—might plausibly see the challenge as raising.

One of the points Velleman rightly emphasizes in his discussion is the lack of a necessary connection between intention and intention-based planning.[56] While it is true that in many cases one makes further plans on the basis of a prior intention—think, for example, of my intention to spend the weekend in Chicago—it is also true that in other cases one simply does not do this. Imagine, as Velleman illustrates, that a platter of cookies is unexpectedly held out to you and that your immediate reaction is to form an intention to grab one. In such a

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54 In further work ("I Intend that We J"), Bratman contrasts between intending to ϕ if p—i.e., conditional intention—and intending to ϕ on the assumption that p—i.e., a generalization of the phenomenon under scrutiny here. The contrast is perhaps best appreciated through one of Bratman's own examples, here slightly modified: "I intend to garden on the assumption of good weather; but it seems that given [that I already assume that] the weather [will be good] I need not merely conditionally intend to garden if the weather is good" ("I Intend that We J," 158). For recent discussion of conditional intention, see esp. Ferrero, "Conditional Intentions"; and Ludwig, "What Are Conditional Intentions?"

55 By "central" I take Bratman to mean that this belief is not only sufficient, but also necessary to do such cognitive work (*Intention, Plans, and Practical Reason*, 17–18). Note that Bratman has since given up the necessity claim. In later work ("Practical Reasoning and Acceptance in a Context"), Bratman calls attention to the existence of a cognitive attitude different from belief, which he coins as "acceptance in a context" and which in his view plays a role in our practical reasoning and action similar to the one played by belief. So, in Bratman's later view, "acceptance in a context" might also be sufficient to play the role of cognitively framing intention-based planning. I explore a related, though independent, idea in section 4.

56 Velleman, "What Good Is a Will?" 197–98.

case, Velleman notes, your intention will likely not "set the stage for any further planning, or provide a basis for any coordination."[57] Fred Adams puts the point effectively: sometimes, he says, what one intends is to perform a "solitary" or "one-off" act.[58] There is also a related point to be emphasized here. It seems to be a central feature of intention that, although not every instance of it does *in fact* facilitate intention-based planning and coordination, every instance of it can *in principle* do so. In other words, in intending to act in a certain way, one is disposed to—but need not in fact—make further plans on the basis of its success. And it is this last point that motivates an objection to Bratman's view on the part of the doxasticist, to the effect that the cited feature of intention is something that DC can readily explain but that Bratman's view cannot. For in the latter view the fact that one intends to do something may not be sufficient to enable an inference to the belief that one will do it, which is deemed necessary to facilitate the cited planning and coordination. So, a first concern that Velleman's challenge raises is that Bratman's view does not get the extension of intention-based planning right.

A second concern runs deeper. Velleman and Bratman agree that intention-based planning is cognitively framed by belief in success, but disagree on the genesis of such a belief. Velleman thinks that the belief in question is partly constitutive of the intention itself, whereas Bratman thinks that it is a separate attitude that comes about as a result of an inference one draws in that context from conative aspects of the intention. The second concern rests on this disagreement.

To see what the concern is, it is useful to first consider a version of doxasticism that contrasts sharply with Velleman's, the inferentialist account epitomized by Paul Grice.[59] Roughly, Grice thought that the phenomenon of intending to act is a hybrid of two separate attitudes: a conative attitude of "willing" to act and a doxastic attitude of believing that one will so act.[60] Most interestingly for our discussion, Grice thought also that the latter attitude of belief comes about as a result of an inference one draws from, basically, features of the former attitude of "willing." The details of Grice's view are not here to the point. What should be noted is that inferential versions of doxasticism such as Grice's are subject to a familiar objection, recently pressed by Kieran Setiya, that they break down.[61] They do so because they cannot ensure that the relevant belief will be present in every instance of intending to act, and they cannot ensure this since, as Setiya

57 Velleman, "What Good Is a Will?" 198.

58 Adams, "Trying with the Hope," 144, 149; cf. Mele, *Springs of Action*, 140.

59 Grice, "Intention and Uncertainty."

60 Grice, "Intention and Uncertainty," 278–79.

61 Setiya, "Practical Knowledge," 394–95.

explains, it is always "possible for the inference not to take place," as one "might simply fail to put two and two together."[62]

The second concern raised by Bratman's view of intention-based coordination parallels the just-mentioned objection to inferential versions of doxasticism. In Bratman's view, the belief responsible for framing one's planning on a prior intention is formed as a result of an inference one draws in such a context from some conative, commitment-based features of the latter attitude. The concern with such a view, then, is that it cannot ensure that the cited belief will ensue in every episode of intention-based planning—that is, in every case in which such a belief is needed to frame, and thus make possible, such planning. For, here as well, the relevant belief-granting inference might never be drawn. The concern is avoided by non-inferential versions of doxasticism (and of DC) such as Velleman's. On this latter view, belief in success comes about "spontaneously" with the intention, rather than as a result of an inference, and so it is guaranteed to be present whenever the intention is present and therefore whenever one is engaged in intention-based planning.[63]

To be sure, it is clear that the conativist might not grant legitimacy to the two concerns raised by Velleman's Belief Challenge, since such concerns, as so far formulated, hang on a thesis they reject, namely, the thesis that intention involves belief. Be that as it may, I think it would be a serious mistake for the conativist to completely disregard those concerns. For I think that such concerns can be formulated in a way that is independent of doxasticism and that, when so formulated, they help to articulate two genuine problems for extant conativist accounts of intention-based coordination (CC).

A first problem is directed at cases in which, as the conativist sees it, intention is accompanied by agnosticism about success. It seems to be an essential feature of intention, I suggested above, that every instance of it can in principle facilitate intention-based planning and coordination. Cases of intending without believing are genuine instances of intending, and so they possess that feature as well.[64] But if intention-based planning is possible in the context of agnosticism about success, how could the conativist account for it, given the common presumption that such planning is cognitively framed by belief? The conativist has available

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62 Setiya, "Practical Knowledge," 394; cf. Velleman, *Practical Reflection*, ch. 2.

63 Velleman, *Practical Reflection*, ch. 2. According to the present objection, inferentialist versions of doxasticism, such as Grice's, would be susceptible to the Belief Challenge as well.

64 Mele is therefore right in claiming, as I argue in section 4, that intention-based planning is possible even in the presence of serious doubts about success. What Mele fails to acknowledge, however, is that, even in this context, intention-based planning involves planning on the premise of success.

an explanation of the cognitive framing of intention-based planning for cases in which intention is accompanied by belief in success, but seems powerless to explain how that cognitive work is accomplished when intention is not so accompanied. So, to put it in general terms, a problem for conativism is to offer an extensionally adequate account of intention-based planning. Call this the "problem of extension" for cc. A second problem is directed at cases in which, as conativists such as Bratman and Brunero acknowledge, intention-based planning is cognitively framed by belief in success. As we saw a moment ago, there is a question as to what can ensure the presence of such a belief in those cases and the worry is that the only answer apparently available to the conativist—i.e., an appeal to a relevant inference—is unable to explain this. Thus, a second problem for the conativist, stated broadly, is to explain why the cognitive attitude deemed responsible for the framing of intention-based planning on a certain occasion will in fact be present on that occasion. Call this the "problem of presence" for cc. In section 4, I propose an alternative and, hopefully, more illuminating conception of the cognitive framing of intention-based planning, one that affords conativism with satisfactory answers to the aforementioned two problems.

Before proceeding, however, I would like to note that the foregoing discussion also provides further support for the Independence Thesis. It indicates that our answer to the question of the cognitive constraints on intention-based planning does not force on us a specific answer to the question of the cognitive constraints on intending, and thus it points to another respect in which such questions are distinct. From the claim that there is a certain cognitive constraint on intention-based planning it does not follow that there is a parallel cognitive constraint on mere intending on which the former constraint necessarily depends. Indeed, the foregoing discussion indicates that our answer to the former question is compatible with multiple, and even opposing, answers to the latter. At this point I think we can appreciate how the thesis affords a deeper insight into competing views of intention-based planning. It helps us to see, for example, that in order to vindicate DC, the doxasticist must do more than establish that planning on a prior intention involves believing that such an intention will be successfully executed; for to establish this is not thereby to establish that the cited belief must be partly constitutive of the intention. It also casts further light on the contrast between the views by Bratman, Velleman, and Mele. It allows us to portray Bratman's view as occupying a middle position between the other two. Bratman claims—like Velleman but unlike Mele—that planning on a prior intention requires belief in success; but he also maintains—like Mele but unlike Velleman—that mere intending does not require this. Thus, Bratman thinks with Mele, against Velleman, that "there is nothing about coordinative capacity

itself that calls for [relevant] belief constraints on intention," but he also believes with Velleman, against Mele, that there is something "about coordinate capacity itself that calls for" a relevant belief constraint on intention-based planning.[65]

4. INTENTION, FURTHER PLANNING, AND RELIANCE

4.1. Introduction: An Alternative Proposal

Our discussion so far supports the idea of the existence of a coordination-facilitating form of intention-based planning, namely, prior-success planning. According to this form of planning—henceforth, "intention-based planning"—to plan to ψ on the basis of one's prior intention to ϕ is to plan to ψ on the premise that one will ϕ. We saw that the idea is endorsed by doxasticists such as Velleman as well as by conativists such as Bratman.[66] We also saw that Velleman and Bratman endorse in addition a fundamental, if somewhat implicit, idea about the psychology of intention-based planning, and this is that forming the intention to ψ on the premise that one will ϕ is nothing but to form such an intention on the *belief* that one will ϕ.[67] Hence their suggestion that intention-based planning works by way of belief.

My account of the cognitive aspect of intention-based coordination starts by rejecting the last-mentioned idea. I claim that although Velleman and Bratman are right in suggesting that one's intention to ϕ facilitates intention-based coordination in part because it allows one to form further intentions on the premise that one will ϕ, they are wrong in supposing that forming further intentions on the premise that one will ϕ need involve forming such intentions on the basis of the *belief* that one will ϕ. I contend that a different type of flat-out cognitive attitude, the attitude of *reliance*, can and does play this cognitive role. More broadly, my thesis is that the cognitive framing of intention-based planning is better understood in terms of reliance than in terms of belief. Planning to act on the basis of a prior intention is better understood as planning to act in reliance on the execution of that prior intention than as planning to act in the belief that such a prior intention will be executed. Earlier I called this the Reliance Thesis. In what follows, I argue for this thesis in part by showing how it answers the two problems we raised for CC at the end of section 3: the problem of extension and the problem of presence.

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65   Mele, *Springs of Action*, 138.

66   Velleman, "What Good Is a Will?"; Bratman, *Intention, Plans, and Practical Reason*.

67   Though see note 55.

4.2. Reliance: What Is It? And When Is It Justified?

As a first step toward addressing such problems, it is important to set out a conceptual framework for thinking systematically about reliance and its relation to belief. Here I offer an outline of an independently plausible theory of reliance, which I have developed in more detail elsewhere.[68] In my view, reliance is a cognitive attitude such as belief, rather than a conative attitude such as desire.[69] Reliance is also like belief in that it typically plays the role of cognitively guiding or framing one's reasoning. In particular, relying on *p* disposes one to deliberate, plan, and act on the premise that *p*. Suppose that I want to climb down a rock and that I am wondering whether a piece of rope will hold my weight. If under such conditions I rely on the rope's holding my weight, I will be disposed to, for example, form the intention to climb down the rock, deliberate about what strategy to employ in my descent, and make certain moves, all based on the premise that the rope will hold my weight. In these two respects reliance and belief are alike.

Reliance also differs from belief in important ways, however. A key difference for our purposes is that such attitudes are subject to different norms of correctness. While belief is correct just in case it is true, reliance is correct just in case it provides what I call "sensible guidance," that is, just in case it cognitively guides one's reasoning in a way that is instrumental to one's relevant ends and values.[70]

To get a grip on what the norm of sensible guidance for reliance amounts to, it is useful to first consider some aspects of the descriptive, factual relation between reliance and truth. It seems clear that in some cases one's reliance is directed at—that is, functions so as to track—the truth. Roughly, to say that one's reliance on *p* is directed at the truth in some cases is to say that in those cases one is disposed to rely on *p* only if *p* is the case. For example, my reliance on the rope's holding my weight is directed at reflecting whether the rope actually

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68 See, Alonso, "What Is Reliance?" and "Reasons for Reliance." For alternative views of reliance, see among others, Railton, "Reliance, Trust, and Belief"; and Marušić, "Trust, Reliance, and the Participant Stance." The significance of reliance to our thought and action is not limited to its role in prior-success planning, as I hope will be apparent from the discussion below.

69 Some philosophers assimilate the phenomenon of relying on *p* to the mental act of using *p* in one's reasoning (cf. Williamson, *Knowledge and Its Limits*, 99). In my view, in contrast, reliance is a mental state that generally involves such a mental act, but is not to be identified with it.

70 See, e.g., Williams, "Deciding to Believe"; and Shah and Velleman, "Doxastic Deliberation." In this paper I am also assuming an evidentialist conception of reasons for belief, where such reasons include reasons for beliefs about what is intended. Cf. Velleman, *Practical Reflection*; and Marušić and Schwenkler, "Intending Is Believing," 314–16.

holds my weight, and thus I am disposed to continue to so rely as long as I do not find (perhaps conclusive) evidence that the rope will not hold my weight. Nevertheless, there are some other cases in which reliance is not directed at the truth. In those cases, one is not disposed to rely on p only if p. Rather than being directed at representing some actual state of affairs, in those other cases reliance is directed at picturing—or presenting to one's mind—some non-actual state of affairs as obtaining. Imagine a mathematician who assumes that p—that is, relies on p—for the purposes of a *reductio*.[71] It is plain that, in the context of constructing such a proof, the mathematician may rely on p without much concern as to whether p is true or, even, while thinking that p is false.

Consider next a central aspect of the factual relation between reliance and cognitive guidance. Reliance can play its characteristic role of cognitively guiding one's reasoning irrespective of whether it is also playing a truth-tracking role. When one's reliance on p is directed at the truth, it guides one's reasoning on the basis of p, but when it is not directed at the truth, it guides one's reasoning on the basis of p just the same. In both cases one is disposed to deliberate, plan, and act on the basis of p. When I rely on the rope's holding my weight, my reliance frames my reasoning accordingly. I intend to climb down a rock, deliberate about different climbing strategies, and make certain moves, in light of the premise that the rope will hold my weight. But when the mathematician relies on p for the purposes of an indirect proof, her reliance guides her reasoning accordingly, too. She structures her proof on the basis of, and draws conclusions from, the premise that p.

From the preceding considerations we can conclude that there are two ways in which reliance may provide sensible guidance—that is, cognitive guidance that is instrumental to one's relevant end. First, reliance may provide sensible guidance in part by being successful in tracking the truth. More precisely, one's reliance on p may sensibly guide one's reasoning only if (a) one relies on p only if p and (b) p is true. My reliance on the rope's holding my weight may frame my deliberation, planning, and action in ways conducive to my end of climbing down the rock only if the rope actually holds my weight and my reliance accurately reflects that fact. Call this form of sensible guidance, "truth-directed sensible guidance." Second, reliance may provide sensible guidance without being responsive to the truth. Specifically, one's reliance on p may sensibly guide one's reasoning even if it is the case neither that (a) one relies on p only if p nor that (b) p is true. The mathematician's non-truth-directed reliance on p may guide her reasoning in ways conducive to her end of constructing the desired proof, even if p is false and her reliance is impervious to that fact in that con-

71   Cf. Velleman, "The Guise of the Good," 112–13.

text. This is because the attainment of her end does not require that p be true. Call this, "non-truth-directed sensible guidance." Having drawn this contrast, it should be noted that it is the former form of sensible guidance, truth-directed sensible guidance, that is of particular interest to our present discussion, as intention-based—i.e., prior-success—coordination will be possible only if one's reliance on the successful execution of one's intention is directed at and succeeds in tracking the truth.

The contrast, regarding norms of correctness, between reliance and belief explains other differences between such attitudes. One of them has to do with the normal functioning of such attitudes. Since reliance and belief are subject to the norms of, respectively, sensible guidance and truth, they integrate and prioritize the functions of tracking the truth and of providing sensible guidance in different ways. The primary role of belief is to track the truth, although this attitude sometimes also plays, partly in virtue of performing such a primary role, a secondary role of providing (truth-directed) sensible guidance. Alternatively, the primary role of reliance is to provide either truth-directed or non-truth-directed sensible guidance, although in order to provide the former form of guidance this attitude must also play a secondary role of tracking the truth.

The cited contrast also sheds light on the conditions under which such attitudes are justified. The truth-norm for belief indicates that this attitude is justified by, and only by, evidence for its truth, whereas the norm of correctness for reliance establishes that this attitude is justified by, and only by, considerations about sensible guidance.[72] To put the last point in more precise terms:

> *Justification of Reliance* (JR): One is justified in relying on p in context C only if (1) one has a relevant end in context C and (2) one has good reasons for believing that relying on p is a—productive or constitutive—means to attaining one's end.

Two features of schema JR are relevant to our discussion below. First, although it applies to cases of truth-directed guidance and cases of non-truth-directed guidance alike, this schema also registers an important dissimilarity between such cases. In cases of truth-directed guidance, but not in cases of non-truth-directed guidance, one's reliance on p will satisfy condition 2 of schema JR only if it satisfies, in addition, an evidential constraint. The constraint is that (3) one lacks sufficient evidence for believing that not p—that is, for believing that what one relies on is false.[73] The rationale for this constraint is straightforward. Since in

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72 Here, as well as elsewhere (Alonso, "Reasons for Reliance"), I concentrate only on necessary—rather than on necessary and sufficient—conditions for reliance justification.

73 Although I think that this is a plausible construal of the constraint and have appealed to

such cases the instrumentality of relying on p is a function of the truth of p, not having sufficient evidence to believe that p is false indicates that relying on p might provide sensible guidance after all. Therefore, we may say that in cases of truth-directed guidance the conditions for reliance justification include not only conditions 1 and 2 of schema JR but also an additional condition implicit in 2, namely 3. Second, in specifying the conditions for reliance justification in the cited way, schema JR brings into sharper focus how the justification of this attitude differs from the justification of belief. It allows us to see, first, that while belief can be justified solely by evidence for its truth, reliance can be justified on the basis of both evidential and pragmatic considerations; and, second, that while the justification of belief requires having sufficient evidence for its truth, the justification of reliance in cases of truth-directed guidance requires only that one lack sufficient evidence for its falsity.

Finally, another key difference between reliance and belief that matters for our purposes is that the former attitude can be under the control of the will in a way in which the latter cannot. One can on reflection form the attitude of reliance for (what one takes to be) a practical reason, or perhaps even arbitrarily, but one cannot similarly form the attitude of belief.[74] To say that reliance can be under the control of the will is compatible with acknowledging that in some cases evidence can set a psychological—rather than a metaphysical or conceptual—limit on what one may rely on. Granted, it may be difficult for one to consciously come to rely on p if one has overwhelming evidence against p and one's reliance is aimed at providing truth-directed guidance; and it may also be unjustified. But it is surely not impossible. In contrast, it is commonly thought that evidence sets a metaphysical or conceptual—rather than merely a psychological—restriction on what one can "in full consciousness" come to believe.[75]

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it in earlier work (Alonso, "Reasons for Reliance"; cf. Wright, "Warrant for Nothing (and Foundations for Free)?"), I now believe that a weaker construal might do as well. Perhaps all that is required is that one have credence greater than zero that p.

74 On my view, practical reasons for truth-directed reliance are a function of the truth of what is relied on. The fact that relying on the rope holding my weight is a means to my end of my climbing down the rock, entails that it is a fact that the rope holds my weight. For discussion, see Alonso, "Reasons for Reliance."

75 Williams, "Deciding to Believe." Some doxasticists (Velleman, *Practical Reflection*; Marušić and Schwenkler, "Intending Is Believing") claim that the restriction does not apply to beliefs about what one intends, but I am not convinced. Thanks to an anonymous reviewer for urging me to clarify this.

4.3. Is Reliance on Success Sufficient to Do the Cognitive Work in Intention-Based Coordination?

With such a theory of reliance in hand, let us return to the question of intention-based planning and coordination. Given the functional profile of reliance, it is clear that reliance on the successful execution of one's prior intention can cognitively frame the planning of further activities for the future, as well as one's deliberation and action, on the premise that one's prior intention will be executed. Suppose that I intend to spend this weekend in Chicago and am deliberating about what to do on Saturday evening. Suppose also that I would like to attend the Bulls game that evening. If in that scenario I relied on the successful execution of my intention to be in Chicago this weekend, I would be disposed to, for example, form the intention to attend the Bulls game on Saturday evening, deliberate about ways to get to the stadium, and eventually proceed to act, all based on the premise that I will be in Chicago this weekend. Furthermore, it is also clear that one's reliance on the successful execution of one's prior intention can play such a framing role in contexts in which one does *not* possess the corresponding belief. Suppose, once again, that briefly before flying to Chicago, I discover that airline workers are deliberating about whether to go on strike. Suppose also that in this new scenario I continue to intend to spend the weekend in Chicago, but now have doubts as to whether I will do so. On reflection, I do not believe that I will be in Chicago this weekend. But I do not believe that I will not be there then, either. My evidence, which includes the new information, justifies neither belief. Notwithstanding this, in the new scenario I may still rely on my spending the weekend in Chicago and plan my activities for the weekend on the basis of such reliance. In particular, I may form the intention to attend the Bulls game on Saturday evening—and, say, proceed to buy a ticket for it—in reliance on my being there.[76]

Still, it is important to recall that a central concern in this paper is with the issue of how the cognitive framing of intention-based planning can facilitate successful coordination and so a question arises for the Reliance Thesis as to how reliance on success can secure this. Return to the previous example. It seems that I will attend the game on Saturday as a result of successful coordination if the following conditions are met:

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76 Surely, in such a scenario I might also try to protect myself against failure and form a backup plan. E.g., I might buy a refundable ticket for the game and form the conditional intention to cook dinner at home if it turns out that I am not in Chicago. See note 54. Thus, in this scenario I might engage in both prior-success planning and conditional planning. These remarks have benefited from valuable comments by two anonymous reviewers.

  a. My reliance cognitively frames (and thus helps to make possible) the
     formation of my intention to attend the game.
  b. My intention to spend the weekend in Chicago is successfully executed.
  c. My reliance accurately reflects this fact—that is, the fact stated in b.
  d. My intention to attend the game is executed as well.

That indicates that my reliance will be conducive to my actually attending the
Bulls game by playing two main roles (a and c), the roles of cognitively guiding
my planning and of tracking the truth. Therefore, the answer to the aforemen-
tioned question is that reliance on success can secure successful coordination by
providing *truth*-directed sensible guidance.[77] In such cases, our theory of reli-
ance tells us, reliance on success will be correct.

   Accordingly, our theory of reliance also helps to explain why in planning on
a prior intention one may be justified in relying on its success, even if one would
not be justified in having the corresponding belief. Thus, schema JR indicates
that in the aforementioned scenario I may be justified in relying on the success
of my intention to spend the weekend in Chicago. For in that scenario, (1) I have
a relevant end, namely, to coordinate my future planning and action in ways that
lead to my (planning to attend and to my eventually) attending the Bulls game;
and (2) I may also have good reasons for believing that relying on the success-
ful execution of my intention to spend the weekend in Chicago is instrumental
to that end—where such reasons include (3) my lacking sufficient reasons for
believing that such an intention will not be executed. To appreciate why I may
have the good reasons alluded to in 2, it is useful to look at the conditions that
determine the instrumentality (and hence the correctness) of my reliance in that
context. Those are mainly conditions a–c, mentioned in the paragraph above.
It is clear that in that scenario I may have good reasons for believing that my
reliance will be functioning properly, that is, that it will (a) cognitively frame my
planning and (c) track the truth. And it is stipulated that in that scenario I have
evidence indicating that there is a chance, perhaps a non-negligible chance, that
(b) my intention will be executed.

*4.4. Is Reliance on Success Necessary to Do the Cognitive Work in Intention-Based
Coordination?*

Having argued, on the basis of our theory of reliance, that reliance on success is
sufficient to do the cognitive work in intention-based planning and coordina-

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77   This is not to say that reliance cannot secure coordination by providing *non*-truth-directed
     guidance. For discussion of related cases, see Alonso, "What Is Reliance?" and "Reasons for
     Reliance."

tion, I want to argue next that such a theory also provides us with valuable resources for solving the two problems for conativist accounts of such phenomena (cc) raised at the end of section 3. Start with the problem of presence for cc. The task, recall, is to show that the attitude deemed responsible—i.e., sufficient—for cognitively framing intention-based planning on a certain occasion—on the present proposal, reliance on success—will indeed be present on that occasion. So, how can we show this?

An obvious approach is to seek a parallel with DC. The idea is to posit the existence of a necessary connection between intention and reliance on success and to then construct a version of cc on the basis of it. According to this idea, reliance on the success of a prior intention is guaranteed to be present on every occasion in which it frames one's planning on that prior intention because in having such an intention one inexorably relies on its success. Despite its apparent simplicity, however, I am skeptical of this approach. Here are two reasons why. First, it is not clear to me that there exists a necessary connection between intention and reliance on success. Second, even if such a necessary connection exists, it is not clear that we need to appeal to it in order to account for the cognitive framing of intention-based planning. We know that there is not a necessary connection between intention and intention-based planning (recall Velleman's cookie example), and so it is difficult to see why accounting for the latter phenomenon would mandate positing a necessary connection between intention and reliance on success.

Our discussion in section 3 indicates that there is another approach that will not do. We cannot explain why reliance on success is guaranteed to be present on every occasion in which it frames intention-based planning by seeking to construct an inferentialist account of it, in a way that parallels Bratman's inferentialist model of the presence of belief in success in intention-based planning.[78] For the resulting inferentialist account, whatever its specific shape, would fail to explain the presence of reliance on success on every such occasion, as the relevant inference might never be drawn.[79]

In contrast to such approaches, I argue that what secures the presence of reliance on success on such occasions is the fact that, in planning on a prior intention, one necessarily relies on its success. To provide support for the idea of the existence of a necessary connection between planning on a prior intention and relying on its success, we must provide reasons for thinking that such a connec-

78 Bratman, *Intention, Plans, and Practical Reason*.

79 In previous work, I gestured toward one such an inferential account (Alonso, "Intending, Settling, and Relying," 72). My current approach acknowledges that inference is only *one* route to reliance on success in that context.

tion holds both in cases in which the prior intention is accompanied by belief in success and in cases in which it is not. Start with the latter cases. There are two reasons for thinking that in such cases reliance on success will be present and cognitively guide one's intention-based planning. First, it seems that in such cases one can come to rely on success at will—viz., come to so rely for the purposes of framing such planning and in the absence of evidence that would justify the formation of the corresponding belief. Second, it is plausible to think that only a reliance-involving attitude will be present and able to do the requisite cognitive work in such cases, as the cited attitude will have to bear a relation to the will and to cognitive guidance of the sort that is distinctive of reliance. Consider now the former cases. I claim that reliance on success cognitively frames intention-based planning *also* when in the presence of belief in success. This might seem surprising, as belief in success is commonly thought to be responsible for the framing of such planning whenever it is present in that context. Yet the claim is less surprising once we realize that in contexts of intention-based planning belief in success gives way to reliance on success. Suppose that I do in fact believe that my intention to be in Chicago this weekend will be successfully executed and form the intention to attend the game on the premise that I will be there. In that case, my belief is not merely responding to my general thirst for knowledge, but is primarily framing my intention-forming process. And, as soon as my belief begins to play this framing role, it gives way to a mental state that is typically guided by, and can be appropriately assessed in terms of, its instrumentality in playing such a role, that is, it gives way to an attitude of reliance.

Therefore, if we accept, as suggested in section 2.1, that prior-success planning is planning on the "assumption" or cognitive attitude that one's prior intention will be successful, and we accept, as argued above, that reliance on success cognitively frames prior-success planning both in the absence and in the presence of the corresponding belief (or relevant evidence), I think we can plausibly conclude that the aforementioned "assumption" is or involves reliance, and consequently that there is a necessary connection between planning on a prior intention and relying on its success. Note that to say that in planning on a prior intention one necessarily relies on its success is not to say that one is always justified in so relying. Certainly, one normally comes to so rely for the purposes of cognitively framing such planning and facilitating coordination; but one may come to so rely while lacking good reasons for believing that one's reliance will in fact play such a facilitating role. In other words, although cases of intention-based planning normally satisfy the first condition that schema JR sets for reliance justification, they do not always satisfy its second condition. I may be justified in relying on my being in Chicago this weekend even though I do not

have sufficient evidence for believing that I will be there. But I might not be so justified were I to have overwhelming evidence that the airline strike would continue during the weekend.

We just saw that the Reliance Thesis and the theory of reliance that undergirds it answer the problem of presence for CC by supporting the conclusion that reliance on success is not only sufficient, as argued in section 4.3, but also necessary to cognitively frame intention-based planning. The next thing to note is that, by supporting such a conclusion, the Reliance Thesis and accompanying theory provide an answer to the problem of extension for CC as well. For that conclusion indicates that reliance on success will be available in every instance of intention-based planning—whether or not there is agnosticism about such success—and be able to do the cited cognitive work. Finally, we should note also that the answers that the Reliance Thesis offers to the cited two problems are consonant with the Independence Thesis, for such answers rest on the idea that planning on a prior intention necessarily involves relying on its success and this idea is neutral with respect to the further question of whether the prior intention itself necessarily involves such reliance. The version of CC that the Reliance Thesis supports is not the reliance analogue of DC.

I want to close this section by connecting the foregoing discussion with the decision-theoretic account of intention-based planning considered in section 2.3. According to that account, recall, one is disposed to plan one's further activities on the success of one's prior intention when the expected value of one's so planning is sufficiently high. The idea is that in such cases one's relevant credences and evaluative judgments jointly induce a full cognitive attitude in favor of success, which is responsible for framing the cited planning in that context. A deficit of that account, we noted earlier, is that it does not identify what full cognitive attitude that is. What I want to add here is that the reliance-based account defended above not only identifies reliance on success as the attitude responsible for doing that cognitive work, but also allows for the possibility that such reliance is, on some occasions, a consequence of a relevant set of credences and evaluations. This possibility is consistent with conceiving of reliance on success as playing, as the foregoing discussion indicates, an independent cognitive role in intention-based planning and, more broadly, with conceiving of reliance as a psychologically fundamental attitude.

5. CONCLUDING REMARKS

In this paper I have called attention to the significance and relative independence of the question of the cognitive constraints on the coordinating role of intention.

The answer to that question, I have argued, does not simply fall out of an answer to the question of the cognitive constraints on mere intending. In addition, I have contended that an adequate answer to the former question is provided by a theory of reliance of the sort I have outlined here. Such a theory supports the thesis that it is reliance on success, rather than belief in success, that is responsible for cognitively framing one's intention-based planning and coordination. In so doing, the theory also provides an indirect argument for conativism. It offers an explanation of the cognitive aspect of intention-based coordination that is compatible with conativism, and at the same time undercuts an argument generally offered in support of its rival, doxasticism, to the effect that it is only by endorsing the thesis that intention involves belief that we can explain how intention plays its characteristic planning and coordinating roles. A question for further inquiry is whether such a theory can similarly shed light on other central issues in the philosophy of action, also disputed between doxasticists and conativists, such as the questions of the distinguishing marks of intentional action and of the grounds of the norms of intention rationality.[80]

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REFERENCES

Adams, Frederick. "Trying with the Hope." In *Rationality and the Good*, edited by Mark Timmons, John Greco, and Alfred Mele, 143–62. Oxford: Oxford University Press, 2007 .

Alonso, Facundo. "Intending, Settling, and Relying." In *Oxford Studies in Agency and Responsibility*, vol. 4, edited by David Shoemaker, 50–74. Oxford: Oxford University Press, 2017.

———. "Reasons for Reliance." *Ethics* 126, no. 2 (January 2016): 311–38.

———. "Shared Intention, Reliance, and Interpersonal Obligations." *Ethics* 119, no. 3 (April 2009): 444–75.

———. "What Is Reliance?" *Canadian Journal of Philosophy* 44, no. 2 (April 2014): 163–83.

Audi, Robert. "Intending." *Journal of Philosophy* 70, no. 13 (July 1973): 387–403.

———. "Intention, Cognitive Commitment, and Planning." *Synthese* 86 (1991): 361–78.

Bratman, Michael. *Faces of Intention*. Cambridge, MA: Cambridge University Press, 1999.

———. "I Intend that We *J*." In *Faces of Intention*, 142–61.

———. "Intention, Belief, Practical, Theoretical." In *Planning, Time, and Self-Governance*, 18–51.

———. *Intention, Plans, and Practical Reason*. Cambridge, MA: Harvard University Press, 1987.

———. *Planning, Time, and Self-Governance: Essays in Practical Rationality*. Oxford: Oxford University Press, 2018.

———. "Practical Reasoning and Acceptance in a Context." In *Faces of Intention*, 15–34.

———. "Rational and Social Agency: Reflections and Replies." In Vargas and Yaffe, *Rational and Social Agency*, 294–343.

———. *Shared Agency: A Planning Theory of Acting Together*. Oxford: Oxford University Press, 2014.

———. "Shared Intention." In *Faces of Intention*, 15–34.

Brunero, John. "Cognitivism about Practical Rationality." In *Oxford Studies in Metaethics*, vol. 9, edited by Russ Shafer-Landau, 18–44. Oxford: Oxford University Press, 2014.

Davidson, Donald. "Intending." In *Essays on Actions and Events*, 83–102. Oxford: Oxford University Press, 1980.

———. "Reply to Pears." In Vermazen and Hintikka, *Essays on Davidson*, 211–15.

Davis, Wayne. "A Causal Theory of Intending." In *The Philosophy of Action*, edited by Alfred Mele, 131–48. Oxford: Oxford University Press, 1997.

Ferrero, Luca. "Conditional Intentions." *Noûs* 43, no. 4 (December 2009): 700–41.

Grice, Paul. "Intention and Uncertainty." *Proceedings of the British Academy* 57 (1971): 263–79.

Harman, Gilbert. "Practical Reasoning." *Review of Metaphysics* 29, no. 3 (March 1976): 431–63.

———. "Willing and Intending." In *Philosophical Grounds of Rationality*, edited by Richard E. Grandy and Richard Warner, 363–80. Oxford: Oxford University Press, 1986.

Holton, Richard. "Intention as a Model for Belief." In Vargas and Yaffe, *Rational and Social Agency*, 12–37.

———. "Partial Belief, Partial Intention." *Mind* 117, no. 465 (January 2008): 27–58.

Ludwig, Kirk. "Impossible Doings." *Philosophical Studies* 65, no. 3 (March 1992): 257–81.

———. "What Are Conditional Intentions?" *Methode: Analytic Perspectives* 4, no. 6 (2015): 30–60.

Marušić, Berislav. "Belief and Difficult Action." *Philosophers' Imprint* 12, no. 18 (December 2012): 1–30.

———. "Trust, Reliance, and the Participant Stance." *Philosophers' Imprint* 17 (August 2017): 1–10.

Marušić, Berislav, and John Schwenkler. "Intending Is Believing: A Defense of Strong Cognitivism." *Analytic Philosophy* 59, no. 3 (September 2018): 309–40.

McCann, Hugh. "Settled Objectives and Rational Constraints." *American Philosophical Quarterly* 28, no. 1 (January 1991): 25–36.

Mele, Alfred. *Springs of Action*. Oxford: Oxford University Press, 1992.

Paul, Sarah. "How We Know What We're Doing." *Philosophers' Imprint* 9, no. 4 (October 2009): 1–24.

Pears, David. "Intention and Belief." In Vermazen and Hintikka, *Essays on Davidson*, 75–88.

Railton, Peter. "Reliance, Trust, and Belief." *Inquiry* 57, no. 1 (2014): 122–50.

Ross, Jacob, and Mark Schroeder. "Belief, Credence, and Pragmatic Encroachment." *Philosophy and Phenomenological Research* 88 (March 2014): 259–88.

Schwitzgebel, Eric. "A Phenomenal, Dispositional Account of Belief." *Noûs* 36, no. 2 (June 2002): 249–75.

Setiya, Kieran. "Cognitivism about Instrumental Reason." *Ethics* 117, no. 4 (July 2007): 647–73.

———. "Practical Knowledge." *Ethics* 118, no. 3 (April 2008): 388–409.

———. "Practical Knowledge Revisited." *Ethics* 120, no. 1 (October 2009): 128–37.

———. *Reasons without Rationalism*. Princeton: Princeton University Press, 2007.

Shah, Nishi, and J. David Velleman. "Doxastic Deliberation." *Philosophical Review* 114, no. 4 (October 2005): 497–534.

Tuomela, Raimo, and Kaarlo Miller. "We-Intentions." *Philosophical Studies* 53, no. 3 (May 1988): 367–89.

Tversky, Amos, and Daniel Kahneman. "Judgment under Uncertainty: Heuristics and Biases." *Science* 185, no. 4157 (September 27, 1974): 1124–31.

Vargas, Manuel, and Gideon Yaffe, eds. *Rational and Social Agency: Essays on the Philosophy of Michael Bratman*. Oxford: Oxford University Press, 2014.

Velleman, J. David. "The Guise of the Good," In *The Possibility of Practical Reason*, 99–122.

———. "On the Aim of Belief." In *The Possibility of Practical Reason*, 244–81.

———. *The Possibility of Practical Reason*. Oxford: Oxford University Press, 2000.

———. *Practical Reflection*. Princeton: Princeton University Press, 1989.

———. Review of *Intention, Plans, and Practical Reason*, by Michael Bratman. *Philosophical Review* 100, no. 2 (April 1991): 277–84.

———. "What Good Is a Will?" In *Action in Context*, edited by Anton Leist, 193–215. Berlin: Walter de Gruyter, 2007.

Vermazen, Bruce, and Merrill B. Hintikka, eds. *Essays on Davidson: Actions and Events*. Oxford: Clarendon Press, 1985.

Williams, Bernard. "Deciding to Believe." In *Problems of the Self,* 136–51. Cambridge: Cambridge University Press, 1973.

Williamson, Timothy. *Knowledge and Its Limits*. Oxford: Oxford University Press, 2000.

Wright, Crispin. "Warrant for Nothing (and Foundations for Free)?" *Aristotelian Society Supplementary Volume* 78, no. 1 (July 2004): 167–212.

RISKING CIVILIAN LIVES TO AVOID HARM TO CULTURAL HERITAGE?

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THE DESTRUCTION of tangible cultural heritage, when it is either deliberately attacked or accidentally destroyed, has long been a part of war and armed conflict.[1] While it has not received much attention from philosophers working on just war theory, the destruction of tangible cultural heritage in war gives rise to a range of normative questions. For example, what, if anything, ought to be done in order to protect cultural heritage during conflict?[2]

The aim of this paper is not to provide an exhaustive answer to this question. Instead, I focus merely on one question in this context—namely, under which conditions are combatants morally permitted to impose non-negligible risks of serious harm—including lethal harm—on innocent civilians (henceforth civilians) in order not to endanger tangible manifestations of cultural heritage? To illustrate, imagine that a commander can choose between two strategies, *A* and *B*. *A* means that the troops will move close to a geographically isolated heritage site, whereas *B* means that the troops will move close to an area populated by civilians. The commander is aware that both *A* and *B* are risky and will inevitably impose a substantial risk of harm either to the civilians or to the heritage site, should the troops come under enemy fire. Assuming that *A* and *B* have roughly the same chance of success, what would be the moral justification for choosing *B* rather than *A*?

Building on a previous account of the value of cultural heritage proposed by Janna Thompson, I argue that cultural heritage is valuable because it contributes to making human lives meaningful and valuable.[3] Taking this account as

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1   Van der Auwera, "UNESCO and the Protection of Cultural Property during Armed Conflict"; Bevan, *The Destruction of Memory*; Stone, "The Challenge of Protecting Heritage in Times of Armed Conflict."

2   For discussion of this and related questions, see Thompson, "War and the Protection of Property"; Matthes, "'Saving Lives or Saving Stones?'"; and Frowe and Matravers, "Conflict and Cultural Heritage." For a recent historical discussion of the place of cultural heritage protection within the just war tradition, see also Brunstetter, "A Tale of Two Cities."

3   Thompson, "War and the Protection of Property."

my point of departure, I critically examine the claim that commanders should be prepared to risk the lives of civilians in order not to endanger tangible cultural heritage.[4] I propose that imposing non-consensual risks of serious harm on civilians constitutes a moral wrong that can be justified only in order to avoid a greater evil. I argue that damage to cultural heritage sites rarely constitutes the greater evil when weighed against the imposition of non-consensual risks of serious harm to civilians, especially when the risk is substantial. Still, imposing substantial risks of serious harm might be morally permissible under the condition that they are consensual. I grant that it is natural to suppose that at least some individuals might be prepared to bear at least some risks in order to avoid harm to tangible cultural heritage. Yet, as I argue here, it is not clear that this is something that commanders should take into account in their deliberations about what to do. Due to the nature of armed conflict and due to epistemological constraints, it is hard to distinguish those individuals who consent from those who do not. Moreover, even if a subset of those whose interests are at stake have consented to the risk, it does not follow that it is morally permissible to impose a risk of serious harm on the group as a whole.

The paper is structured as follows. In section 1, I outline and defend what I consider to be the most promising account of the value of cultural heritage and why heritage merits at least some protection in war. This section serves as the general background for the discussion that follows. In section 2, I focus on a proposal offered by Thompson, according to which commanders should be prepared to sometimes risk the lives of civilians in order not to endanger heritage sites that have outstanding universal value. I argue that Thompson's account is incomplete as it fails to address the important questions of how to decide which heritage sites merit protection and why it is morally permissible to risk civilians' lives, given how they have neither waived nor forfeited their usual right against harm. In section 3, I explore the circumstances under which it might be morally

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4   Similar to recent philosophical work on the protection of heritage in war (see note 2), this paper focuses on *tangible* manifestations of cultural heritage, including such things as historical buildings and heritage sites. One should note, however, that cultural heritage encompasses more than that and includes practices, customs, and other intangible manifestations of a culture. Also, one should note that some of the reasons why tangible cultural heritage is deemed valuable extend to intangible heritage too. That said, I believe that the protection of tangible heritage merits special attention, most notably because it often gives rise to important but difficult moral conflicts in war. For example, while there certainly will be exceptions, protecting intangible heritage will often coincide with the direct protection of individuals' lives or liberties. In contrast, it is reasonable to assume that the protection of a cultural heritage site during conflict will sometimes stand in direct conflict with the protection of civilian lives, for instance when it comes to the distribution of risks or resources allocated for their protection.

permissible to impose risks on civilians in order to avoid harm to cultural heritage in greater detail. Section 4 concludes.

1. THE VALUE OF CULTURAL HERITAGE

Those who believe that cultural heritage merits special protection in war typically stress that cultural heritage has intrinsic, rather than merely instrumental, value.[5] That is, we value this type of thing for its own sake and not solely because it serves some other valuable end. While I am sympathetic to this view, I am skeptical of whether it is helpful for assessing whether it can be morally permissible for combatants to impose risks on civilians in order to avoid harm to tangible cultural heritage in war. After all, civilians are intrinsically valuable too. To make progress on this issue, we need an account of how valuable cultural heritage is relative to other things.

I suggest that a more fruitful starting point is to consider how cultural heritage might contribute to human flourishing. Perhaps the most careful analysis of cultural heritage in these terms comes from Janna Thompson.[6] According to Thompson, the requirements of just war theory are motivated by the overall importance of limiting the negative impact of war, such that important values can survive armed conflict. Among these requirements is the principle of civilian immunity, which grants civilians immunity from intentional as well as unnecessary and disproportionate harm.[7] According to Thompson, the principle of civilian immunity entails a duty to protect not only the lives of civilians, but also the conditions that help make their lives worth living. Thompson's argument builds on a number of claims, but its basic assumption is that respect for the value of human life requires more than protecting what Thompson refers to as "mere life."

> Life is valuable, but for most people it isn't the only thing of supreme value. Indeed, life without other valued things is for many people barely tolerable—or perhaps not tolerable at all. Because mere life can be a life without meaning or even a life not worth living, many philosophers have argued that it is not life itself that is valuable but life that has value to the person who lives it. One of the implications of this plausible view is that it is not enough merely to protect life. We must also endeavour to preserve and protect those conditions that enable people to value their lives.[8]

5   See, e.g., Harding, "Value, Obligation and Cultural Heritage."
6   Thompson, "War and the Protection of Property."
7   Walzer, *Just and Unjust Wars*.
8   Thompson, "War and the Protection of Property," 245.

This is a plausible view: caring for people's lives requires caring for and respecting the conditions that help make their lives go well and provide them with meaning. What these conditions are, exactly, is of course to a large extent an individual matter. Yet, as Thompson points out, property often is conducive to the type of condition under which people are able to lead meaningful and valuable lives. This includes private property as well as public or collective property. She writes:

> A community is bound together through the places where people live and work, and its public buildings provide the infrastructure for their social relationships. Schools and places of worship or public assembly are the focus of the lives of many individuals, and provide resources that help to make their lives worth living.[9]

This also holds for tangible cultural heritage. Thompson suggests that because of "their central place in the lives of individuals and the practices of their communities, respect for civilians requires that places of worship, heritage buildings, and monuments should get at least as much protection from attack as civilian homes, and that looting of these things should be strictly prohibited."[10]

Before I discuss Thompson's account in greater detail, I should make one important remark. While it is commonly asserted that cultural heritage has positive value, one should bear in mind that there are examples of tangible cultural heritage that do not. As Erich Matthes points out, the appeal to heritage is sometimes used to excuse or justify certain actions that we would otherwise consider morally wrong.[11] To take one example, the claim that confederate monuments found in the US should not be removed is sometimes motivated by an appeal to heritage, even though these monuments unjustly harm African Americans.[12] Throughout the rest of this paper, I assume that the type of cultural heritage monuments or sites that *prima facie* merit protection in war are those that do not cause unjustified harm.[13]

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9   Thompson, "War and the Protection of Property," 246.
10 Thompson, "War and the Protection of Property," 252.
11 Matthes, "Who Owns Up to the Past?"
12 For a discussion of the obligation to remove confederate monuments on the basis that they cause harm to undeserving individuals, see Timmerman, "A Case for Removing Confederate Monuments."
13 The fact that the harm is *unjustified* is important here. While it needs to be fleshed out in greater detail (which is beyond the scope of this paper) I think it is fair to say that the harm caused by the confederate monuments is unjust because of how it is connected to the fact that these monuments express and commemorate historical injustices. In contrast, the fact that idols would cause distress to members of ISIS may, at best, qualify as a type of harm, but not an unjustified one.

As an argument for the protection of cultural heritage during armed conflict, Thompson's account can be formulated as follows:

P1. Combatants should respect civilian immunity.
P2. Civilian immunity requires not only the protection of "mere life," but also respecting and protecting those conditions that contribute to making human lives meaningful and valuable.
P3. Tangible cultural heritage is among the conditions that contribute to making human lives meaningful and valuable.
C. Combatants should respect tangible cultural heritage and take measures to avoid its destruction.

This argument should not be conflated with the fairly common type of argument that cultural heritage ought to be protected in war because doing so would be instrumental in achieving some other end, for which the use of military force could be morally justified. For example, according to one argument found in the debate on cultural heritage protection in war, the deliberate destruction of cultural heritage should be prevented because doing so will ultimately save human lives.[14] Another argument is that preventing the looting of museums or heritage sites denies illicit funding to terrorist organizations.[15] These arguments concern whether combatants ought to sometimes prevent others from deliberately destroying cultural heritage, either because this is in itself a just cause or because it might help promote one. In contrast, the argument I formulated above suggests that combatants, when pursuing a just cause, should take precautionary measures in order not to endanger tangible cultural heritage as a side effect. This is so even when such precautions do not serve any other valuable end, such as saving human lives or preventing further harms.

Given the complexity of human flourishing, Thompson's account is compatible with a range of explanations for why harm to cultural heritage in war ought to be avoided. For example, in addition to their importance for local communities,

14 This sort of argument is often made with reference to a famous quote by Raphael Lemkin: "Burning books is not the same as burning bodies, but when one intervenes … against mass destruction of churches and books one arrives just in time to prevent the burning of bodies" (cited in Bevan, *The Destruction of Memory*, 15). The underlying thought in this type of argument, then, is that the deliberate destruction of cultural heritage might lead to the deliberate killing of innocent individuals. For critical assessment of this sort of argument, see Frowe and Matravers, "Conflict and Cultural Heritage"; and Matthes, "'Saving Lives or Saving Stones?'"

15 Frowe and Matravers, "Conflict and Cultural Heritage"; Matthes, "'Saving Lives or Saving Stones?'"; Stone, "A Four-Tier Approach to the Protection of Cultural Property in the Event of Armed Conflict."

Thompson argues that tangible cultural heritage sometimes merits special protection because of its great aesthetic, scientific, or educational value.[16] In such a case, the object of cultural heritage might not only have value to the specific cultural group that directly engages with it, but is also potentially valuable to all humankind. "Paintings or artefacts of great aesthetic value," Thompson argues, "should be preserved and protected so that they can continue to be appreciated by present and future generations."[17] Elsewhere, Thompson suggests that being exposed to great art, and learning to appreciate it, can be life enhancing, and allows for a type of experience that "contributes profoundly to an individual's experience and self-development."[18] This type of experience, she argues, is "particularly profound if individuals are able to experience the works themselves, as opposed to reproductions or photographs."[19] This also holds for objects or sites of great historical or educational value, as they too provide opportunities for life-enriching experiences. In the case of historical buildings and monuments, we should add that at least some aesthetic properties are not only better appreciated if individuals are able to directly engage with this type of object, but can only be appreciated and experienced through direct interaction with it. As Carolyn Korsmeyer argues, the "genuineness" or "authenticity" of some cultural heritage monuments is in itself an aesthetic property and allows for a particular aesthetic experience associated with the encounter with the "real" thing. Such objects, Korsmeyer argues, provide an impression of a "transitivity of touch" and are valuable in part because they have the capability "to bring the past into the present, providing an aesthetical encounter of a particular charm or thrill."[20] This type of property might of course be lost if the historical object is either severely damaged or destroyed altogether.[21]

Another important role of cultural heritage is that it provides individuals with the basis of a shared identity and sense of belonging. That tangible cultural heritage can be conducive to this end is illustrated by this quote from a local

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16 Thompson, "War and the Protection of Property."

17 Thompson, "War and the Protection of Property," 252; see also Harding, "Value, Obligation and Cultural Heritage."

18 Thompson, "Art, Property Rights, and the Interests of Humanity," 550.

19 Thompson, "Art, Property Rights, and the Interests of Humanity," 550.

20 Korsmeyer, *Things*, 162.

21 For a view somewhat similar to Korsmeyer's, see Janowski, "Bringing Back Bamiyan's Buddhas." This sort of view is not undisputed (see, e.g., Matthes, "Authenticity and the Aesthetic Experience of History") or without problems. For example, one could ask what it means for a cultural object to retain the same identity over time. For discussion on this issue, see Korsmeyer, *Things*, ch. 5.

militia commander, following ISIS destruction of the ancient Assyrian city of Nimrud in northern Iraq:

> For us in this village, Nimrud is one of the first things we saw when we were born. This ancient city and its antiques it's a part of our life.... I lost something priceless. My sorrow lies in the fact that we lost something that we were so proud of when tourists came to our country. The pride we felt for them and our civilization, what our forefathers made for our country, it's a subject that's part of our soul. When the Saddam regime fell in 2003, we and our clans protected those monuments because there was no central Iraqi government. We were able to protect the palace from looting. But ISIS, ISIS did something we were not expecting.[22]

The claim that cultural heritage is important for people's sense of belonging and social identity, and hence brings value to their lives, is commonly evoked in the debate on cultural heritage protection in war. For example, Weiss and Connelly argue that the imperative of protecting tangible cultural heritage is not in conflict with that of protecting life.[23] Culture and people, they claim, are in fact inseparable, and culture is just as essential for life as air and water. This claim is much stronger and more controversial than Thompson's, as it suggests that valuable human life is impossible without a tangible cultural heritage. In contrast, I take it that Thompson is making the more modest—and much more plausible—claim that tangible cultural heritage is among the sort of things that can enrich people's lives and provides an important resource that often helps make people's lives valuable to them. Yet, in making their argument, Weiss and Connelly seem to share Thompson's basic assumption that in war it is not only "mere life" that ought to be protected, but also the conditions that enable people to value their lives. In line with Thompson's account, Weiss and Connelly suggest that "the destruction of cultural heritage is ruinous for cultural identity and social cohesion. The buildings, museums, libraries, and infrastructure around which societies organize themselves in part help define a people."[24] Thus, something along the lines of P3 in the above argument appears to be fairly widely accepted.

It should be observed that the various explanations of how a cultural object can provide meaning and value to individual lives do not always overlap. For example, while some monuments are possibly valuable to all of humankind, pri-

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22 Cited in Matthes, "'Saving Lives or Saving Stones?'" 69.

23 Weiss and Connelly, "Cultural Cleansing and Mass Atrocities Protecting Cultural Heritage in Armed Conflict Zones."

24 Weiss and Connelly, "Cultural Cleansing and Mass Atrocities Protecting Cultural Heritage in Armed Conflict Zones," 13.

marily because of their great aesthetic qualities or historical significance, they may have little relevance for local individuals' sense of belonging or shared identity. Similarly, a cultural object that has great value for a local community may have very little aesthetic value to individuals outside this cultural group.[25]

The fact that some cultural objects that have great aesthetic, historical, or educational value provide most individuals (including future generations) with the opportunity for life-enhancing experiences suggests that these objects have universal value. Because of their potential value for most individuals, and how they might contribute to human flourishing, it is a good thing that objects of this kind exist and continue to do so. We all therefore have good moral reason to respect this type of object. Things are a bit different when a particular cultural heritage monument or site is valuable primarily because it provides a basis for community and shared identity. In this case, an important part of the value of a heritage site is often local and depends on its relation to the specific agents in question.[26] For example, as noted in the case of Nimrud, living in a specific place, with a specific historical narrative and certain connection to the past, might provide meaning to particular individuals' lives. This is because of *their* relationship to the same physical space and how it helps maintain what they perceive as an important and valuable relationship between themselves and other individuals, including the past and future. In this type of case, then, cultural heritage also has great personal value. Its loss would deprive them not only of something that was valuable to them, but also of something irreplaceable that helps provide meaning to their lives. In this case we have reason to respect this type of object because of its value to these identifiable individuals.

These remarks are important, not least because they have implications for when it is morally permissible to impose risks on civilians in order to avoid harm to cultural heritage. Before discussing this issue in greater detail, however, I will first discuss Thompson's proposal that commanders should sometimes be prepared to risk the lives of civilians in order not to endanger heritage sites that have great value to humankind.

25 Thompson, "War and the Protection of Property." It should be noted that this is not the same as saying that a cultural heritage site has either local or universal value. It is possible that it has both.

26 One should note, however, that there perhaps are cultural heritage sites that are valuable because of how they provide a sense of community for humanity as a whole. In this sense, the basis for community and shared identity that sites of this sort provide is universally valuable. While I do not want to rule out this possibility, I should say that I do think that cultural heritage sites that have this type of value are rare. I suspect that some might argue that the fact that the Notre-Dame fire attracted global attention indicates that it might be valuable in this way. Another candidate, I think, are the Lascaux cave paintings.

2. RISKING LIVES FOR THE SAKE OF CULTURAL HERITAGE

Even if cultural heritage is important, the question remains whether it is import-ant enough to justify imposing non-negligent risks of lethal harm on civilians. Thompson thinks so.

> Cultures as well as individuals are likely to have different opinions about how much should be risked in war to save works of art (and which works of art are worth the risks). But there is reason to agree that commanders should be prepared to risk lives in order to protect works which exempli-fy the achievements of a civilization.... Above all, it should be possible for the opportunities intrinsic to civilized life to survive and be enjoyed by future generations—and these include being able to appreciate its greatest products.[27]

This is consistent with Thompson's account. As we saw above, she argues that respecting life requires not only the protection of "mere life," but also respecting and protecting those conditions that contribute to making people's lives valu-able and meaningful. This includes the protection of tangible cultural heritage. In contrast, if one would refuse to bear any risks for the sake of cultural heri-tage—and especially those of outstanding universal value—this seems to be a violation of this moral commitment.

According to Thompson, then, military commanders should be prepared to impose non-negligible risks on both the lives of civilians and just combatants in order to avoid endangering at least some cultural heritage sites. She contrasts her view with the position that people's lives are infinitely more precious than build-ings, according to which no risk whatsoever can be justified in order to avoid harming a cultural heritage site. According to Thompson, it "was this thinking which led to the destruction of Monte Cassino, which most people now see as not justified by military necessity."[28] However, none of this suggests that it is easy to determine either when it is morally permissible to impose risks on either combatants or civilians, or how large a risk can be justified. "The difficult cases," Thompson writes, "are those where cultural property can be protected only by endangering the lives of civilians or combatants."[29]

While she never says so explicitly, I take it that the type of scenario that

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27 Thompson, "War and the Protection of Property," 253.

28 Thompson, "War and the Protection of Property," 253. Monte Cassino was destroyed by the Allies during the Second World War. For discussion of this case from the perspective of military ethics, see De Lee, "Moral Ambiguities in the Bombing of Monte Cassino."

29 Thompson, "War and the Protection of Property," 252.

Thompson has in mind is one where the probability of the risks eventuating in harm might be considerable, but where it is uncertain whether any of the civilians whose lives are at stake will in fact end up being killed. This is different from a scenario where the only way not to endanger a cultural heritage site is to impose a serious risk on a group of civilians, knowing that at least some of them will die as a result. This is much more difficult to justify morally, as it presupposes that it is morally permissible to incidentally kill civilians in order not to endanger a cultural heritage site. But even if Thompson does not accept the imposition of risk in this latter case, her account still faces some initial problems, especially when applied to the case of civilians.

First, it does not give us much guidance besides the claim that commanders should be prepared to risk civilian lives in order to protect works that exemplify "the achievements of a civilization."[30] This raises the question of what counts as "an achievement of a civilization." I anticipate that one possible response is that this includes cultural heritage sites that have "outstanding universal value," as decided by the UNESCO World Heritage List. But this is not an unproblematic claim. It not only defers the more basic philosophical question—namely, what would justify something going on this list in the first place—but the list as such is also held to be somewhat problematic. As Matthes points out, the World Heritage List is to a large extent Eurocentric and a result of a Western cultural perspective. For example, "almost half of the UNESCO World Heritage sites are in Europe and North America; fewer than 10 percent are in Africa."[31]

Second, even if we can identify those works that exemplify an achievement of a civilization, Thompson never provides a clear argument showing that the duty to protect such works overrides the moral rights of civilians against being seriously harmed. After all, civilians—given that they are not contributing to an unjust threat—have done nothing to forfeit their usual rights against harm, which arguably includes a right also against non-negligible risks of serious harm. This does not mean that civilians may never be harmed in war. Yet, it suggests that civilians may be harmed only if they have either waived their right against harm or if this is required in order to avert a greater evil. As it stands, Thompson does not show that civilians usually waive their rights in this type of case or that their rights against serious risks of harm can be justifiably overridden in order not to endanger a particular cultural heritage site, even if it has outstanding universal value. This is something that cannot be answered merely by comparing the impersonal value of a few human lives to the value of cultural heritage. Rather, part of the difficulty here is to justify, in each and every case, why safeguarding one

30   Thompson, "War and the Protection of Property," 253.
31   Matthes, "'Saving Lives or Saving Stones?'" 77.

specific tangible manifestation of a heritage warrants imposing significant risks of harm on a specific set of innocent individuals.[32]

The above suggests that more needs to be said before one can settle the question of the conditions under which it is morally permissible to impose non-negligible risks of serious harm to civilians in order to avoid harm to cultural heritage. In particular, it needs to be settled whether imposing substantial risks of harm on civilians in order to avoid harm to tangible cultural heritage can be justified as being the lesser evil, or whether it is reasonable to assume that civilians waive their rights against harm in order to prevent harm to heritage sites or buildings. In the sections that follow I discuss these questions in greater detail.

3. IMPOSING RISKS AND THE SUPPOSED JUSTIFICATION FOR SAVING HERITAGE

Individuals have a *prima facie* right not to be exposed to non-negligible risks of serious harm.[33] Imposing such risks on others—including civilians—is of course often inevitable in war. Usually, imposing risks in war is morally permissible insofar as the combatants are pursuing a just cause and if the risk imposed on civilians is deemed both necessary and proportionate to the military objective for which these risks are being imposed. The question remains, however, whether it is morally permissible for just combatants to impose either new or greater risks of serious harm on civilians in order to avoid endangering cultural heritage. It will be helpful here to draw on broader work on the ethics of risk imposition.

It is frequently acknowledged that whether a certain type of risk imposition is morally permissible or not depends on a number of factors. Among other things, we must observe whether the risk is voluntary or involuntary, and how the risks and benefits are distributed.[34] Consider the following example adapted (with some modifications) from Saba Bazargan-Forward:[35]

> Assume that there are two possible courses of action. The first course of action imposes a risk that is likely to result in one hundred individuals being seriously harmed, but that also largely improves the overall welfare of one hundred thousand individuals. The risk is voluntary and increases the expected welfare of all of those on whom it was imposed. The second course of action imposes a risk that also improves the overall welfare of

32 For a similar view about the justifiability of imposing risks of harm to civilians for the sake of protecting cultural heritage, see Frowe and Matravers, "Conflict and Cultural Heritage."

33 Hansson, *The Ethics of Risk*.

34 See, e.g., Hansson, *The Ethics of Risk*; Hermansson and Hansson, "A Three-Party Model Tool for Ethical Risk Analysis"; Bazargan-Forward, "Standards of Risk in War and Civil Life."

35 Bazargan-Forward, "Standards of Risk in War and Civil Life."

one hundred thousand individuals, but is likely to result only in fifty individuals being seriously harmed. Yet, the explanation for this reduction is that the risk has been shifted from those who are antecedently expected to benefit to a group of individuals who are not.

Plausibly, the first alternative action is morally preferable, even if it is likely to result in more individuals being harmed. And assuming that the risk in the second course of action is involuntary, choosing this course of action would be *unjust*. As Bazargan-Forward points out, the individuals who are harmed by the second course of action are *wronged* by being non-consensually harmed merely for the sake of benefitting others. This is not the case for the individuals who are harmed by the first course of action.[36] In other words, the *moral disvalue* of the type of risk imposed in the second course of action is far greater than that imposed in the first alternative.

It needs to be clarified in what way individuals exposed to non-consensual risks of this sort are wronged. Is being exposed to such a risk wrong in itself or are individuals only wronged by such risk if they actually end up being harmed? In the former case, it needs to be explained how the imposition of pure risk (i.e., risks that do not result in any actual harm) wrongs the victim of this risk imposition.[37] Plausibly, we wrong others by imposing non-consensual, non-negligible risks of serious harm on them, even when this does not lead to any actual harm. For example, if *A* forces *B* to participate in Russian roulette against *B*'s will, it is reasonable to say that *A* wrongs *B*, regardless of whether *B* is physically harmed or not. This is so even if forcing *B* to participate is the only way to secure an important benefit for some other individual, *C*. The reason for this, I think, is that we typically owe it to others not only to refrain from harming them, but also not to create non-negligible risks of serious harm to them. That is, we have a *prima facie* duty not to impose non-negligible risks on others, although the strength of that duty may vary depending on how large the probability of the harm eventuating is.

Of course, none of this implies that it is morally permissible to impose only risks that are both voluntary *and* beneficial for the risk bearer. It can be morally permissible to impose certain risks merely under the condition that they are consensual. If the risk is consensual, we should discount the moral disvalue that this risk imposition would have had, had the risk been non-consensual.[38] Similarly, some risks might be discounted on the basis that they are among the type

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36 Bazargan-Forward, "Standards of Risk in War and Civil Life."

37 For discussion on this issue, see Oberdiek, "The Moral Significance of Risking."

38 Bazargan-Forward, "Standards of Risk in War and Civil Life."

of risks that individuals reciprocally impose on one another.[39] In that case, an individual's claim against having to bear the risk is substantially less compared to risks that are not reciprocal.[40] Also, in cases where risks must be distributed among different individuals it is arguably morally permissible to impose the risk on those individuals who are the expected beneficiaries of the risky action rather than those who are not. This is so even if the expected beneficiaries do not consent to this risk.[41] However, the fact that it might sometimes be morally permissible to impose such a risk does not mean that imposing risks is always justified when it is expected to benefit those on whom they are imposed. As Bazargan-Forward points out, even if there is always a *prima facie* moral reason to increase the expected welfare of others, this reason is commonly outweighed by our reasons not to act in ways that affect people without their consent.[42] Still, while imposing non-consensual risks that increase the victim's expected welfare is *prima facie* wrong, it is arguably not as wrong as imposing non-consensual risks that are expected to decrease the victim's expected welfare. In other words, the moral disvalue of the latter is greater than that of the former. That said, we should note that the fact that a person is the expected beneficiary of a risk might sometimes qualify as a reason for assuming that this person also might consent to the risk. I will return to this point below. For now it suffices to say that the type of risk imposition that has the greatest moral disvalue, and that is therefore the most difficult to morally justify, is that where the risk is both non-consensual and non-beneficial. In those cases we should expect the benefit from imposing such risks to be substantial in order to outweigh the moral disvalue of such acts, especially when we are dealing with high risks of serious harm.

3.1. Saving Cultural Heritage as the Lesser Evil?

As pointed out above, imposing considerable risks of serious harm on civilians is often inevitable in war. This is also one of the reasons why it often is so difficult to morally justify resorting to war. Unlike many types of risk impositions

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39 The frequently used example of such risks is those that drivers impose on one another. However, many other types of risks in civil life are also such that we all are usually much better off if we are allowed to impose them or roughly comparable risks on one another.

40 Bazargan-Forward, "Standards of Risk in War and Civil Life"; Song, "Rights against High-Level Risk Impositions."

41 The claim that an individual's beneficiary status can make a moral difference for the distribution of risks of harm in war has been defended by McMahan, "The Just Distribution of Harm between Combatants and Noncombatants"; and Øverland, "High-Fliers." Their arguments are not undisputed, however; see, e.g. Christie, "Distributing Death in Humanitarian Interventions."

42 Bazargan-Forward, "Standards of Risk in War and Civil Life."

allowed in civil life, civilians are rarely expected to benefit from the risk of being collaterally killed in war. Nor are they voluntarily accepting this risk, or reciprocally imposing similar or comparable risks on others.[43] Therefore, imposing this type of risk can be justified only if it is the lesser evil.[44] I take it that one might be morally justified in imposing a non-consensual, non-beneficial risk of being collaterally killed on civilians if this is both unavoidable in order to protect either oneself (or others) against an unjust aggressor and if the expected harm is proportionate to the type of threat that the unjust aggressor poses.[45]

It is far from clear, however, that a decision to impose either a new or larger non-consensual risk of being collaterally killed on civilians can be morally justified in order not to endanger a cultural heritage site. For example, imagine a military commander who wishes to achieve a military objective, *O*. For simplicity, let us assume that the commander can choose between two strategies: *A* and *B*. *A* means that the troops will move close to a geographically isolated heritage site, whereas *B* means that the troops will move close to an area populated by civilians. The commander is aware that both *A* and *B* are risky and will inevitably impose a substantial risk either to the civilians or to the heritage site, should the troops come under enemy fire. Assuming that *A* and *B* have roughly the same chance of success, what would be the moral justification for choosing *B* rather than *A*?

Given that the civilians have neither forfeited nor waived their usual right against being exposed to non-negligible risks of serious harm, choosing *B* over *A* is morally permissible only if this is the lesser evil. There are good reasons to

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43 Bazargan-Forward, "Standards of Risk in War and Civil Life." One possible exception is wars of humanitarian intervention in which the people of an oppressive domestic regime might consent to the intervention of others on their behalf. In such cases, civilians are also the ones who might benefit from this risk. For discussion on this issue, see Bazargan-Forward, "Standards of Risk in War and Civil Life."

44 Following McMahan, I assert there are primarily two types of justifications for the infliction of non-consensual harm in war: liability justifications and lesser-evil justifications (*Killing in War*; "Proportionality and Necessity in *Jus in Bello*"). The latter is the one that is relevant in the case of innocent civilians, as they by definition have done nothing to become liable to harm. For a discussion on lesser-evil justifications and their place within deontological moral theories, see Frowe, "Lesser-Evil Justifications for Harming."

45 A note on proportionality: it is common within the literature on defensive harming to distinguish between narrow and wide proportionality. See McMahan, *Killing in War*; "Proportionality and Necessity in *Jus in Bello*." Narrow proportionality is the constraint on the amount of harm that can be imposed on a person that is liable to defensive harm, whereas wide proportionality is the constraint on the amount of harm that can be imposed on an innocent bystander (e.g., a civilian). Both constraints are governed by the importance of the value or rights that are being defended.

doubt that *B* is the lesser evil, however. Without denying the importance of cultural heritage, the risk of losing a source for having enriching experiences, or losing something that helps lend a sense of meaning or social cohesion in one's life, is usually not on par with the possible or anticipated loss of life or having to suffer serious bodily injury. In other words, none of the individuals at risk of being harmed by the destruction of this heritage site, should the commander choose *A*, has as strong a claim against having to bear this risk as an individual who is forced to bear the risk of being seriously harmed, should the commander choose *B*. Therefore, if *A* is indeed morally worse than *B*, this is because the aggregated interests of those who might be harmed, should the heritage site be destroyed, outweigh the aggregated interests of those who have to bear a substantial risk of either being killed or enduring serious bodily harm. It remains unclear whether this really is the case. It is also unclear whether the claims of those individuals at risk of being harmed by the destruction of this heritage site are the type of interest that should be given any weight at all when compared to the much stronger competing claim of not having to bear a high risk of lethal harm. If not, then they should not have any weight even when aggregated.

One helpful, and to my mind plausible, way of thinking about the aggregation of competing claims is developed at length by Alex Voorhoeve, who holds the fairly common view that, when comparing competing claims, only those that are "sufficiently strong relative to the strongest competing claim" are relevant.[46] In contrast, minor harms are not relevant when compared to claims that are much stronger, and should be discounted. In determining whether a certain claim is relevant or not, Voorhoeve proposes the following test:

> *A*'s claim is relevant to *B*'s competing claim just in case, in a situation in which *A* must choose whether to satisfy his claim or *B*'s claim and in which no morally relevant factors apart from the minimally required concern for *B* stand in the way of *A*'s acting on his self-interest, he would be permitted to satisfy his own claim.[47]

To put this in the terms of duties: when comparing competing claims, held by different individuals, we should not count the costs that those affected already have a duty to bear, could they alone save a person from suffering the much larger cost that is at stake. To illustrate: most agree that one is not morally required to sacrifice one's legs in order to save someone else's life. On Voorhoeve's view, this implies that we should indeed aggregate the claims that several individuals have in keeping their legs, such that it might outweigh some other individual's

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46   Voorhoeve, "How Should We Aggregate Competing Claims?" 66.
47   Voorhoeve, "How Should We Aggregate Competing Claims?" 72.

competing claim to be saved from certain death. In contrast, one is arguably morally required to bear the cost of never being able to see or visit a specific heritage site or heritage building, should this be the only way to save an innocent person's life. But if this is correct, this means that that individual's interest in being able to appreciate or visit a particular heritage site is not the type of interest that should be aggregated when weighed against an innocent individual's claim against being killed.

This type of reasoning can be extended to include the imposition of risk as well: one is arguably morally required to bear the cost of never being able to visit a specific heritage site or a particular heritage building, should this be the only way to eliminate a high risk of lethal harm befalling an innocent person. This does not mean that there are no risks that can be imposed on civilians in order to avoid endangering a cultural heritage site. After all, the strength of the claim against bearing lethal risks depends on the probability of death. Hence, we should ask at some point whether the probability of lethal harm is sufficiently small that the claim against having to bear that risk no longer trumps the otherwise weaker claim of a larger number of individuals or disallows aggregating the claims of the many. That being said, I do think that this line of reasoning shows that, all else being equal, it is morally impermissible to impose high or relatively high non-consensual risks of serious harm on civilians in order not to endanger tangible cultural heritage.

I suspect that some will resist this view and maintain that there are at least some instances of tangible cultural heritage where the decision to impose even greater risks of serious harm on a limited number of civilians, without their consent, is in fact the lesser evil. In particular, I anticipate that some might argue that this is true in the case of cultural heritage sites of great universal value. By endangering this type of heritage site, one risks harming not only present but also future generations by depriving them of an important resource for having enriching experiences. Given the immensely large number of individuals who might be harmed by this, one might be inclined to say that the loss of at least some instances of cultural heritage might constitute the greater evil. This might be what Thompson has in mind when she argues that commanders should sometimes be prepared to risk the lives of civilians in order for future generations to be able to appreciate outstanding works of art, such as those that represent "the achievements of a civilization."[48]

Again, this type of argument presupposes that we should indeed aggregate the claims of a larger group of individuals in being able to enjoy a great work of art, and then weigh these aggregated claims against the aggregated claims of

48   Thompson, "War and the Protection of Property," 253

some other individuals in not having to bear a non-negligible risk of being killed. However, let us assume for the sake of argument that this is the case. Even so, I think that we should be careful not to make overly drastic estimations of how bad the loss of or damage to a particular cultural heritage site might be. For example, while it is true that the destruction of or serious damage to a cultural heritage site will deprive individuals of an important source for having meaningful and life-enhancing experiences, this does not mean that the chance for having such experiences at all is lost. Nor is it, as Frowe and Matravers point out, clear that damage to a limited set of tangible manifestations of one's cultural heritage inevitably erodes an individual's sense of identity or community. To the contrary, a sense of identity and belonging might still persist even among individuals in communities that suffer widespread losses of their heritage sites, through natural disasters, for example.[49] We should also bear in mind that monuments or heritage sites of great cultural and aesthetic value that have been severely damaged in war can—at least sometimes—be either restored or reconstructed, as illustrated by several real-life examples. To mention just a few: the reconstructions of the Old Bridge of Mostar and Warsaw Old Town, as well as the restoration of the Frauenkirche in Dresden, show that successful reconstruction is sometimes possible.[50] Plausibly, individuals might engage with these reconstructed or restored heritage sites in a meaningful and life-enriching manner, even if they are in important ways different from the originals. For example, as Korsmeyer notes in her discussion of the reconstruction of the Old Bridge of Mostar, there is still an important continuity between the "old bridge" and the "new bridge" even if they do not share numerically identical material.[51] The new bridge looks identical to the old one and occupies the same site and allows "those who cross the bridge to trace the same path as earlier travelers."[52] In that sense, the new bridge too provides individuals with an opportunity to share an experience with others before them, as its shape, function, and location remain the same. As for the question of social identity, we should recognize, as Matthes does, that the process of reconstructing or restoring destroyed cultural heritage can, under the

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49 Frowe and Matravers, "Conflict and Cultural Heritage."

50 Both the historic center of Warsaw and the Mostar Bridge are included on the UNESCO World Heritage List, even if they are reconstructions. For discussion of the Old Bridge of Mostar and the Warsaw Old Town, as well as the many philosophical issues surrounding the restoration of cultural monuments and sites, see Korsmeyer, *Things*. For a discussion on Frauenkirche, see Janowski, "Resuscitating Bamiyan's Buddhas?"

51 Korsmeyer, *Things*.

52 Korsmeyer, *Things*, 151.

right conditions, prompt us to rethink our relationship to the past, pave the way for greater understanding of heritage, and deepen our relationship to the past.[53]

None of this means that destruction of cultural heritage in war is morally unproblematic. For reasons discussed in section 1, deliberate or accidental destruction of cultural heritage without any just cause is clearly morally wrong. The point I am making here, however, is that imposing substantial risks of harm to tangible manifestations of cultural heritage is a lesser wrong when compared to another wrong: imposing high, or relatively high, non-consensual risks of serious harm to civilians. Therefore, all else equal, combatants pursuing a just cause should abstain from imposing this type of risk to civilians rather than avoiding harm to cultural heritage sites. Note also that I am not suggesting that reconstructions can fully replace what was lost. Again, as discussed in section 1, part of the value often ascribed to heritage monuments is due to their material authenticity. Thus, one remaining question is whether a sufficiently large number of individuals' interests in holding onto tangible heritage monuments with the same material authenticity (in the sense of numerically identical material) can outweigh the interests of a few in not having to bear high risks of serious harm. Even though I do not want to dismiss this interest as being morally irrelevant, I doubt that this is a sufficiently important interest to outweigh the interest in not being exposed to substantial risks of serious harm. Nevertheless, it is sometimes argued that, in those cases where a substantial part of the numerically identical material is being used in the restoration process, the restored heritage monument can retain part of the value that was ascribed to it before it was either severely damaged or destroyed.[54] If this is so, then there are even more reasons to think that it is an exaggerated claim that the loss associated with the damage or destruction to a cultural heritage monument is the greater evil.

3.2. A Consent-Based Justification for Saving Cultural Heritage?

So far, I have focused on the permissibility of imposing non-consensual risks of serious harm on civilians in order not to endanger cultural heritage sites. I have argued that imposing such risks can be justified if they are the lesser evil. Yet, I have suggested that imposing non-consensual risks of serious harm to people rarely constitutes the lesser evil when weighed against the risk of harm to tangible cultural heritage, especially not when the risks of serious harm to people are substantial. This does not mean that imposing non-negligible risks of serious harm on civilians for the sake of protecting cultural heritage is never morally permissible. Rather, it might become morally permissible to impose risks on

53   Matthes, "Palmyra's Ruins Can Rebuild Our Relationship with History."
54   See, e.g., Janowski, "Bringing Back Bamiyan's Buddhas."

civilians in order to protect cultural heritage, provided that these individuals consent to this risk.

I think it is reasonable to assert that there are individuals who value certain cultural heritage buildings or sites to such an extent that they might find the imposition of a larger risk of harm on themselves acceptable, especially if the site at risk brings value and meaning to *their* lives.[55] Whether a specific individual or group of civilians do consent to the decisions made by combatants in war is of course something that combatants are rarely (if ever) in the position to assess. Therefore, if there is any type of consent that is relevant for the question of imposing risks on civilians for the sake of protecting cultural heritage, it is that of *presumed consent*. If so, we need to ask what factor, if any, would be a plausible proxy for civilians' consent to this type of risk imposition.

One possibility is to treat the fact that an individual is living and working close to a particular heritage site as a proxy for their consent to bear at least some risk if this is required in order to avoid harm to the same site.[56] Given that many heritage sites are located in populous places (such as city centers), one can expect that those living close to such heritage sites during an ongoing conflict are the individuals most likely to suffer a substantial risk of harm, should combatants seek to avert harm to the site in question. At the same time, we might suspect that a valued heritage site has particular value to those living close to it. For example, insofar as a certain heritage site is valued in part because of how it provides individuals with a sense of belonging and shared social identity, then we can assume that among those likely to benefit from its continuous existence are the local community and its members. More so, one might think that those individuals who choose to remain in these areas during a conflict do so at least in part because of how it provides them with a range of different resources (social and economic, but also aesthetic and cultural) that help make their lives meaningful. Because of all of this, one might suppose that those who choose to remain close to a heritage site during an ongoing conflict are also likely to consent to at least certain costs to themselves in order to protect this cultural property.

Now there are difficulties with this argument. For example, even if many individuals living close to a heritage site value it for the reasons just discussed, it is far from clear that all individuals living in the area do so equally. To the contrary,

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55 That individuals are prepared to take some risks for the sake of heritage is revealed by the quote from the militia commander cited in section 1 regarding the ancient city of Nimrud. Some might even be prepared to die in order to protect cultural heritage, as is revealed by the acts of Khaled al-Asaad, who was beheaded by ISIS for refusing to tell the terrorist organization where important treasures in Palmyra were hidden.

56 I am thankful to an anonymous reviewer for this journal for raising this point.

even if a certain cultural heritage site has great value to members of the local community still remaining in the area, and is something at least some of these individuals might be willing to accept even a significant risk of lethal harm in order to protect, this is not something that we can simply presume. Rather, it seems to be just as reasonable to assume that some individuals in this group would not consent to such a risk, even if they care deeply about a particular cultural heritage site. It is also reasonable to assume that there might be individuals for whom this particular manifestation of cultural heritage has either no or little value. While it is true that these individuals still have a duty to respect cultural heritage—because of its actual or potential value to others—it is far from obvious that they have a duty to bear risks to their own lives for its sake, especially not high risks. We should also note that many of those who remain in areas where there are cultural heritage sites might not be doing so freely. Rather, they might remain there simply because they have no choice.

   In practice, it will be difficult to distinguish those individuals who would consent to the imposition of increased risk from those who would not. Moreover, the fact that some of those whose lives are at risk would consent to the risk of being killed does not make it morally permissible to impose this risk on the group as a whole. To the contrary, if one suspects that at least some of the civilians do not perceive this particular cultural property to be of the kind of value for which *they* are willing to risk *their* lives, then it seems like combatants are at risk of imposing a non-consensual risk of serious harm on them for the sake of securing a benefit to others. Given that imposing non-consensual risks of serious harm is typically seen as a moral wrong, and given how the loss of cultural heritage monuments rarely constitutes the greater evil when weighed against the moral disvalue of such acts, imposing this risk on this group of civilians is arguably going to be morally impermissible, especially if the risk in question is substantial.

4. CONCLUSION

I have discussed the circumstances under which it is morally permissible to impose non-negligible risks of serious harm (including lethal harm) to civilians in order to avoid endangering tangible cultural heritage during armed conflicts. I have argued that imposing non-consensual risks of serious harm to civilians is justified only if it is the lesser evil. I then raised important concerns about whether such risks ought to be imposed in order to avoid harm to tangible cultural heritage and argued that the loss of heritage buildings rarely qualifies as the greater evil when weighed against civilians' claims against having to bear high

risks of serious harm. I then suggested that it might be morally permissible to impose non-negligible risks of serious harm on civilians if they consent to the risk. I also suggested that it is natural to suppose that at least some individuals might be prepared to take at least some risks in order to avoid harm to tangible cultural heritage. Yet, as I argued here, this is not something that commanders should take into consideration when deciding what to do. Due to the nature of armed conflict and due to epistemological constraints, it is hard to distinguish those individuals who might consent from those who do not. Moreover, even if a few of those whose lives are at stake might consent to the risk, it does not follow that it is morally permissible to impose a risk of serious harm on the group as a whole. To the contrary, if at least some individuals do not consent to the risk, this too might qualify as imposing a non-consensual risk of serious harm on individuals, which again is likely to be the greater evil. In sum, there are strong reasons to be skeptical of the claim that combatants are morally required to impose non-negligible risks of serious harm on civilians in order not to endanger tangible cultural heritage.[57]

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REFERENCES

Bazargan-Forward, Saba. "Standards of Risk in War and Civil Life." In *The Nature of Peace and the Morality of Armed Conflict*, edited by Florian Demont-Biaggi, 65–82. Cham, Switzerland: Springer International Publishing, 2017.

Bevan, Robert. *The Destruction of Memory: Architecture at War*, 2nd ed. London: Reaktion Books, 2016.

Brunstetter, Daniel R. "A Tale of Two Cities: The Just War Tradition and Cultural Heritage in Times of War." *Global Intellectual History* 4, no. 4 (2019): 369–88.

Christie, Lars. "Distributing Death in Humanitarian Interventions." In *Who*

Should Die? The Ethics of Killing in War, edited by Ryan Jenkins, Michael Robillard, and Bradley Jay Strawser, 186–202. Oxford: Oxford University Press, 2018.

De Lee, Nigel. "Moral Ambiguities in the Bombing of Monte Cassino." *Journal of Military Ethics* 4, no. 2 (2005): 129–38.

Frowe, Helen. "Lesser-Evil Justifications for Harming: Why We're Required to Turn the Trolley." *Philosophical Quarterly* 68, no. 272 (July 2018): 460–80.

Frowe, Helen, and Derek Matravers. "Conflict and Cultural Heritage: A Moral Analysis of the Challenges of Heritage Protection." J. Paul Getty Trust Occasional Papers in Cultural Heritage Policy, no. 3, 2019. https://www.getty.edu/publications/occasional-papers-3/.

Hansson, Sven Ove. *The Ethics of Risk: Ethical Analysis in an Uncertain World*. New York: Palgrave Macmillan, 2013.

Harding, Sarah K. "Value, Obligation and Cultural Heritage." *Arizona State Law Journal* 31, no. 1 (1999): 291–354.

Hermansson, Hélène, and Sven Ove Hansson. "A Three-Party Model Tool for Ethical Risk Analysis." *Risk Management* 9, no. 3 (July 2007): 129–44.

Janowski, James. "Bringing Back Bamiyan's Buddhas." *Journal of Applied Philosophy* 28, no. 1 (February 2011): 44–64.

———. "Resuscitating Bamiyan's Buddhas? A Dispatch from Dresden, Two Lessons Learned." In *Ethics and Critical Thinking in Conservation*, edited by Pamela Hatchfield, 95–108. Washington, DC: American Institute for Conservation of Historic and Artistic Works, 2013.

Korsmeyer, Carolyn. *Things: In Touch with the Past*. Oxford: Oxford University Press, 2019.

Matthes, Erich Hatala. "Authenticity and the Aesthetic Experience of History." *Analysis* 78, no. 4 (October 2018): 649–57.

———. "Palmyra's Ruins Can Rebuild Our Relationship with History." *Aeon*, March 8, 2017. https://aeon.co/ideas/palmyras-ruins-can-rebuild-our-relationship-with-history.

———. "'Saving Lives or Saving Stones?' The Ethics of Cultural Heritage Protection in War." *Public Affairs Quarterly* 32, no. 1 (January 2018): 67–84.

———. "Who Owns Up to the Past? Heritage and Historical Injustice." *Journal of the American Philosophical Association* 4, no. 1 (Spring 2018): 87–104.

McMahan, Jeff. *Killing in War*. Oxford: Oxford University Press, 2009.

———. "The Just Distribution of Harm between Combatants and Noncombatants." *Philosophy and Public Affairs* 38, no. 4 (Fall 2010): 342–79.

———. "Proportionality and Necessity in *Jus in Bello*." In *The Oxford Handbook*

of Ethics of War, edited by Seth Lazar and Helen Frowe, 418–39. New York: Oxford University Press, 2018.

Oberdiek, John. "The Moral Significance of Risking." *Legal Theory* 18, no. 3 (September 2012): 339–56.

Øverland. Gerhard. "High-Fliers: Who Should Bear the Risk of Humanitarian Intervention?" In *New Wars and New Soldiers: Military Ethics in the Contemporary World*, edited by Paolo Tripodi and Jessica Wolfendale, 69–86. Farnham, UK: Ashgate, 2011.

Song, Fei. "Rights against High-Level Risk Impositions." *Ethical Theory and Moral Practice* 22, no. 3 (June 2019): 763–78.

Stone, Peter G. "The Challenge of Protecting Heritage in Times of Armed Conflict." *Museum International* 67, nos. 1–4 (2015): 40–54.

———. "A Four-Tier Approach to the Protection of Cultural Property in the Event of Armed Conflict." *Antiquity* 87, no. 335 (March 2013): 166–77.

Timmerman, Travis. "A Case for Removing Confederate Monuments." In *Ethics Left and Right: The Moral Issues that Divide Us*, edited by Bob Fischer, 513–22. New York: Oxford University Press, 2020.

Thompson, Janna. "Art, Property Rights, and the Interests of Humanity." *Journal of Value Inquiry* 38, no. 4 (December 2004): 545–60.

———. "War and the Protection of Property." In *Civilian Immunity in War*, edited by Igor Primoratz, 239–56. Oxford: Oxford University Press, 2007.

Van der Auwera. Sigrid. "UNESCO and the Protection of Cultural Property during Armed Conflict." *International Journal of Cultural Policy* 19, no. 1 (2013): 1–19.

Voorhoeve, Alex. "How Should We Aggregate Competing Claims?" *Ethics* 125, no. 1 (October 2014): 64–87.

Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. New York: Basic Books, 2015.

Weiss, Thomas G., and Nina Connelly. "Cultural Cleansing and Mass Atrocities Protecting Cultural Heritage in Armed Conflict Zones." J. Paul Getty Trust Occasional Papers in Cultural Heritage Policy, no. 1, 2017. https://www.getty.edu/publications/pdfs/CulturalCleansing_Weiss_Connelly.pdf.

SKEPTICAL HYPOTHESES AND MORAL SKEPTICISM

A REPLY TO MAY

Jimmy Alfonso Licon

JOSHUA MAY argues that epistemic closure arguments for skepticism are weaker in the moral domain than in the perceptual domain.[1] Epistemic closure is a prominent approach to defending perceptual skepticism.[2] May gives the following example:

1. I'm not justified in believing that: I'm not a BIV [brain in a vat].
2. I am justified in believing that: I have hands entails I'm not a BIV.
3. If I'm justified in believing that p and that p entails q, then I'm justified in believing that q.
4. So: I'm not justified in believing that I have hands.[3]

Moral skeptics might be tempted to run an epistemic closure argument of their own. But May argues that such arguments are "ultimately weaker when applied to morality compared to perception."[4] Call this the *implausibility thesis*. May defends the implausibility thesis in a couple of ways.

First, May argues that we cannot formulate an argument for moral skepticism using epistemic closure arguments: such arguments require that our evidence fails to support our ordinary beliefs (e.g., moral, perceptual) better than a competing skeptical hypothesis. May thinks it is hard to see how our actual moral evidence would be the same if moral nihilism (or a comparable skeptical hypothesis) were true. Second, May argues that the phenomenon of "imaginative resistance" to morally devious claims (e.g., we can imagine a fictional world where we are in the Matrix, but not where torturing babies would be morally justified) intuitively motivates the claim that basic moral truths hold necessarily.

1   May, "Skeptical Hypotheses and Moral Skepticism."
2   Cf. Dretske, "Epistemic Operators"; Brueckner, "The Structure of the Skeptical Argument."
3   May, "Skeptical Hypotheses and Moral Skepticism," 244.
4   May, "Skeptical Hypotheses and Moral Skepticism," 341.

And if basic moral truths are metaphysically necessary, then it is not "possible for there to be a scenario in which the beliefs are illusory."[5]

In this paper, I argue that May's defense of the implausibility thesis is unconvincing. Even if closure arguments for perceptual and moral skepticism fail, May has not offered good reason to think that an epistemic closure argument for moral skepticism *would be less plausible* than perceptual skepticism—it could be, after all, that each kind of skepticism is equally plausible, and equally wrong. Specifically, there are two places where May's case for the implausibility thesis is unconvincing.

First, I find May's claim that the closure argument for moral skepticism cannot plausibly meet the equal evidence claim (i.e., the evidence for one's ordinary belief that p does not provide better evidence for p than a skeptical hypothesis) unconvincing. I defend this claim by sketching a closure argument for moral skepticism comprised of an evolutionary debunking account of our actual moral evidence, along with the possibility of moral nihilism, which satisfies the equal evidence claim.

Second, May's claim that imaginative resistance to morally deviant claims in fiction is an intuitive way to motivate the necessity of basic moral claims is wrongheaded. A serious issue with the move from imaginative resistance to the necessity of basic moral truths is that we can easily evoke imaginative resistance in cases where there are no relevant truths that hold necessarily (e.g., describing a pile of rotting garbage as lovely evokes imaginative resistance; but the claim that rotting garbage is not lovely is not a good candidate for a necessary truth). Even if basic moral truths do hold necessarily, imaginative resistance is poor evidence of this.

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May plausibly argues that epistemic closure arguments for moral skepticism require an additional component beyond moral nihilism as a live hypothesis. Closure arguments require that (i) moral nihilism is a live epistemic possibility, and (ii) moral evidence is no better support for our moral beliefs than moral nihilism, to show by epistemic closure that we lack moral knowledge. May offers the following example:

1. I am *not* justified in believing that moral nihilism is false.
2. I am justified in believing that (p) "It is morally wrong to torture babies for fun" entails (q) "Moral nihilism is false."

5   May, "Skeptical Hypotheses and Moral Skepticism," 353.

3. If I am justified in believing that *p*, and I am justified in believing that *p* entails *q*, then I am justified in believing that *q*.

4. Therefore, I am not justified in believing that (*p*) it is morally wrong to torture babies just for fun.[6]

May thinks that some philosophers wrongly think that moral nihilism as a live hypothesis is enough to formulate an epistemic closure argument for moral skepticism.[7] The fact that moral nihilism is an epistemic possibility is the start of an epistemic closure argument for moral skepticism; but as May plausibly argues, it is insufficient by itself:

> While the brain-in-a-vat and evil demon scenarios are genuine skeptical scenarios, moral nihilism alone isn't. Moral nihilism is just the metaphysical view that there are no moral facts. The analog of moral nihilism in the debate about perceptual skepticism is something like *idealism*.... We need further details showing that one cannot rule it out, and in a way that renders one's beliefs unjustified.[8]

It is not enough that there are metaethical possibilities that we cannot rule out. If we have good evidence in favor of *moral optimism*—roughly the non-skeptical view that moral reality is more or less the way it seems—it would not matter that we cannot rule out the *possibility* that moral nihilism is true. Skeptical arguments construed as epistemic closure, whether they are moral or perceptual, require evidential underdetermination: we should be skeptical in cases where our overall evidence simply underdetermines whether the moral optimist or moral nihilist hypothesis is true.

As Vogel puts the point (applied to *perceptual* skepticism):

> One way of understanding such skepticism … is to construe it as an *underdetermination problem*.... [If] you have *just as much reason to think that something else is the cause of your experience*, your belief that there is a tree in front of you is arrived at arbitrarily and doesn't amount to knowledge. Skeptical arguments, as I understand them, are meant to establish that every one of our perceptual beliefs faces competition *from an equally good alternative*. It would follow that we are never in a position to know anything about the world.[9]

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6 May, "Skeptical Hypotheses and Moral Skepticism," 343–44.

7 E.g., Sinnott-Armstrong, Moral Skepticisms, 79.

8 May, "Skeptical Hypotheses and Moral Skepticism," 345.

9 Vogel, "Skeptical Arguments," 427, second and third emphases added.

May concludes that if a closure argument for moral skepticism works, then it must satisfy the equal evidence requirement (he calls this the "equal evidence claim") that "the evidence for one's ordinary belief that p (e.g., I have hands) does not provide better evidence for p than for skeptical hypothesis q (e.g., I'm a handless BIV)."[10] There is a similar constraint on closure arguments for perceptual skepticism: the perceptual skeptic argues not just that we cannot rule out the BIV hypothesis, but also that our evidence for such a hypothesis is roughly as good as our evidence for our perceptual beliefs.

But why does May think the equal evidence claim cannot be met in the moral case? For one thing, we might think that evolutionary debunking explanations could help here. May worries that an appeal to such explanations fails to "describe a scenario illustrating that the reasons for our moral beliefs fail to provide better support for their truth rather than the hypothetical scenario that they are illusory."[11] Debunking explanations are just too weak to be formulated as closure arguments as they offer undermining defeaters for our moral beliefs. May thinks that such explanations would not satisfy the equal evidence claim as skeptical arguments from epistemic closure "must illustrate something about our actual evidence—namely, that it underdetermines the skeptical versus non-skeptical hypotheses. Without this further explanation, we're left with only the claim that *our* evidence *could* be faulty in the relevant way."[12]

If combining an evolutionary debunking explanation and a live moral nihilist hypothesis operates like a closure argument for perceptual skepticism, the debunking explanation must (i) be formulated as a *serious possibility* that our evidence does not rule out, but also (ii) satisfy the equal evidence claim such that our actual moral evidence underdetermines whether a moral nihilist or moral optimist hypothesis is true. We must motivate the claim that our actual evidence would be the same on either the moral nihilist or moral optimist hypothesis.[13]

But the moral skeptic has an answer. First, consider a strain of perceptual skepticism: we cannot rule out that we are being deceived by an evil demon, and we would have the perceptual evidence on either the evil demon hypothesis or ordinary world hypothesis. And as we cannot rule out the evil demon hypothesis, our perceptual evidence does not justify our perceptual beliefs. The moral skeptic can make a similar move here by formulating a closure-style argument for their view: in a universe where moral nihilism is true but evolutionary processes operate on social creatures like us, we would have the moral evidence that

10   May, "Skeptical Hypotheses and Moral Skepticism," 346.
11   May, "Skeptical Hypotheses and Moral Skepticism," 350.
12   May, "Skeptical Hypotheses and Moral Skepticism," 350.
13   May expresses doubt about this; "Skeptical Hypotheses and Moral Skepticism," 347.

we actually have. We would have the same intuitions, seemings, and so forth regardless of whether moral nihilism or moral optimism is true in that such evidence is adaptive (e.g., it influences our beliefs, and actions—and natural selection cares about that).

Why think that our actual moral evidence would equally underdetermine the moral optimist or moral nihilist hypothesis?[14] Based on the basic account defended by evolutionary debunkers, certain actions would seem required of us categorically, even on the moral nihilist hypothesis. Here is a plausible suggestion: on the moral nihilist hypothesis, we have evolutionary reasons to expect that having a moral capacity that issues moral judgments is adaptive. And this capacity must have a firm psychological grip to motivate us to think and act in moral terms. It is not sufficient merely to believe that we should follow moral directives. Rather, it must seem that acting morally is nonnegotiable such that if one believes an action is "required by an authority from which he cannot escape [namely, morality] ... then he is more likely to perform that action."[15]

Although specifying what counts as moral evidence is hard, I take it that the moral skeptic would be *prima facie* justified using such a conception of moral evidence, as it is modeled after practices used by moral philosophers (e.g., using counterexamples to criticize act utilitarianism). This is plausible in that (i) things like seemings, intuitions, deliberations, and so forth are the kind of evidence used by moral philosophers—and it is unclear what else would count as moral evidence such that it could not be captured in evolutionary terms. But (ii) if May holds that closure arguments for moral skepticism cannot satisfy the equal evidence claim, and rejects this conception of moral evidence, he owes us a distinct but plausible conception of moral evidence that blocks epistemic closure arguments for moral skepticism. Without good reason to think otherwise, the moral skeptic is within her rights to model her conception of moral evidence on that used by moral philosophers. Surely, if intuitions, deliberations, counterexamples, seemings, and the like exhaust our moral evidence, then the moral skeptic can plausibly argue that an epistemic closure argument can satisfy the equal evidence claim: evolutionary processes would have produced the

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14　There is an ambiguity here between two claims: (a) Our moral evidence (E) equally supports the moral skeptical hypothesis (H_1) and the non-skeptical hypothesis (H_2); and, (b) our moral evidence would be the same whether H_1 or H_2 were true. If we take (a) and (b) as roughly equivalent, this suggests a probabilistic interpretation of the evidence, in say Bayesian or likelihoodist terms. This is not to claim allegiance to a probabilistic take on the evidence, but to point out that if we do take (a) and (b) to be equivalent, framing the moral evidence in probabilistic terms would help cash out that equivalence. Thanks to an anonymous referee for pressing this point.

15　Joyce, *The Evolution of Morality*, 111.

same moral evidence, whether the moral nihilist or moral optimist hypothesis is true.[16]

May might object here that at best evolutionary explanations only partially explain our actual moral evidence. We should not expect to have our same over-all moral evidence for evolutionary reasons, whether the moral nihilist or moral optimist hypothesis is true: some moral evidence like intuitions and seemings are adaptive; but other evidence is not. For example, the intuition that every person should be treated equally *ceteris paribus* is not obviously adaptive; but it still plausibly comprises part of our actual moral evidence. Contrast this with perceptual skepticism: the skeptic has a story to tell (e.g., the deceptive practices by an evil demon) about why we would have the same perceptual evidence, whether our perceptual beliefs or the evil demon hypothesis is true.

But this objection is not convincing: the evolutionary debunker need not suppose that all of our moral evidence is adaptive to provide an evolutionary explanation of our actual moral evidence. We should expect to have the same evidence, whether the moral optimist or moral nihilist hypothesis were true for evolutionary reasons: on the moral nihilist hypothesis, informed by an evolutionary account of evidence, our moral evidence is partially a by-product of evolutionary processes favoring those with certain cognitive abilities (e.g., the intuition that all persons are equal would be an evolutionary by-product of our moral capacities operating in a specific cultural context). On this scenario, our moral evidence would support our moral beliefs and the moral nihilist hypothesis equally.

Evolutionary debunking arguments for moral skepticism can operate similarly to closure arguments for perceptual skepticism: we have a reason to hold that (i) moral nihilism could be true and (ii) our moral evidence would be the same whether the moral optimist or moral nihilist hypothesis is correct—on the evolutionary account, our actual moral evidence is adaptive (or an evolutionary by-product); and (ii) *prima facie* satisfies the equal evidence claim.

II

May also argues that the metaphysical necessity of moral truths supports the implausibility thesis: if moral truths hold necessarily—where there are no possible worlds in which we would have the same moral evidence, but with different or

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16 May mentions that some moral beliefs might be basic such that they are warranted independent of moral evidence, i.e., we have a default "entitlement" to them ("Skeptical Hypotheses and Moral Skepticism," 357n7). While this might be, it is irrelevant when it comes to evaluating the implausibility thesis: this might be true of some of our perceptual beliefs.

absent moral facts—then there cannot be a "scenario in which the beliefs are illusory—in which they seem true but aren't."[17] Without possible worlds of that sort, moral skeptics cannot run a closure-style argument for their view.[18]

May thinks that imaginative resistance is an intuitive way to motivate the metaphysical necessity of basic moral truths: while we can fictionally entertain far-fetched and implausible scenarios, it is hard to imagine fictional scenarios where deviant moral claims are true (e.g., a story where women are morally inferior to men would evoke such resistance).[19] This imaginative resistance can be explained if basic moral truths hold necessarily (e.g., like imagining a world where 2 + 2 *does not* equal 4 as 2 + 2 necessarily equals 4). If moral truths hold necessarily, we could not imagine possible worlds where the moral truths are different or absent (call this the *necessity explanation*). May thinks that the necessity explanation blocks closure arguments for moral skepticism: such arguments require metaphysical possibilities where we have the same moral evidence, but the moral facts vary.

But the necessity explanation is implausible: we can evoke imaginative resistance about contrived concepts.[20] Suppose that an object is *gumbish* if it is squishy, and emits a screeching noise. The claim that a palm tree in a thriller is gumbish would evoke imaginative resistance: palm trees are not squishy and do not emit screeching noises.[21] The fictional claim that palm trees are gumbish would evoke imaginative resistance even if there is nothing gumbish in the world: the gumbish concept *does not* apply to palm trees; but that does not tell us whether gumbish claims hold necessarily.[22]

Here is another example: an author who just announces that rotting garbage is beautiful would evoke imaginative resistance in their readers. This imaginative resistance is not evidence that aesthetic truths are necessarily true. Similar to the gumbish example, the takeaway is that imaginative resistance in the moral

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17 May, "Skeptical Hypotheses and Moral Skepticism," 353.

18 May also mentions that moral truths might be known *a priori* ("Skeptical Hypotheses and Moral Skepticism," 343). I will not discuss this possibility, but it is an area where May is on firmer footing; see Shafer-Landau, "Evolutionary Debunking, Moral Realism, and Moral Knowledge," 35.

19 Gendler, "The Puzzle of Imaginative Resistance," 55.

20 For a more developed version of this line of thought, see Levy, "Imaginative Resistance and the Moral/Conventional Distinction."

21 Something that *resembles* (but is not) a palm tree might be gumbish—but that is beside the point.

22 If there is nothing gumbish in the actual world, then there are no gumbish truths that hold necessarily. For one thing, there would be nothing to ground gumbish truths across *all* possible worlds.

case tells something about how to apply moral *concepts* (i.e., if the relevant supervenience base is present, then the concept applies) not whether basic moral truths hold necessarily. Thus, we should be skeptical that imaginative resistance to morally deviant fictional claims is evidence that basic moral truths (if there are any) hold necessarily. Basic moral truths might hold necessarily, but imaginative resistance is not good evidence of this.

<div align="center">III</div>

To conclude, May's defense of the implausibility thesis falters in a couple of ways. He argues that even if "coupled with a genealogical debunking explanation, moral nihilism does not amount to a skeptical scenario in the relevant sense, since it … [fails to establish] the Equal Evidence Claim."[23] But, as I have argued, the moral skeptic can formulate her skeptical challenge to satisfy the equal evidence claim with a moral nihilist hypothesis that relies on an evolutionary account of our moral evidence.

I also argued that imaginative resistance is poor evidence that moral truths hold necessarily: we can evoke imaginative resistance in cases where there are no necessary truths that could explain such resistance (e.g., describing a bloody murder scene as "refreshing" evokes imaginative resistance; but it is not clear that a bloody murder scene necessarily is not refreshing). But if imaginative resistance fails to give us evidence for the necessity of aesthetic claims in the bloody murder scene example, then we should worry that it fails in the moral case too.

Finally, problems with the implausibility thesis aside, May's paper helps clarify the nature of closure arguments for moral skepticism. Nonetheless, motivating moral skepticism using epistemic closure remains a fruitful but underdeveloped approach that merits further discussion.

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<div align="center">REFERENCES</div>

Brueckner, Anthony. "The Structure of the Skeptical Argument." *Philosophy and Phenomenological Research* 54, no. 4 (December 1994): 827–35.

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23   May, "Skeptical Hypotheses and Moral Skepticism," 356.

Dretske, Fred. "Epistemic Operators." *Journal of Philosophy* 67, no. 24 (December 24, 1970): 1007–23.

Gendler, Tamar Szabó. "The Puzzle of Imaginative Resistance." *Journal of Philosophy* 97, no. 2 (February 2000): 55–81.

Joyce, Richard. *The Evolution of Morality.* Cambridge, MA: MIT Press, 2006.

Levy, Neil. "Imaginative Resistance and the Moral/Conventional Distinction." *Philosophical Psychology* 18, no. 2 (April 2005): 231–41.

May, Joshua. "Skeptical Hypotheses and Moral Skepticism." *Canadian Journal of Philosophy* 43, no. 3 (2013): 341–59.

Shafer-Landau, Russ. "Evolutionary Debunking, Moral Realism, and Moral Knowledge." *Journal of Ethics and Social Philosophy* 7, no. 1 (December 2012): 1–37.

Sinnott-Armstrong, Walter. *Moral Skepticisms.* Oxford: Oxford University Press, 2006.

Vogel, Jonathan. "Skeptical Arguments." *Philosophical Issues* 14, no. 1 (October 2004): 426–55.

DOING AND ALLOWING HARM TO REFUGEES

Bradley Hillier-Smith

THERE ARE CURRENTLY around twenty-six million refugees worldwide who have been displaced from their countries of origin due to war, violence, and systematic human rights violations, and who seek adequate safety and security elsewhere.[1] Almost unanimously, theorists working on moral obligations to refugees adopt what I term the Duty of Rescue Approach. This approach conceives of Western states as innocent bystanders overlooking the humanitarian crisis of global displacement as it unfolds, and holds that such states have a moral duty to help refugees if they can do so at little cost to themselves.[2] However, this dominant theoretical approach is limited since it fails to

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1 These figures are from UNHCR, "Figures at a Glance." In this paper, I use the term "refugee" in a broader sense than the original definition articulated in UNHCR, *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*. This definition understands refugees as persons fleeing from persecution specifically. Many theorists criticize this definition as arbitrarily too narrow since it fails to necessarily include persons displaced as a result of war, generalized violence, human rights violations, climate catastrophe, and so on, whom we ought to recognize as legitimate refugees. These theorists therefore advocate a broader definition. See, for example, Shacknove, "Who Is a Refugee?"; Carens, *The Ethics of Immigration*, 201; Gibney, *The Ethics and Politics of Asylum*, 6–8; and Miller, *Strangers in Our Midst*, 79–83. There is a continuous debate on the precise definition, which would be beyond the scope of this paper to enter into. For the purposes of this paper, I will follow David Miller's broad definition of refugees as "people whose human rights cannot be protected except by moving across a border, whether the reason is state persecution, state incapacity or prolonged natural disasters" (*Strangers in Our Midst*, 83). This captures the variety of causes of displacement and appropriately recognizes the threat to human rights and their protection as a common underpinning of these causes. Accordingly, I understand refugees as persons who have been forced to flee their state of origin owing to the fact that their human rights are under threat or lack protection in that state, and who therefore seek adequate human rights protection elsewhere.

2 See, for example: "Like the bystander we have an unambiguous duty of rescue towards them" (Betts and Collier, *Refuge*, 99); "If we can provide shelter and safety to refugees without endangering ourselves it would be wrong to turn them away" (Dagger, "Politics, Rights, and the Refugee Problem," 191); "The 'principle of mutual aid' holds that if two strangers meet and one is in need of help, the other person ought to help if the need is urgent and the risks and costs of helping are 'relatively low'" (Walzer, *Spheres of Justice*, 33); "There is a parallel

consider certain practices used by Western states in response to refugees that may make us question whether such states are indeed innocent bystanders.

Serena Parekh's *The Ethics of Forced Displacement* is a notable exception to this dominant approach. Parekh provides a detailed normative analysis of certain harms that refugees endure as a result of Western state practices.[3] In particular the *encampment* of refugees—the enclosure of refugees into camps—includes "a sense of captivity as well as the denial of freedom, autonomy and basic human rights . . . for prolonged periods of time."[4] Such camps "rarely uphold the rights that refugees are entitled to, based on the 1951 Convention." Moreover, "because refugees in camps are so vulnerable, basic human rights are routinely violated. . . . Sexual assault [being] the paradigmatic case."[5] Parekh suggests that Western states' seeking to control their borders and admissions has cumulatively resulted in a situation where refugees face the harms of encampment for prolonged periods of time.[6]

This paper builds upon Parekh's significant work, yet differs in important ways. Parekh conceives of the harms that refugees endure as a result of Western state practices as arising from *structural processes* and thus ought to be understood as a *structural injustice*. In her own words, "structural injustices are not necessarily the result of deliberate wrongdoing or explicitly unjust policies, but are the unintended outcome of the actions of different agents each working for their own morally acceptable ends."[7] The harmful encampment of refugees is one such structural injustice: "prolonged encampment for example and the violations of dignity and rights that go along with it, is clearly morally wrong, yet it is not the result of deliberate or explicit policy."[8] On this understanding, Western states are not directly harming refugees, nor are they necessarily acting wrongfully. They are instead contributing to structural processes that themselves result

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here with the duty of rescue born by individuals in emergencies" (Miller, *Strangers in Our Midst*, 78); "States have an obligation to assist refugees when the costs of doing so are low" (Gibney, *The Ethics and Politics of Asylum*, 231). Carens suggests that we have a duty to admit refugees simply because "they have an urgent need for a safe place to live and we are in a position to provide it" (*The Ethics of Immigration*, 191).

3   James Souter is another important exception. Souter argues that Western states have stringent duties of reparation to refugees whom they have caused to be displaced through military intervention or through supporting repressive regimes; see "Towards a Theory of Asylum as Reparation for Past Injustice," 2.

4   Parekh, *Refugees and the Ethics of Forced Displacement*, 4–5.

5   Parekh, *Refugees and the Ethics of Forced Displacement*, 31.

6   Parekh, *Refugees and the Ethics of Forced Displacement*, 121.

7   Parekh, *Refugees and the Ethics of Forced Displacement*, 110.

8   Parekh, *Refugees and the Ethics of Forced Displacement*, 121.

in the encampment of refugees. Accordingly, Western state obligations to fix
such a structural injustice are forward-looking, remedial responsibilities shared
among all those whose morally permissible actions nonetheless contribute to
constituting and reconstituting the structural processes that cause the injustice.[9]
In this paper, I take a different route by providing a normative analysis not of
structural processes but of *specific and identifiable state policies and practices that
directly affect refugees*. There is room then for an exploration of how certain state
practices may not constitute structural harms to refugees but *direct* harms.

The aim of this paper then is to draw attention to and provide a normative
evaluation of specific practices used in response to refugee flows by classifying
them as either doing or allowing harm to refugees. The Doctrine of Doing and
Allowing Harm holds that it is (other things being equal) morally worse and
requires a higher level of justification to do harm rather than merely fail to aid
and thus allow harm.[10] Though some philosophers have rejected this doctrine,
it remains widely accepted in common morality owing to the widely recognized
fundamental and robust moral constraint against harming innocent persons.[11]
I will thus simply assume the doctrine's moral significance in order to reach a
normative assessment of state practices that could carry the widespread public
agreement necessary to motivate potential reform. If these practices are indeed
instances of doing harm, then, *contra* the dominant Duty of Rescue Approach,
states that adopt them are not innocent bystanders, and are not merely failing to
aid refugees, but are instead responding to their calls for aid by directly harming
them.

To be sure, it is not always impermissible to harm others.[12] However, such is
the strength of the moral presumption against harming innocent persons that
the threshold of justification required to make it permissible is substantially
high.[13] Therefore, if it is the case that states are indeed harming innocent ref-

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 9 Parekh, *Refugees and the Ethics of Forced Displacement*, 122–25.

10 Woollard, *Doing and Allowing Harm*, 6–8.

11 For a well-known example, Rachels, in "Active and Passive Euthanasia" rejects the moral
    significance of the distinction between doing and allowing harm.

12 For example, harming an aggressor in self-defense or other-defense, or convicted criminals
    through penalties including imprisonment, is generally considered permissible.

13 There are a few notable cases in moral philosophy in which it might be permissible to harm
    innocent persons—for example (providing certain conditions are met), in order to save
    many other innocent people from equal or greater harm (as in certain trolley cases), or to
    prevent some significantly greater evil or moral catastrophe. Yet it is agreed that the justifi-
    cation for such harm must be substantial. Even act consequentialism (generally considered
    to be among the more permissive theories) holds that in order for a harm to be permissible
    it must result in a benefit that is at least as great as the harm caused.

ugees, then such practices require a particularly substantial justification that will be hard if not impossible to find. If no such substantial justification can be provided, then states that adopt such practices will be committing a significant injustice against refugees.

This can then supplement Parekh's analysis of structural harms. If the state practices considered below harm refugees, they should not be considered structural harms but direct harms, and if these harms cannot be justified they should not be considered a structural injustice but a direct injustice. If they are a direct injustice, then responsible states have (unlike on Parekh's structural model) indeed acted wrongfully and are thereby definitively not innocent bystanders. Such states then will have urgent, decisive, and compulsory duties of justice to refrain from directly harming innocent refugees and to rectify the harm caused, rather than weaker remedial responsibilities to fix a structural injustice to which they have non-wrongfully contributed. Therefore, it is in my view an important task to assess whether certain state practices are directly harming innocent refugees.

1. ACCOUNTS OF HARM

To accurately classify state practices as either doing or allowing harm, it is crucial that our background account of the metaphysics of harm can accommodate the distinction. Notoriously, certain common accounts are unable to do so.[14] Two recent accounts, which are alive to this worry, are suitably formulated to capture the distinction and will therefore provide the necessary background metaphysics. The first is Duncan Purves's *Revised Counterfactual Account*:

> *Harming as Making*: An event *E* is a harm for *S* if and only if (1) *E* makes *S* (as opposed to allows *S* to) occupy *S*'s well-being level in the *E*-world (the world in which *E* does occur), and (2) *S*'s well-being level is higher in the nearest possible world in which *E* does not occur.

> *Agential Harming as Making*: An agent *X* harms a subject *S qua* agent just in case there is some event *E* such that *E* is a harm for *S* and *E* is an action (behavior) performed by *X*.[15]

On this account, Alice harms Brian by punching him, since punching him is an action (behavior) performed by Alice that *makes* Brian (rather than allows Bri-

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14   For example, consider the basic formulation of the counterfactual comparison account discussed in Hanser, "Harm."

15   These definitions are adapted from Purves, "Harming as Making Worse Off," 2643–44.

an to) occupy a certain level of well-being that is lower than it would be in the nearest possible world where the punch did not occur. Carl's failure to prevent Alice's punch would not count as a harm, since this is not an action (behavior) performed by Carl, and did not *make* the harm occur, but rather merely allowed it to occur.

The second is Molly Gardner's *Existence Account*:

Harming (def): An event E harms an individual S if and only if E causes (rather than allows) a state of affairs that is a harm for S.

Harm (def): A state of affairs T is a harm for an individual S if and only if (1) there is an essential component of T that is a condition with respect to which S can be intrinsically better or worse off, and (2) if S existed and T has not obtained, then S would be better off with respect to that condition.[16]

This account focuses on, first, whether an event *causes* (rather than allows) a certain state of affairs and, second, whether that state of affairs is itself harmful for a person. A state of affairs that could be harmful for a person would be one where that state of affairs meant that an aspect of their well-being (physical pain, mental distress, personal autonomy, and so on) is intrinsically worse than it would have been had that state of affairs not obtained. On this account, Alice harms Brian by hitting him with her fist since this *causes* a state of affairs that is a harm for Brian: being punched. This is a harmful state of affairs because a component of being punched, enduring some pain or injury, is a condition with respect to which Brian could be better or worse off, and if Brian had existed and that state of affairs had not obtained (Brian had not been punched), then Brian would have been better off in that regard. Carl's failure to prevent the punch would not count as a harm since it did not *cause* the harmful state of affairs but rather merely allowed the harmful state of affairs to occur.

Following these accounts, a state practice will count as harming refugees if either it *makes* refugees (rather than allows them to) occupy a level of well-being that is worse than it would be in the nearest possible world in which that practice does not occur (Revised Counterfactual Account), or *causes* (rather than allows) a state of affairs that is itself a harm for refugees in that an essential component of that state of affairs is a condition with respect to which refugees can be intrinsically better or worse off, and if the refugees existed and that state of affairs had

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16 These definitions are adapted from Gardner, "A Harm-Based Solution to the Non-Identity Problem," 434. Gardner uses this account of harm to understand harms to future persons specifically, but it also adequately serves our purposes here.

not obtained then refugees would be better off with respect to that condition (Existence Account). What must be established then is whether state practices count as *making* or *causing* these harms or not: Are they doing or allowing harm to refugees?

2. CLASSIFYING STATE PRACTICES

Let us now consider particular practices that certain states have adopted in response to refugees seeking safety.

2.1. Border Violence

In Calais, France, numerous instances of violence and human rights abuses by UK-funded Compagnies Républicaines de Sécurité (CRS) riot police have occurred at the border.[17] The CRS can use extreme violence in forced evictions of camps where they use beatings with batons, water cannons, tear gas, and rubber bullets, including against children.[18] Such tactics can cause severe injury. The CRS also roams the area and reportedly uses pepper spray and tear gas in unprovoked attacks, often while refugees are sleeping in makeshift shelters.[19] As witnessed myself when volunteering in Calais, in some cases police will confiscate just one shoe from refugees in an attempt to humiliate them as they walk around with a limp.

At the Hungarian border with Serbia, there have been violent pushbacks of refugees. Police reportedly beat refugees for hours on end, causing serious and life-changing injuries; some then take selfies with the injured persons. They reportedly confiscate warm clothing and douse refugees in water during freezing temperatures, increasing hypothermia risk.[20]

These examples are part of a larger trend of "crackdowns" of refugees with further similar instances of violence and human rights abuses against refugees at Croatian, Slovenian, Greek, and Italian borders, with children at particular risk of abuse.[21]

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17 See Human Rights Watch, "France" and "'Like Living in Hell'"; L'Auberge des Migrants, *Calais*. See also Hiller-Smith, "The Situation on the English Channel Is Indeed a 'Major Incident.'"

18 Quine, "Calais Jungle Refugees Have Sewn Their Mouths Shut in Protest at the Camp Clearance."

19 Dutton, "For Refugees in Calais, Police Brutality Is a Daily Occurrence."

20 Dearden, "Hungarian Border Guards 'Taking Selfies with Beaten Migrants'"; Human Rights Watch, "World Report 2018."

21 Amnesty International, "Croatia"; Save the Children International, "Hundreds of Children Report Police Violence at EU Borders."

Border violence is straightforwardly harming refugees. Severe beatings, tear gas, water cannons, and rubber bullets used during evictions and pushbacks, as well as tactics of intimidation, humiliation, and other human rights abuses undeniably *cause* direct physical suffering, injury, and mental distress, and *make* refugees worse off in these aspects of their well-being than they would have been had such acts not occurred and those resultant states of affairs not obtained. No further analysis of border violence is required to classify it as either doing or allowing harm. States that engage in border violence are not innocent bystanders but are harming refugees.

2.2. Detention

In an arrangement between European Union (EU) member states and Libya, refugees attempting to find safety in Europe are returned to indefinite and arbitrary detention in appalling conditions in centers on the Libyan coast (that are funded by EU states including the UK).[22] Overcrowding and lack of sanitation have led to starvation, disease (in particular tuberculosis), and death. Refugees, including children, face grievous maltreatment in the centers: being raped, beaten, abused, starved, and even traded as slaves.[23] Documented footage depicts the torture, showing refugees being burned, maimed, and electrocuted.[24] A Somali man recently self-immolated and died of his wounds in protest against his incarceration, maltreatment, and conditions in the Triq al Sikka detention center.[25] This is a testament to how unimaginably unbearable and hopeless conditions can be. Had he not been detained, this man was eligible for asylum in the EU, including the UK.

Detention is an instance of doing harm. Without the forced detention, such refugees were eligible and thus would have claimed and likely been granted asylum in EU states. Placing refugees in these detention centers therefore *makes* refugees worse off in aspects of their well-being (physical and mental health, subsistence, liberty, physical security, including freedom from rape and torture) and *causes* them to be in an undeniably harmful state of affairs where such aforementioned aspects of their well-being are worse than they would have been had such detention not obtained.

It might be objected that EU states did not cause the harmful conditions in the detention centers but merely put refugees in those conditions and allowed

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22   Human Rights Watch, "Towards an Effective and Principled EU Migration Policy"; and Taylor, "Libya."

23   BBC News, "Migrant Slavery in Libya."

24   Footage is from Channel 4 News, "EU Immigration."

25   Hayden, "Somali Returned to Libya under Italian Policy Sets Himself on Fire."

such harms to occur. However, even if one did not initiate a potentially harmful sequence but merely placed a person in its path, this does not constitute simply allowing harm. On the contrary, knowingly putting someone in harm's way (or a condition where harm will occur to them) constitutes doing harm. If I push you off the platform into the path of an oncoming train that then hits you, I have quite clearly harmed you, even if I am not responsible for the fact that the train was in motion. Few would deny that an agent's placing someone into a fire, or throwing them into a lake where they may drown, or throwing them to the lions are acts of doing harm even if the agent does not cause the harmful conditions into which they place their victim. Putting a person in harm's way, in this case putting refugees in conditions where they will suffer disease and severe human rights violations, is a harm. Forced detention harms refugees. This fact is as inescapable as the detention itself. Therefore, states that adopt the detention of those seeking safety are not innocent bystanders but are harming refugees.

2.3. Encampment

As part of an EU-Turkey deal to stem refugee flows entering Europe, refugees who made the dangerous sea crossing from Turkey are forcibly enclosed in squalid camps on the Greek Islands.[26] This *encampment* of refugees into conditions without adequate basic supplies of food, shelter, sanitation, and medicine, and where they face extensive human rights violations (in particular pervasive sexual violence), has "caused immense suffering for asylum seekers."[27] In the Moria camp, for example, where 3,000 children are among those encamped, "the sewage system is so overwhelmed, that raw sewage has been known to reach the mattresses where children sleep."[28] There is also a significant threat of physical violence, including the gang rape of women, and children being subjected to sexual violence.[29] The mental toll caused by encampment is significant such that "many people have attempted to end their lives due to the extreme distress and emotional pain they experience."[30]

This example of encampment is different from those considered by Parekh since it is the direct result of a specific policy. And, just as with detention, this encampment is an instance of directly doing harm to refugees. Forcing refugees into squalid camps *makes* it the case that refugees are, and *causes* them to be, confined into enclosed spaces where aspects of their well-being (free movement,

26   Human Rights Watch, "Q&A."

27   Human Rights Watch, "Q&A."

28   International Rescue Committee, "Unprotected, Unsupported, Uncertain."

29   Human Rights Watch, "Why Greece Should #OpenTheIslands."

30   See Tondo, "'We Have Found Hell.'"

liberty, mental and physical health, subsistence, freedom from sexual violence) are worse off than they would be they not been placed in these camps and that state of affairs had not obtained. States that forcibly encamp refugees are not innocent.

2.4. Containment

The arrangement with Libya also blocks refugees from traveling from Libya to the EU where they could otherwise have claimed asylum and found adequate safety. It thereby closes off the main migratory route from North Africa to Europe and so *contains* refugees in harmful conditions in regions in North Africa where their basic subsistence and security needs are not met, and where they are subjected to extensive human rights violations.[31]

Similarly, the EU-Turkey Deal blocks refugees from traveling to Greece from Turkey and so this main migratory route to safety in Europe is also closed down. Refugees are thereby contained in regions nearer their countries of origin in Turkey, Jordan, and Lebanon to reside in squalid camps and face destitution in urban areas where they endure extreme poverty and extensive human rights violations (in particular, sexual violence).[32]

The explicit purpose of containment policies such as those above is precisely that: to contain refugees in certain regions by blocking off migratory routes to seek safety in Western states. The direct result of these policies is that refugees are contained in regions where they then face extreme poverty and extensive human rights violations. It is difficult to classify this as either doing or allowing harm. On first assessment, it appears to be doing harm. Blocking off escape routes to safety *makes* it the case that refugees are (and *causes* them to be) confined in these otherwise avoidable harmful conditions where aspects of their well-being are worse than they would otherwise have been. In the absence of containment, refugees would not have been entrapped in these conditions (that harmful state of affairs would not have obtained) and would instead have been able to travel to find safety in Europe. On the other hand, containment could be said to merely allow harm. Containment policies do not *cause* the harms (the extreme poverty and extensive human rights violations) that refugees endure in regions close to their countries of origin, nor do they actively place refugees into these conditions (as they do in cases of detention and encampment); they

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31   UNHCR, "North Africa."

32   Human Rights Watch, "Q&A"; UNHCR, *Global Trends*, 55, and "UNHCR Study Shows Rapid Deterioration in Living Conditions of Syrian Refugees in Jordan"; Chatty, "The Syrian Humanitarian Disaster"; UN News Service Section, "Conditions of Syrian Refugees in Lebanon Worsen Considerably, UN Reports."

merely allow such already existing harms to occur. Due to this indeterminacy, containment requires closer analysis.

3. CONTAINMENT AS A SAFETY-NET CASE

The literature on so-called Safety-Net Cases, which are also difficult to classify, may be useful here. In Safety-Net Cases, an agent acts to remove an obstacle that would have prevented harm to a victim, and as a result of this action the victim is harmed. Consider the following examples:

> *Hospital*: A doctor has just plugged one person into a respirator. If the patient is moved or unplugged from the respirator, he will die. Five more patients arrive and will die unless plugged into the respirator. The doctor unplugs the first patient into order to save the five.[33]

> *Burning Building (Enemy)*: A person trapped atop a high burning building leaps off. Seeing this, a firefighter quickly stations a self-standing net underneath and then dashes off to assist with other work. The imperiled person's enemy, however, is also present and, seeing his opportunity, swiftly removes the net so the imperiled person hits the ground and dies.[34]

Are these cases of removing the safety net doing or allowing harm? Intuitively *Hospital* strikes us as allowing harm where *Burning Building (Enemy)* strikes us as doing harm. How do we explain these divergent judgments? Jeff McMahan provides a rationale: removing a safety net counts as allowing harm if and only if the safety net was provided by the agent and the safety net was either not self-sustaining or not yet operative.[35] Therefore, since the doctor provided the respirator and it was not self-sustaining (it required continued maintenance and monitoring), this removal counts as allowing harm. The enemy, on the other hand, removed a self-sustaining safety net that was not provided by him, so this counts as doing harm.

Fiona Woollard largely agrees, yet refines McMahan's analysis to yield the following. An agent removing a safety net will count as doing harm

> if and only if (a) the [net] does not require the continued use of resources belonging to the agent and either (b) the [net] is owned by the victim or by a third party who has given, or would give, valid authorization for the victim to use the [net] or (c) the victim has a non-need based claim to the

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33 Rickless, "The Moral Status of Enabling Harm."
34 McMahan, "Killing, Letting Die, and Withdrawing Aid."
35 McMahan, "Killing, Letting Die, and Withdrawing Aid."

use of the [net] that is stronger than any non-need based claim the agent
has to the [net].[36]

The respirator was owned by the doctor (or he had valid authorization for its
use) and it required his continued monitoring and maintenance, so this counts
as allowing harm. The enemy, on the other hand, did not own the net and it
was self-sustaining in that it did not require continued resources to be operative.
Therefore, the (henceforth) McMahan-Woollard classification adequately cap-
tures and convincingly explains strong intuitive judgments in the above cases
and thus represents a plausible account of classifying Safety-Net Cases.

Can containment then be conceived of as a Safety-Net Case to which we
could apply the McMahan-Woollard classification? It may initially appear so:
there is a potentially harmful sequence in motion that will result in harm to ref-
ugees (they are facing extreme poverty and extensive human rights violations).
Fortunately, there is a safety net: a safe state's territory. Such states then act to
remove this safety net and thus harm occurs to refugees.

However, this framing of containment is not quite accurate. A Safety-Net
Case is one where an agent acts to *remove an object* that would have prevented
a harmful sequence. Containment policies are subtly but importantly different.
In initiating a containment policy to block a migratory route to safety, an agent
acts *to place, introduce, or create a new object that blocks an escape from a harmful
sequence.* As such this cannot count as a Safety-Net Case. Instead, I propose a
different approach to understand containment that recognizes its distinction
from Safety-Net Cases. To help see the difference, consider the following cases:

> *Removing the Safety Net*: There is a person at the foot of a hill. A boulder is
> rolling down the hill, but there is an obstacle in its path that will halt the
> boulder. An agent acts to remove the obstacle. Now the boulder rolls the
> full way down to kill the person below.

> *Denying the Escape*: A boulder is rolling down the hill uninhibited toward
> a person, where it will kill him. Yet the imperiled person can simply step
> aside from the boulder's path such that it will roll by. An agent acts to
> place an obstacle in the way that prevents the victim from stepping aside,
> thus the boulder kills him.

In *Removing the Safety Net*, an agent acts to remove an object that already exists
within a sequence of events that would prevent a harm. In *Denying the Escape*,
an agent instead acts to place, introduce, or create a new object into a sequence
of events that prevents an escape, thus ensuring that the harm occurs. *Denying*

36   Woollard, *Doing and Allowing Harm*, 81.

the Escape is subtly but importantly different from Safety-Net Cases. It therefore belongs to a different category of cases that to my knowledge has not been sufficiently considered in the literature on doing or allowing harm.[37] I shall term such cases Denial of Escape Cases.

For a case to count as a Denial of Escape it must be the case that (1) there is a preexisting, potentially harmful sequence of events in motion that threatens a victim, (2) there is a preexisting means of escaping that sequence for the victim to avoid harm, (3) an agent acts to place, introduce, or create an obstacle to block that means of escape such that (4) the placing, introducing, or creating of the obstacle makes it the case that the potentially harmful sequence of events does in fact harm the victim.

Containment is a Denial of Escape Case. There is a potentially harmful sequence in motion: refugees are in harm's way, facing extreme poverty and human rights violations. Fortunately, they can escape by seeking safety in another state. States nonetheless act to put an obstacle in the way (a containment policy) that prevents them from escaping and thus ensuring that harm will come to refugees as they are made to endure the extreme poverty and human rights violations. This description of containment as a Denial of Escape Case more accurately captures the relevant facts compared to understanding containment as a Safety-Net Case, since it recognizes the crucial facts that state(s) introduce a *new object* (a containment policy) that *blocks an escape* from a harmful sequence.

4. IS DENIAL OF ESCAPE DOING OR ALLOWING HARM?

To assess whether Denial of Escape is doing or allowing harm, let us first compare intuitive judgments across cases. Consider the following standard doing-harm case:

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37 To be clear, we are considering cases of whether denying a person's escape from a harmful sequence constitutes doing or allowing harm. I thank an anonymous reviewer for enjoining me to further consult the literature on doing and allowing to see whether such cases have been explicitly articulated and analyzed. In such a consultation I did not come across such cases being discussed. Indeed, in private correspondence with Fiona Woollard, whose research on Doing and Allowing Cases is formidable, she agreed that such a case was seemingly new to her. However, more recently, I have come across such cases being discussed in the literature on defensive harm. Yet, the discussion in this literature concerns whether it is permissible or not to kill an agent who blocks one's escape from a threat. It does not, to my knowledge, discuss or seek to establish whether placing an obstacle to block an escape is itself doing or allowing harm; see for example Frowe, *Defensive Killing*, 24–26. Therefore, I believe that there is room to explore the classification of Denial of Escape Cases as either doing or allowing harm.

> *Push*: A train is coming along the tracks, where it will pass by. You push
> an innocent stranger into the path of the train and the stranger is killed.

Push is undeniably doing harm and (if perpetrated for no good reason) is a par-
adigm case of the morally outrageous. Importantly, note that to count as doing
harm it does not matter that you did not initiate the train in motion. What mat-
ters is that you act to interfere in the sequence of events to ensure the stranger is
in its path when she otherwise would not have been such that harm comes to her.
Now consider the following case:

> *Ties*: A train is on the path to kill an innocent stranger who is on the tracks
> through no fault of her own. Thankfully, the stranger can easily step aside
> and let the train go by. You, however, then tie her to the tracks, preventing
> her from escaping the path of the train. The stranger is killed.

Ties is a Denial of Escape Case. It also intuitively strikes us as doing harm: your
action makes it the case that the victim is (and causes her to be) in the path of
the train and is harmed when she otherwise would not have been. Furthermore,
all else being equal, do we believe that your behavior was any less morally re-
pugnant in *Ties* than in *Push*? Is tying her to the tracks any more permissible—
or does it require any lesser justification—than pushing her onto the tracks? I
think not. The morally relevant facts are identical: you did not initiate the train
in motion, yet you act to interfere in the sequence of events to ensure that the
stranger is in its path when she otherwise would not have been, such that harm
will come to her. Tying the stranger to the tracks so that she is killed by the train
is on a moral par as an equally *pro tanto* impermissible instance of doing harm as
pushing her onto the track so that she is killed by the train.

One difference might be that in *Ties* you *keep them* in harm's way whereas in
Push you *put them* in harm's way. Yet this does not appear to make any moral dif-
ference to the permissibility of your actions or their classification as either doing
or allowing. If it were true that holding someone in harm's way is not an instance
of doing harm and is thereby more permissible, whereas putting someone in
harm's way *is* an instance of doing harm and thereby more *im*permissible, then
it would be true that my holding your hand on a soon-to-be hot stove is not an
instance of doing harm and is more permissible, compared to my pushing your
hand onto a hot stove, which *is* an instance of doing harm and more impermis-
sible. This seems bizarre. Both holding someone's hand on a hot stove and push-
ing someone's hand onto a hot stove are clearly acts of doing harm and require
equally substantial justifications without which they are both equally morally
impermissible. Therefore, the particular physical movements you use to ensure a

person is in harm's way when she otherwise would not have been is not a morally salient fact and makes no moral difference to permissibility or to whether one counts as doing or allowing harm. There is no moral difference then between *Ties* and *Push*. Therefore, Denial of Escape constitutes doing harm.

It might now be objected that, though *Ties* is plausibly doing harm, this is not analogous to containment policies, since in *Ties* one directly physically interferes with the victim's body, whereas in containment policies this is not the case, since containment simply blocks their escape.

In response, in many cases containment policies *do* interfere with refugees' bodies as they are physically intercepted, apprehended, coerced, restrained, and forcibly returned to harmful conditions, thus denying their escape. In such cases, refugees *are* physically forced to stay in harm's way and not escape. Even if containment policies did not interfere with refugees' bodies, physical interference does not make a moral difference. We standardly accept in typical doing harm cases that physical interference with a person's body is not morally significant. If I set a train in motion down a track toward a stranger and it kills her, it does not matter that I did not myself physically interfere with the person's body. I can push a boulder down a hill, fire an arrow, or release the dogs without touching you. Physical interference or the particular mediating tool or method one uses does not make a moral difference to permissibility or to determining doing or allowing harm.

Alternatively, to show that physical interference is irrelevant, we can reimagine *Ties*:

> *Barrier*: A train is on the path to kill an innocent stranger who is on the tracks through no fault of her own. The stranger can easily step aside and let the train go by. You decide to erect a barrier, preventing the stranger from stepping aside.

Or:

> *Bananas*: A train is on the path to kill an innocent stranger who is on the tracks through no fault of her own. You throw down some banana skins so that every time the stranger desperately tries to escape she slips and falls back into the path of the train.

Are we to believe that your behavior was any more permissible in these cases or that by using a different method your action now counts as allowing harm? I think not. Bananas, bricks, or bondage, it makes no moral difference which mediating method or tool you use or whether you physically interfere with the victim's body or not. What *is* morally relevant is that an agent acts to interfere in

a sequence of events to ensure that a victim is in harm's way when she otherwise would not have been and thus ensures a harm occurs to her that would not have occurred had the agent not acted. This is morally indistinguishable from *Push* in terms of *pro tanto* impermissibility and classification as doing harm. Therefore, Denial of Escape is doing harm.

Other Denial of Escape Cases will also intuitively strike us as doing harm. There is a fire in a building, you block the fire exit, and as a result people are burned who would have otherwise escaped. Someone is swimming underwater in a partially frozen lake, and you block the hole in the ice through which they could have otherwise escaped such that they drown. Someone is in a room threatened by an attacker and you shut and lock the door to confine them there, such that they are harmed when they otherwise could have escaped. What is worth emphasizing is that in each of these Denial of Escape Cases you perform an action that causes and makes it the case that persons are harmed when they would not have been had you not acted. These actions are clearly instances of doing harm and are also morally repugnant. Therefore Denial of Escape Cases are instances of doing harm. Containment policies are denials of escape. These policies are therefore harming refugees by confining them in harmful conditions they could have otherwise escaped. We are tying refugees to the tracks.

5. DENIAL OF ESCAPE AND WOOLLARD'S DISTINCTION

To supplement the above assessment of Denial of Escape Cases, let us apply Woollard's framework for determining doing and allowing harm. Her framework represents, to my knowledge, the most thorough and nuanced theoretical analysis of the distinction available in the literature. There are numerous steps to Woollard's framework. First, an agent's behavior will count as *doing* harm "if and only if a relevant fact about the agent's behavior is part of the sequence leading to harm."[38] In contrast, an agent's behavior counts as merely *allowing* harm "if and only if a fact about the agent's behavior is relevant to but not part of the harmful sequence."[39] In sum, the agent's behavior must be a *part of the sequence* leading to harm to count as doing harm.

Second, other things being equal, in order for an agent's behavior to be part of the sequence, it must be a *substantial fact*. Substantial facts are informative or noteworthy facts that tell us about the occurrence or presence of something: "it must tell us about some addition or change to the world."[40] For example, the

38 Woollard, *Doing and Allowing Harm*, 23, 80.

39 Woollard, *Doing and Allowing Harm*, 23.

40 Woollard, *Doing and Allowing Harm*, 29.

fact that a person pushed a boulder is a substantial fact, the fact that the boulder rolled down the hill is a substantial fact, and the fact that the boulder crushed a car is a substantial fact. Each are significant, informative facts about the occurrence or presence of something. These substantial facts are then each necessary parts of the sequence.

Non-substantial facts, on the other hand, simply tell us about the absence of something: that "something that could have prevented the sequence was absent."[41] For example, the fact that a person or object did not block the boulder, or that the boulder did not disintegrate, are non-substantial facts. Other things being equal, non-substantial facts cannot be part of, but only relevant to, a sequence leading to harm.[42] When we ignore the non-substantial facts the sequence will remain the same.

Last, in order to be a substantial fact, typically it must be a *positive fact.* Following Jonathan Bennett's distinction, Woollard suggests that a fact is positive about an object or behavior if and only if most of the ways the object or behavior could have been *would not have* made the corresponding proposition true.[43] A fact is *negative* about an object or behavior if most of the ways it could have been *would have* made the corresponding proposition true.[44] In more detail:

> Positive facts tell us that something was the case: Bob pushed the boulder; the cat is on the roof. They give us a fairly definite piece of information, pinning us down to a small number of alternatives. In contrast, negative facts merely tell us that something was not the case: Bob did not interpose the car; the cat is not in the road. They do not tell us very much about how the world is, for they only rule out the relatively small set of alternatives corresponding to the positive proposition that has been negated.[45]

In order to determine whether an agent's behavior was positive or negative, for

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41 Woollard, *Doing and Allowing Harm*, 30.

42 For Woollard, there are some cases where a non-substantial fact can be part of a sequence, such as the removal of a barrier in safety-net cases that can be "a relatively substantial fact" when "(a) the barrier does not require the continued use of resources belonging to the agent and either (b) the barrier is owned by the victim or by a third party who has given, or would give, valid authorization for the victim to use the barrier or (c) the victim has a non-need based claim to the use of the barrier that is stronger than any non-need based claim the agent has to the barrier. In such cases, the removal of the barrier will count as doing harm" (*Doing and Allowing Harm*, 81).

43 Bennett, *The Act Itself*, 91–95.

44 Woollard, *Doing and Allowing Harm*, 44.

45 Woollard, *Doing and Allowing Harm*, 23.

example, we consider all of the ways the agent could have moved: "if a fact about an agent's conduct is positive, this fact tells us that the agent moved in one of a relatively small number of ways."[46] For example, the fact that Alice hit Brian with her fist is a positive fact since most of the ways Alice could have moved would not have made it the case that Brian was punched. Hitting Brian with her fist occupies a very small subset of potential positions that Alice could have occupied. In contrast, Carl's failing to block the punch is a negative fact since most of the ways Carl could have moved would also have failed to block the punch. Carl's failing to block the punch is part of a large subset of possible positions Carl could occupy.

If a fact about an object or behavior is positive (occupying a small subset of possible positions) then this is a substantial fact (noteworthy or significant). If a fact about an object or behavior is negative (occupying a large subset of possible positions), it is a non-substantial fact. "Positive facts are substantial, suitable to be part of a sequence leading to harm. Other things being equal, negative facts are non-substantial."[47]

In sum, on Woollard's account, paradigmatically an agent will count as doing harm if (1) a fact about his behavior is positive (occupying a small subset of possible positions) such that it is (2) a substantial fact (as the noteworthy presence, occurrence, or addition of something), which is then also (3) part of a sequence leading to harm. Let us now apply Woollard's framework to classify Denial of Escape cases.

First, the agent's placing (or introducing or creating) the obstacle to block an escape route is a *positive* fact since it is part of a small subset of possible behaviors. Most of the ways the agent could have acted would not have made it true that an obstacle was placed there. Colloquially speaking, they go "out of their way" to place the obstacle there. Second, the obstacle being placed there is then a *substantial* fact: it is informative and noteworthy as an occurrence, addition, or presence of something that was not the case before, rather than the absence of something. Third, this substantial fact is then also *part of the sequence* leading to harm as it is a necessary component of that sequence. Recall *Ties* and its variations. Consider the sequence *without* the placing of the obstacle to the escape route: There is a train heading down the track. A stranger is in the path of the train. The stranger steps aside. The train passes by. Now consider the sequence

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46 Woollard, *Doing and Allowing Harm*, 41.

47 Woollard, *Doing and Allowing Harm*, 38. Also according to Woollard, in rare cases a negative fact can also be a substantial fact if and only if it is contrary to our normal presuppositions— for example, if there was no oxygen in the air. However, this is not relevant for our purposes. For further explanation, see Woollard, *Doing and Allowing Harm*, 57.

with the obstacle: There is a train heading down the track. A stranger is in the path of the train. An agent places an obstacle blocking the stranger from stepping aside. The train hits the stranger. Each of these statements is a positive and substantial fact that is a necessary part of a harmful sequence since if any one of the facts were not to obtain then the sequence would not be harmful. If we ignore the fact of the addition of the obstacle, the sequence would not be the same. Therefore, on Woollard's framework, the agent who places an obstacle blocking an escape from a harmful sequence meets each necessary desiderata and as such is connected to the sequence leading to harm in the relevant way to constitute doing harm.

Denial of Escape Cases, then, are instances of doing harm, and this is supported independently both by justified intuitive judgments and by a thorough theoretical analysis of the distinction between doing and allowing. Containment is a Denial of Escape Case. Containment is an instance of doing harm. Therefore, we are now in a position to confidently affirm that states that adopt containment policies are in fact harming refugees and as such are not innocent bystanders.

6. NON-REFOULEMENT AND CONTAINMENT

To close this paper, I wish to consider containment in the light of the principle of *non-refoulement*. Non-refoulement is the absolute legal and moral prohibition on returning a refugee from one's jurisdiction to territories where their life, freedom, or human rights would be threatened.[48] It is accepted by all signatories to the Refugee Convention, is the most widely practiced norm among policy makers within the refugee regime, and is unanimously endorsed by all theorists (including those who argue for controlled borders).[49] Violating non-refoulement does not cause the harmful conditions that endanger the lives, freedom, and human rights of refugees, but places refugees in these conditions. It would be ethically analogous to throwing an innocent child, who had escaped onto your dry land, back into the water where they may drown. It is widely agreed that such an act would be morally unthinkable.[50]

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48 See UNHCR, *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*, Article 33, "Prohibition of Expulsion or Return ('Refoulement')."

49 See Miller, *Strangers in Our Midst*, 78, 85; Walzer, *Spheres of Justice*, 60.

50 I thank an anonymous reviewer for pointing out that it is not uncontroversial to hold persons and states as morally analogous such that it is legitimate to apply principles of personal morality to state conduct. Nonetheless, I feel it is appropriate at least for the purposes of this paper. State policy is of course a legitimate target for ethical scrutiny. Further, states are agents with the capacity to act in ways similar to individual agents in the relevant sense that they have the capacity to act to harm, save, or fail to aid, and thus allow harm to others. As

Now, consider containment that constitutes *keeping* refugees from one's jurisdiction in conditions where their life, liberty, and human rights would be under threat. Containment does not cause these harmful conditions but contains refugees there and prevents their escape. This is ethically analogous to holding an innocent child at arm's length in the water where they may drown, preventing them from swimming to safety onto your land.

Is it any more permissible to hold a child in the water where they may drown rather than throw a child into the water where they may drown? I think not. To do this to a child looking for safety I think we would also agree is morally unthinkable. There is no discernible moral difference between holding the child in the water and throwing the child into the water. We have seen in the comparison between *Ties* and *Push* that there is no moral difference between putting someone in harm's way and holding them in harm's way. The particular physical movements you use to ensure the child is in water when she otherwise would not have been are not morally relevant. Instead the morally salient facts are identical. Both holding the child in the water and throwing the child in the water are instances of doing harm. In both cases one performs an action that is a positive fact (holding the child or throwing the child). Both positive facts are substantial facts as they are informative and noteworthy occurrences and additions to the world. Both substantial facts are necessary parts of their respective sequences that lead to harm, since had each not obtained the child's life would not have been endangered: the thrown child would not have been placed in the dangerous conditions, and the held child would not have been confined to the dangerous conditions and could have escaped. Therefore, in both cases one acts to interfere with the sequence such that harm will come to the victim. There is no moral difference between these cases. Both are equally morally outrageous instances of doing harm.

Therefore, if refoulement is analogous to throwing the child back into the water and if containment is analogous to holding the child in the water, and if there is no moral difference between throwing the child in the water and holding the child in the water, then there is no moral difference between refoulement and containment. Refoulement and containment are equally impermissible instanc-

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such, an application of the Doctrine of Doing and Allowing is transferable. Further, drawing parallels between individual and state obligations follows common practice in the literature on moral obligations to refugees since, as we have seen, most theorists invoke an analogy between an individual's obligation to save a person in need and a state's duty of rescue toward refugees. For two explicit examples, consider: "Like the bystander we [states] have an unambiguous duty of rescue towards them [refugees]" (Betts and Collier, *Refuge*, 99); and "There is a parallel here with the duty of rescue born by individuals in emergencies" (Miller, *Strangers in Our Midst*, 78).

es of doing harm. Therefore, all states and theorists that unanimously recognize the outright moral prohibition against violating non-refoulement by placing refugees in conditions where their lives, freedom, and human rights would be under threat ought also to recognize the exact same moral prohibition against containment policies that confine refugees in conditions where their lives, freedom, and human rights would be under threat (all else equal). Under the letter of the law of the principle of non-refoulement, returning refugees is prohibited though containment is not. This "loophole," which has been seemingly exploited, makes a mockery of the principle of non-refoulement, and is ethically unsustainable. A potential significant policy implication of the above then is that reform is required such that containment is just as prohibited under international law as refoulement.

7. THE MORAL PROHIBITION ON HARMING REFUGEES

Border violence, forced detention, encampment, and containment are instances of doing harm to refugees. States that engage in such practices are not merely failing to fulfill urgent moral duties to help refugees in desperate need of aid, but are responding to their calls for aid by harming them. These states are not innocent bystanders. They are instead violating the stringent moral constraint against harming innocent persons. Therefore, the burden is on such states to provide a particularly substantial justification as to why it could possibly be morally acceptable to do so. Since doing harm requires a higher justification than failing to aid and allowing harm, economic and cultural considerations that *might* (for the sake of argument) make it permissible to fail to aid refugees will not be sufficient to pass the high threshold required to justify harming them. I believe that, given the extensive suffering and human rights violations endured by innocent refugees as a result of these practices, the requisite substantial justification will be difficult if not impossible to find. Such practices are likely to be morally indefensible.

As such I simply argue that in the absence of such a substantial justification it is morally impermissible for states to harm innocent refugees. Moreover, since these practices are direct harms, without justification these harmful practices will constitute a *direct injustice* against refugees. If this is true then, as I write this, states that adopt such practices are committing a serious and unconscionable injustice against some of the world's most vulnerable people who are seeking our help. Such states will then have urgent and compulsory duties to abolish such practices. Even if we have zero obligations to actively offer support, safety, and hope to refugees, at the very least we should refrain from willingly spending

our time, effort, and resources in causing them undue, avoidable, and needless suffering. If we will not help refugees at the very least we should not harm them. This is not a sophisticated argument, but it has been overlooked, and its importance for the well-being of refugees is hard to overstate.

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REFERENCES

Amnesty International. "Croatia: EU Complicit in Violence and Abuse by Police against Refugees and Migrants," March 13, 2019. https://www.amnesty.org/en/latest/news/2019/03/croatia-eu-complicit-in-violence-and-abuse-by-police-against-refugees-and-migrants.

BBC News. "Migrant Slavery in Libya: Nigerians Tell of Being Used as Slaves," January 2, 2018. https://www.bbc.com/news/world-africa-42492687.

Bennett, Jonathan. *The Act Itself*. Oxford: Clarendon Press, 1995.

Betts, Alexander, and Paul Collier. *Refuge: Transforming a Broken Refugee System*. London: Penguin UK, 2017.

Carens, Joseph. *The Ethics of Immigration*. Oxford: Oxford University Press, 2013.

Channel 4 News. "EU Immigration: Tortured for Trying to Enter Europe," February 25, 2019. https://www.youtube.com/watch?v=CXzpfBGHUdg&feature=youtu.be.

Chatty, Dawn. "The Syrian Humanitarian Disaster: Understanding Perceptions and Aspirations in Jordan, Lebanon and Turkey." *Global Policy* 8, no. S1 (February 2017): 25–32.

Dagger, Richard. "Politics, Rights, and the Refugee Problem." In *War and Border Crossings: Ethics When Cultures Clash*, edited by Peter A. French and Jason A. Short, 185–95. Oxford: Rowman and Littlefield, 2005.

Dearden, Lizzie. "Hungarian Border Guards 'Taking Selfies with Beaten Migrants.'" *The Independent*, March 4, 2017. http://www.independent.co.uk/news/world/europe/refugee-crisis-hungary-border-police-guards-fence-beating-asylum-seekers-migrants-serbia-push-back-a7610411.html.

Dutton, James. "For Refugees in Calais, Police Brutality Is a Daily Occurrence." *The Independent*, December 10, 2018. https://www.independent.co.uk/news/long_reads/refugees-calais-jungle-camp-french-police-brutality-a8674596.html.

Frowe, Helen. *Defensive Killing*. Oxford University Press, 2014.

Gardner, Molly. "A Harm-Based Solution to the Non-Identity Problem." *Ergo* 2, no. 17 (2015): 427–44.

Gibney, Matthew J. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees.* Cambridge: Cambridge University Press, 2004.

Hanser, Matthew. "Harm." *International Encyclopedia of Ethics*, edited by Hugh La-Follette, February 1, 2013. https://doi.org/10.1002/9781444367072.wbiee186.

Hayden, Sally. "Somali Returned to Libya under Italian Policy Sets Himself on Fire." *Irish Times*, October 25, 2018. https://www.irishtimes.com/news/world/africa/somali-returned-to-libya-under-italian-policy-sets-himself-on-fire-1.3675942.

Hillier-Smith, Bradley. "The Situation on the English Channel Is Indeed a 'Major Incident'—but It's the UK Government Who's at Fault, Not the Migrants." *The Independent*, December 29, 2018. https://www.independent.co.uk/voices/migrants-refugees-latest-english-channel-major-incident-sajid-javid-a8703551.html.

Human Rights Watch. "France: Calais Migrants at Risk as Cold Arrives," December 18, 2017. https://www.hrw.org/news/2017/12/18/france-calais-migrants-risk-cold-arrives.

———. "'Like Living in Hell': Police Abuses Against Child and Adult Migrants in Calais," July 26, 2017. https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais.

———. "Q&A: Why the EU-Turkey Migration Deal Is No Blueprint," November 14, 2016. https://www.hrw.org/news/2016/11/14/qa-why-eu-turkey-migration-deal-no-blueprint.

———. "Towards an Effective and Principled EU Migration Policy: Recommendations for Reform," June 18, 2018. https://www.hrw.org/news/2018/06/18/towards-effective-and-principled-eu-migration-policy.

———. "Why Greece Should #OpenTheIslands," March 19, 2018. https://www.hrw.org/news/2018/03/19/why-greece-should-opentheislands.

———. "World Report 2018: Rights Trends in European Union," January 5, 2018. https://www.hrw.org/world-report/2018/country-chapters/european-union.

International Rescue Committee. "Unprotected, Unsupported, Uncertain," September 25, 2018. https://www.rescue.org/report/unprotected-unsupported-uncertain.

L'Auberge des Migrants. *Calais: Police Harassment of Volunteers.* August 2018. https://y9w4d3a4.stackpathcdn.com/wp-content/uploads/2018/08/Police-Harrassment-of-Volunteers-in-Calais-1.pdf.

McMahan, Jeff. "Killing, Letting Die, and Withdrawing Aid." *Ethics* 103, no. 2 (January 1993): 250–79.

Miller, David. *Strangers in Our Midst*. Cambridge, MA: Harvard University Press, 2016.

Parekh, Serena. *Refugees and the Ethics of Forced Displacement*. New York: Routledge, 2016.

Purves, Duncan. "Harming as Making Worse Off." *Philosophical Studies* 176, no. 10 (October 2019): 2629–56.

Quine, Oscar. "Calais Jungle Refugees Have Sewn Their Mouths Shut in Protest at the Camp Clearance." *The Independent*, March 4, 2016. http://www.independent.co.uk/news/world/europe/calais-jungle-refugees-sew-mouths-shut-in-protest-at-camp-clearance-a6912806.html.

Rachels, James. "Active and Passive Euthanasia." In *Bioethics: An Introduction to the History, Methods, and Practice*, edited by Nancy S. Jecker, Albert R. Jonsen, and Robert A. Pearlman, 77–82. Sudbury, MA: Jones and Bartlett, 1997.

Rickless, Samuel C. "The Moral Status of Enabling Harm." *Pacific Philosophical Quarterly* 92, no. 1 (March 2011): 66–86.

Save the Children International. "Hundreds of Children Report Police Violence at EU Borders," December 24, 2018. https://www.savethechildren.net/news/hundreds-children-report-police-violence-eu-borders.

Shacknove, Andrew E. "Who Is a Refugee?" *Ethics* 95, no. 2 (January 1985): 274–84

Souter, James. "Towards a Theory of Asylum as Reparation for Past Injustice." *Political Studies* 62, no. 2 (June 2014): 326–42.

Taylor, Diane. "Libya: Child Refugees Abused in UK-Funded Detention Centres." *The Guardian*, November 20, 2018. https://www.theguardian.com/world/2018/nov/20/child-refugees-facing-abuse-in-libyan-detention-centres.

Tondo, Lorenzo. "'We Have Found Hell': Drawings Reveal Children's Trauma at Lesbos Camp." *The Guardian*, October 3, 2018. https://www.theguardian.com/global-development/2018/oct/03/trauma-runs-deep-for-children-at-dire-lesbos-camp-moria.

Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Justice*. New York: Basic Books, 1983.

Woollard, Fiona. *Doing and Allowing Harm*. Oxford: Oxford University Press, 2015.

United Nations High Commissioner for Refugees (UNHCR). *Convention and Protocol Relating to the Status of Refugees*. December 2010. http://www.unhcr.

org/protection/basic/3b66c2aa10/convention-protocol-relating-status
-refugees.html.

———. "Figures at a Glance," June 19, 2019. https://www.unhcr.org/figures-at
-a-glance.html.

———. *Global Trends: Forced Displacement in 2016*. June 19, 2017. http://
www.unhcr.org/statistics/unhcrstats/5943e8a34/global-trends-forced
-displacement-2016.html.

———. *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*.
September 2011. https://www.unhcr.org/about-us/background/4ec262df9/
1951-convention-relating-status-refugees-its-1967-protocol.html.

———. "North Africa." http://reporting.unhcr.org/node/34.

———. "UNHCR Study Shows Rapid Deterioration in Living Conditions of
Syrian Refugees in Jordan," January 14, 2015. http://www.unhcr.org/news/
press/2015/1/54b635b49/unhcr-study-shows-rapid-deterioration-living
-conditions-syrian-refugees.html.

United Nations (UN) News Service Section. "Conditions of Syrian Refugees
in Lebanon Worsen Considerably, UN Reports," December 23, 2015. http://
www.un.org/apps/news/story.asp?newsid=52893#.wyshpnpytsm.