

SPECIAL ISSUE ARTICLE OPEN ACCESS

What Is Wrong with Imposing Risk of Harm?

Thomas Rowe 

Department of Philosophy, King's College London, London, UK

Correspondence: Thomas Rowe (thomas.rowe@kcl.ac.uk)

Received: 17 December 2024 | **Accepted:** 26 December 2024

Keywords: concern | harm | imposing risk | pure risk | unificationism | wrongdoing

ABSTRACT

When and why is it wrong to impose a pure risk of harm on others? A pure risk of harm is a risk that fails to materialise into the harm that is threatened. It initially seems puzzling on what grounds a pure risk of harm can be wrong. There have been multiple attempts to explain the wrongness of imposing risk either by reference to the badness of the risked outcome itself or to impacts on the victim, such as harm. In this article, I argue that these approaches are unsatisfactory. Instead, I motivate another approach, what I call a wronging-first approach to the wrongness of imposing pure risk of harm. This approach explains the wrongness of imposing risk of harm in virtue of it being a wronging. As an example of this approach, I put forward the *Adequate Concern Account*, which holds that an imposition of a risk of harm is wrong in virtue of the act failing to consider the victim's equal moral standing as a stringent source of constraints on conduct. I close by demonstrating the superiority of this approach and account to existing outcome-based approaches.

1 | Introduction

Many day-to-day activities impose at least some risk of harm on others. For a whole class of such risks, which we can call *justifiable risks*, the imposition of risk is deemed permissible.¹ For example, the risks associated with public transportation, public health policies, nuclear power generation and so on. There is another class of risks we can call *unjustifiable risks*, where an agent impermissibly imposes a risk of harm on another either intentionally or negligently. These sorts of risks are illustrated in the literature by two cases:

Russian Roulette: Ann has a six-shooter with one loaded bullet and five empty chambers. Ann aims the gun at Brian, who is sitting blissfully unaware on a park bench, and pulls the trigger. No bullet fires.²

Drunk Driving: Ann drinks far too much but nevertheless attempts to drive home. On her drive back is a pedestrian, Brian, whom she narrowly misses with her car. Brian is unaware of the near miss.³

These are examples of an imposition of a *pure risk*; a risk of harm that does not result in the harm that is threatened, nor does it attract the awareness of the victim.⁴ Wrongful pure risks like these are the focus of this paper.⁵ Nearly all will believe that these impositions of pure risk are pro tanto wrongful,⁶ and yet there is no discernible impact on Brian. This has prompted a search for a plausible explanation of *why* the wrongful imposition of pure risk is wrongful. In this paper, I argue that most attempts to explain the wrongness of pure risk are unsatisfactory. This is because they tend to ground wrongness in features of the risked outcome rather than the risky act itself, and they subsequently fail to adequately explain how a pure risk can be a *wronging*. In this paper, I motivate and defend an alternative, novel approach I call the 'wronging-first' approach to the wrongness of imposing risk to explain why it is wrong to impose pure risk of harm when it is wrong to do so.

In searching for an explanation of the wrongness of imposing risk, I assume that we are seeking to explain the wrong that one does to another; why it would be wrong for Ann to impose risk of harm on *Brian*, for example.⁷ The conduct of Ann in the opening examples is thought to interfere with Brian or be bad for Brian

This is an open access article under the terms of the [Creative Commons Attribution](https://creativecommons.org/licenses/by/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2025 The Author(s). *Ratio* published by John Wiley & Sons Ltd.

in some way. Part of the task of explaining the wrongness of Ann's conduct will be to explain how it is that Brian is negatively impacted, and further, to explain on what grounds Brian or an advocate of Brian's interests might complain on his behalf given the risk of harm did not materialise. By focussing on *wrongful* impositions of pure risk, I am already assuming that Ann ought not to impose the risk. This is to narrow down the focus to grounds on which it is wrong to impose risk on a particular person. By focussing the discussion in this way, I follow many existing accounts in the literature.⁸ I focus here on wrongful impositions of risk, but I do not assume or argue that all impositions of risk of harm are in fact wrongful.

The rest of the paper is structured as follows. In Section 2, I canvas three broad approaches to explaining the wrongness of imposing pure risk. These are what I call the *Harm Strategy*, *Rights Strategy* and *Relational Strategy*. I provide reasons for discounting the *Harm Strategy* and *Rights Strategy* and argue that we ought to further pursue the *Relational Strategy*. Section 3 lays the foundation for this approach by distinguishing an act's 'wrongness' from an act's 'wronging' someone. I then propose that it is in virtue of the fact that Ann *wrongs* Brian that she acts wrongly by imposing a risk of harm on him. In Section 4, I critique the unificationist approach, which attempts to ground the wrongness of a pure risk in the wrongness of the risk of harm, and thereby open space for the wronging-first approach. The wronging-first approach claims that one acts wrongly by imposing a risk of harm on another because they have wronged that person. I argue that the wronging-first approach most plausibly explains the wrongness of imposing pure risk of harm. In Section 5, I sketch a wronging-first account I call the *Adequate Concern Account*. This account grounds the wrongness of imposing risk of harm in virtue of the imposed risk constituting a failure to consider the victim's equal moral standing as a stringent source of constraints on conduct. Section 6 concludes by underscoring the two goals of the paper. The first is to motivate a novel wronging-first approach to explaining the wrongness of imposing risk of harm, and the second is to motivate a particular wronging-first account within that approach.

2 | Strategies for Explaining the Wrongness of Imposing Risk

There are several approaches to explaining the wrongness of imposing risk. A recent strategy for explaining why it is wrong to impose risk of harm is what Maheshwari (*forthcoming*) calls unificationism. This strategy grounds the wrongness of risking ϕ in the general wrongness of ϕ -ing. For example, the wrongness of Ann playing Russian roulette and risking killing Brian is grounded in a general moral fact that it is wrong to kill Brian. I discuss this strategy in greater detail in Section 4 but introduce it here to contrast it with 'isolationism', which explains the wrongness of imposing risk in terms of facts beyond facts about the wrongness of the risk of harm. For example, in *Russian Roulette*, the isolationist strategy seeks a wrong-making feature over and above the wrongness of killing Brian, such as the fact that the risk itself frustrates Brian's autonomy or harms him. Isolationist accounts can be further divided into 'outcome orientated' and 'act orientated' positions, where the

former identify a wrong-making consequence that impacts some relevant feature of the *victim* such as their autonomy or actual preferences, and the latter identifies a wrong-making feature of the risk-imposing *act itself*, such as the fact that it exhibits disrespect. A disrespectful act may of course impact features of a victim, such as their autonomy or actual preferences, but these impacts are downstream from the wrong-making features of the act itself. The distinction tracks the primary loci of the relevant wrong-making feature. The account I sketch in Section 5, the *Adequate Concern Account*, is an example of an act orientated position.

One outcome orientated isolationist strategy, what we can call the *Harm Strategy*, has been popular. On this approach, a pure risk of harm itself harms the victim and thereby grounds the wrongness of imposing risk. To make sense of the hypothesis we need a working understanding of harm. The account most frequently used in the literature is Joel Feinberg's interest-based account, where harm is the setback to the legitimate interests of an agent (Feinberg 1987, 36).⁹ The leading arguments in support of the *Harm Strategy* are that pure risk is harmful because it frustrates the victim's actual preferences (Finkelstein 2003), their autonomy (Oberdiek 2017), their overall negative freedom (Ferretti 2016) or their dignity (Placani 2017). The idea is that risk's harmfulness grounds its potential wrongfulness (Ferretti 2016, 275–276; Oberdiek 2012, 91–92; Placani 2017, 83).

One move has been to critique the endorsement of controversial theories of well-being, such as Finkelstein's endorsement of an actual preference satisfaction theory (Bowen 2022a, 521–529; Maheshwari 2021, 968–973). A second move has been to criticise the currency of harm, for example, autonomy or dignity. A third has been to question whether risk of harm is the sort of thing that can itself be a harm given that the probability of harm itself is not the sort of thing that can harm (Rowe 2021).¹⁰ Others have suggested that greater credence could be given to the *Harm Strategy* if a wellbeing conception of harm is better defended (Zhou 2022, 544).

That said, I will not rehearse the arguments against the *Harm Strategy* in detail here. Instead, I point to further reasons for pursuing a different explanation for why Ann acts wrongly in *Russian Roulette*. First, there is the concern that 'harm' is not the correct wrong-making feature. For example, Judith Thomson denies that Ann harms Brian in *Russian Roulette*: 'if I play Russian roulette on you, and there is no bullet under the firing pin when I fire, then I do not harm you' (1986, 165; 1990, 244–245). Part of Thomson's explanation seems to be the belief that one is harmed only when there is some physical violation (1990, 209). We might worry that our conception of harm is cheapened if we allow infringements with no discernible impact on the victim to be classed as harms. Not every setback to interests is a harm.¹¹ This also suggests that explaining the wrongness of imposing pure risk in terms of harm is not an intuitive explanation, as we tend to think of harm as something discernible. Stephen Perry has argued that a risk of harm itself cannot constitute a harm because it cannot adversely affect core or primary interests (2003, 1306). An example of a primary interest is our interest in avoiding unwanted injury; an example of a second-order interest is our interest in avoiding *attempts* at unwanted injury.

As a pure risk of harm does not itself cause unwanted injury, our interest in avoiding such risks must lie in the realm of second-order interests and as such not be a candidate for harm.

There are further concerns with the parsimoniousness of the *Harm Strategy*, as harm may be one feature too many in the explanation for why it is wrong to impose risk. Take, for example, the autonomy account. According to Oberdiek (2017), the imposition of a risk of harm is itself harmful when it sets-back the victim's interest in autonomy by worsening the quality of their available options. The explanation of the wrongness of playing Russian Roulette on Brian is that the risk itself constitutes a harm by rendering his available options less safe without rightful authority. To ascertain that Brian has been harmed, we need to identify a core interest (in this case, autonomy) and determine when risk itself sets this interest back. Then we need to identify when such a setback is wrongful (i.e., without rightful authority) to determine whether the imposition of pure risk is wrongful. A further concern with this type of explanation is that it is too indirect (Placani 2017, 90–91). As we will see, the wronging-first approach offers a more direct explanation.

Another popular approach, the *Rights Strategy*, posits a right against risking. One might think that what is wrong with Ann playing Russian roulette on Brian is simply that Brian has a right that Ann not impose risks on him. A right against risk is grounded in some interest, such as the interest in autonomy, so the approach is not antithetical to the *Harm Strategy* (Oberdiek 2017, 95–108). Yet, an obvious worry is that such a general right is too coarse-grained; it may lead to 'paralysis' where much of our behaviour will be deemed impermissible since much of our behaviour imposes even a slight risk of harm on others (Hayenhjelm and Wolff 2012, 26–27; McCarthy 1997, 208–209). This leads to the further issue of discriminating rights-infringing risks from non-rights-infringing risks (Hayenhjelm and Wolff 2012, 37–38). Again, I will not rehearse the details of the problem here (or the potential solutions). As the establishment of a right against risk is controversial, my alternative proposal avoids reliance on such a notion.¹²

A final approach, what we can call the *Relational Strategy*, is exhibited by a 'second-person standpoint' where we are concerned with the perspective through which we 'make and acknowledge claims on one another's conduct and will' (Darwall 2006, 3). Key to this approach is the idea that imposing a risk of harm on someone may impair a moral relationship; for example, by flouting certain normative expectations on their conduct (Kumar 2003, 103), or by failing to honour a requirement that was owed to a particular individual (Wallace 2019, 9). A source of wronging is the violation of these requirements or expectations. For example, an account of how Brian has been wronged by Ann in *Drunk Driver* 'ought to appeal to the failure to comply with [Brian]'s legitimate expectation of [Ann] that she operate her vehicle in a manner conducive to keeping the risk at which others are put as a result of her activity within certain acceptable limits' (Kumar 2003, 107). We can see how this reasoning carries over to *Russian Roulette*, where Ann's conduct shows a clear disregard for standards of conduct which Brian and others can come to expect. In the next section I suggest that this sense of wronging is separable from the sense of wronging that covaries with a rights violation. In so doing, I aim

to carve out distinct logical space for a novel explanation of the wrongness of imposing risk.

The relational strategy I motivate and defend is a wronging-first approach. This approach holds that an act can be wrong in virtue of wronging a person (Webber forthcoming). Imposing a pure risk of harm is wrongful, when it is wrongful, because the act of imposing a risk of harm is itself a wronging. Existing approaches tend to look for a wrong-making feature outside of the pure risk itself, such as the victim's preferences, freedom, rights or the general wrongness of the risked outcome, rather than focus squarely on the conduct of the risk-imposer.¹³

3 | Risk and Wronging

To motivate the wronging-first approach, I begin with the time-honoured distinction between an act being 'wrong' and an act 'wronging' someone. Existing literature in the debate has not always been clear on this distinction. Something is 'wrong', in the moral sense we are interested in here, when it is morally forbidden or impermissible. On the other hand, 'wronging' is to do with how one has treated another. We speak about individuals wronging others when they treat them in ways they have reason to not be expected to be treated. For example, Ann may wrong Brian when she breaks her promise to him without justification, or if she trespasses on his property. An act can be wrong without also being a wronging, for example concreting over the Grand Canyon and thereby dismissing its aesthetic value even though nobody is wronged (Owens 2012, 45). Not all wrongings are necessarily wrong, although there may in general be a very tight connection. For example, Frances Kamm writes that we may permissibly wrong another in cases where the wronging is outweighed, e.g., in a case where great pain is inflicted on one innocent individual as a means of saving thousands of others (Kamm 2007, 240).

In the debate over sources of the wrongness of imposing risk, authors have tended to focus on an outcome orientated approach to wronging, where facts about outcomes are taken as fundamental for determining whether one has been wronged, for example, that they have been left worse off than they were before (Kumar 2003, 101). For example, that their autonomy (Oberdiek 2012, 2017), their overall negative freedom (Ferretti 2016), their actual preferences (Finkelstein 2003), their dignitary interest (Placani 2017), their republican freedom (Maheshwari and Nyholm 2022) and their future functionings (Wolff and de-Shalit 2007) have been infringed. A particular element of the victim's world is interfered with, and this grounds the wrongness of the pure risk. These are examples of what I called outcome orientated isolationism.

Talk of an act being 'wrong' and being a 'wronging' opens up two different perspectives. The first we can call 'monadic':

X acts wrongly, when X does ϕ in circumstance C.
(Laitinen and Särkelä 2023, 1052)

Here, whether an agent acts wrongly depends on whether they are performing an impermissible action (ϕ) in a given

circumstance (C). An agent acts wrongly when they perform an action that they ought not to perform. There may be various grounds for the wrongness of ϕ , but it is important that only one agent—the acting agent—is explicitly mentioned. Michael Thompson argues that monadic normativity is concerned with duties as a deontic necessity or requirement (2004, 341), such as, for example, Ann's duty to refrain from imposing high risks of harm, or to refrain from killing. Wrongness is determined by an agent's performance of a prohibited act.

Two issues arise when trying to provide a monadic account of the wrongness of imposing pure risk. First, a simple monadic approach is to say that it is wrong to engage in an activity that imposes a high risk of harm.¹⁴ Adriana Placani appears to endorse a version of this position through the claim that it is pro tanto wrongful to perform an action that increases the likelihood of harm with the intention of bringing about a harm (2017, 82–83). To know whether a risk-imposer is acting wrongly on this view, we need only pay attention to the performed action and associated intentions. But there are at least two worries with this approach. First, as Heidi Hurd points out, to claim that imposing risk is wrong without any discernible wrong-base in the victim, such as harm, is to ascribe a sort of free-floating metaphysical status to risk (1996, 263). If risk can be wrong quite apart from any discernible impact on the victim, then it appears that 'judgments of risk are parasitic on an independent theory of what makes conduct right or wrong' (1996, 264). This leads to a form of circularity, where 'to risk is to risk a wrong; and what is wrong cannot therefore be to risk' (1996, 264). (Wrong, here, is referring to some discernible negative impact on the victim.)

Second, the monadic approach fails to account for the directedness of the wrongdoing. It is wrong for Ann to impose risk on Brian, and Brian can similarly complain that he has been *wronged* by Ann. It is not enough to say that it is simply *wrong* to impose risk in the circumstances; a purely impersonal explanation is unsatisfactory. This charge can be illustrated with the case of promising. According to the practice theory of promising, it is wrong to break a promise because doing so 'free rides' on a fair practice in a manner that is forbidden by the principle of fairness.¹⁵ To break a promise on this view is to act wrongly in the monadic sense. The explanation for why it is wrong to break a promise does not refer to the fact that Brian was *wronged* by Ann when he broke his promise to her. Instead, an explanation of how Ann has wronged Brian might refer to the fact that Ann acted wrongly in the monadic sense by breaking the promise. The latter explanation is insufficiently sensitive to Ann's treatment of *Brian*.

Imagine a modified version of *Russian Roulette*, where Ann fires the gun in the direction of the park bench to try and hit a tin can for the fun of it. It is a clear day and no one appears to be around. Let us suppose it is a public park where firearms are permitted, say, for recreational purposes. A monadic view of wrongdoing will return the verdict that there is no wrongdoing when she aims at the tin can and pulls the trigger. Suppose that now a heavy fog descends on the park. Ann cannot work out whether Brian is in the park and if so whether he is sitting on the bench where she is aiming her gun. (It happens that Brian is not in the park.) On an evidence-relative conception of wrongdoing, a plausible monadic view will return the verdict that it is wrong to fire the gun.¹⁶ After all, given the evidence

available to Ann and her uncertainty about whether anyone is on the bench means that firing the gun is unjustifiably risky. However, on a fact-relative perspective, Ann will not be acting wrongly. Now suppose that Brian walks into the park under the cover of the fog and sits on the bench. Ann pulls the trigger and imposes a pure risk of harm. Nothing changes with respect to the monadic explanation for the wrongness of Ann's conduct as it is wrong to engage in unjustifiably risky activities, with or without Brian actually being there. Now suppose the fog disappears and we are now at the original *Russian Roulette*. Again, the monadic view offers the same explanation. But something does change when Brian sits on the bench. A third-party, or himself later after discovering what has happened, will rightfully feel aggrieved. Brian is likely to feel wronged by Ann and her conduct were he to find out about it. It seems to be wrong for Ann to pull the trigger *because* Brian is there. The monadic explanation of the wrongness of imposing risk inappropriately fails to track facts about Brian and his interests. The verdict given by a monadic approach is unduly impersonal.

In response, a defender of the monadic position may argue that we ought to take a fact-relative perspective. On a fact-relative perspective, the monadic account would get the right answer in each case, but that is not much use as a fact-relative perspective assumes risk away. This perspective is not always accessible for agents acting in the world (Oberdiek 2017, 53–58). Some have argued that risk just is belief-relative (Alexander 2023, 2641), or ought to be interpreted from an evidence-relative perspective (Oberdiek 2017, 49). If this is true, then a merely imposed evidence-relative pure risk does not interfere with outcome-orientated features of the victim. This would be asking a merely belief-relative phenomenon to actuate a fact-relative impact on the victim. A plausible account of the ethics of imposing risk will assume something like an evidence-relative perspective to reflect the fact that we simply cannot know all the relevant facts about potential outcomes when acting.

An important part of the story of why it was wrong to impose risk of harm on Brian is something relational; about the fact that Ann *wronged Brian* through her conduct, not merely the fact that it is wrong for Ann to perform a risky act. This leads us to the 'dyadic' perspective, where

X wrongs Y, when X ϕ 's in circumstance C. (Laitinen and Särkelä 2023, 1052)

Here, there is explicit reference to two agents. Ann wronging Brian by ϕ -ing establishes a dyadic relation that connects Ann's ϕ -ing to a victim, Brian (Webber forthcoming, 2).¹⁷ For Ann to wrong Brian by ϕ -ing, the two must stand in a nexus or moral relationship with each other.¹⁸ The dyadic perspective is concerned with duties *to* another, such as Ann's duty *to* Brian that he not impose a high risk of harm on her. Ann wrongs Brian, for example, when she is not sufficiently sensitive to Brian's claim that she does not act a certain way.

A well-worn sense of wronging is the idea that wronging covaries with rights violations. Ann wrongs Brian when she violates his right. But there is reason to think there is another sense of wronging that is not merely the necessary flipside of a rights violation, since otherwise the notion of wronging 'becomes no more than an

analytic statement' (Fornaroli [forthcoming](#), 2). A recent position in this vein has been developed by Giulio Fornaroli, who states that a wronging is characterised 'as any interaction that makes it fitting for a victim to express resentment towards the perpetrator and for the perpetrator to be in moral debt towards the victim' (forthcoming, 2). This conceptualisation of wronging has a clear application to *Russian Roulette*. It is clearly fitting to express resentment towards Ann and her conduct, and some form of moral debt seems appropriate, whether it be an apology, compensation, etc. The basis for determining a wronging does not rely on rights, but rather on expectations about how individuals ought to relate to one another. The task now is to identify the grounds of the relevant wronging. For this purpose I will now outline the wronging-first approach to the wrongness of imposing risk of harm.

4 | A Wronging-First Approach

I have suggested there are reasons to think a dyadic approach is preferable to the monadic approach. In this section I advocate for a wronging-first approach after considering the prospects of unificationism, a position I briefly outlined at the beginning of Section 2. The most popular example of this approach is as follows:

The Buck-Passing Account: When it is wrong for P to impose a risk of v-ing on Q, the fact that it is wrong for P to risk v-ing is grounded directly in the fact that P increases the probability of a set of facts {f} obtaining that would make it wrong for P to v (Parr and Slavny 2019, 83).

According to the buck-passing account, the wrongness of imposing a risk of harm is grounded in the wrongness of the risked act. For example, the wrongness of Ann playing Russian Roulette on Brian is grounded in the wrongness of Ann harming Brian (Parr and Slavny 2019, 83). The explanatory buck is passed so that the wrongness of the risk is explained via the set of facts that would make it wrong for Ann to play Russian Roulette on Brian. The account itself is silent on *which* wrong-making features explain the wrongness of the act of imposing risk. This approach can therefore appeal to a wide range of wrong-making features.

Let us see how the *Buck-Passing Account* handles *Russian Roulette*. It is wrong for Ann to play Russian Roulette on Brian. 'v-ing' is 'some non-risk-based act' (Parr and Slavny 2019, 81), so in this case it is Ann shooting Brian. Now, the fact that it is wrong for Ann to risk shooting Brian is grounded directly in the fact that Ann *increases the probability* of a set of facts obtaining that would make it wrong for Ann to shoot Brian. The set of facts can be filled in with a plausible account. The buck is then passed to those facts to account for the wrongness of imposing a risk of v-ing. The increase in the probability of {f} that makes it wrong for Ann to v draws a connection between the act of imposing risk and the risked act. The explanatory buck is thereby passed to {f}.

How can the buck-passing account explain the fact that Ann *wrongs* Brian? One answer is to say that Ann wrongs Brian through inheritance of the fact that Ann acts wrongly. But the Buck-Passing account only tells us why Ann acts wrongly in a way that does not appeal to the fact that Brian in particular has

been wronged. A way out is to claim that the set of facts obtaining that would make it wrong for P to v are facts relating to Ann *wrongs* Brian. But first, by playing Russian Roulette on Brian Ann does not *increase* the probability of such a set of facts obtaining, she simply brings those facts about. The *Buck-Passing Account* gets the intuitive order of explanation the wrong way around. When Ann plays Russian Roulette on Brian, she *wrongs* Brian. But she does not wrong Brian by increasing the probability of a set of facts obtaining that would make it wrong. This picture of grounding is at odds with the wronging-first approach. In fact, the *Buck-Passing Account* is a "wrongness-first" approach; we begin with the wrongness of the risked act and then derive the wrongness of the imposed risk.

Maheshwari argues that the *Buck-Passing Account* fails to accommodate non-probabilistic grounding facts (forthcoming, 17–18). I agree that this is problematic. Maheshwari's preferred account—the *Simple Account*—jettisons the probabilistic language and instead grounds the wrongness of purely risking ϕ -ing in the general moral fact that ϕ -ing is pro tanto wrong (forthcoming, 20). This avoids the previous issue with probabilistic language, but nonetheless both unificationist approaches get the order of explanation the wrong way around. Both accounts refer to the wrong of ϕ -ing grounding the wrongness of risking ϕ -ing. But this is a more circuitous route.

There are two further issues with unificationism. First, the approach is too impersonal. It does not offer us an account of how it is that Brian is wronged by Ann's action in *Russian Roulette*. The fact that Ann *wrongs* Brian is an important part of the story of why it is wrong for her to play Russian Roulette. It would not be wrong to play Russian Roulette were it not for the fact that Brian happens to be sitting on the park bench. If the park was completely empty, it would not be wrong to fire the gun (assuming there is no other wrongdoing at play, such as trespassing, or breach of firearm laws). But, as I will argue, it is the fact that Ann's action wrongs Brian that explains why the act is wrong. The unificationist approach only tells us why imposing risk is wrong in virtue of the wrongness of the risked act. To offer a convincing explanatory story of how it is that Brian is wronged, the unificationist would need to appeal to further considerations that appeal to the failure of a directed duty. But such an appeal would modify the account beyond its resources.

This leads to the second issue with the unificationist position. The unificationist approach gets the wrong order of explanation for why it is wrong to impose pure risk of harm. Instead, I propose a wronging-first approach. 'Wronging-first' is the notion that an act is wrong in virtue of wronging a person (Webber, [forthcoming](#)). On this approach, it is wrong to impose a pure risk of harm because the act of imposing a risk of harm wrongs the victim. The wronging has priority in explaining an action's wrongness. An application of this approach to *Russian Roulette* runs as follows. Ann owes it to Brian to treat him with adequate concern and respect. Let us suppose that this follows from the fact that Brian is a moral equal to Ann. His interests matter just as much as hers. To play Russian roulette on Brian is to wrong him. It is to treat him as someone whose interests matter far less than they ought to. To play Russian roulette on Brian would thereby be to wrong him. He would be treated in a way that would arouse reactive attitudes of resentment, blame, indignation, etc. Now it

is of course wrong for Ann to play Russian roulette on Brian. But is the explanation of its wrongness the fact that it is just wrong to play Russian roulette on unsuspecting victims? If a third-party were to say: 'What Ann did was wrong, not because of anything she owed to Brian, but because it's wrong to play Russian roulette on unsuspecting victims', this reasoning would be missing something important about the moral failure in *Russian Roulette*, in the same way that explaining why it is wrong for Ann to break a promise to Brian by appealing only to impersonal features of the badness of promise-breaking. The idea is that what Ann does in *Russian Roulette* is wrong because it wrongs Brian. The intuitive appeal of a wronging-first approach is that it gives us a plausible and direct explanation for why it is wrong to play Russian roulette because of the way *Brian* has been treated.

Aside from the intuitive appeal of the explanation for why Ann acts wrongly, the approach has other advantages. First, the wronging-first approach does not need to appeal to meta-physically controversial wrong-making features. For example, that the victim's set of available options have been interfered with or rendered unsafe (Ferretti 2016; Oberdiek 2017); or if such options are not independent of arbitrary interference (Maheshwari and Nyholm 2022, 621–622); or that the victim has been made less secure in virtue of his avoidance of wrongful harm being down to luck, since in nearby counterfactual scenarios the Russian roulette gun could have fired, rendering Brian's security tenuous in the actual world (Bowen 2022b; Lazar 2019). These isolationist accounts all appeal to outcome-orientated features, whereas the wronging-first approach appeals to act-orientated features.

By appealing to the fact that the victim, *Brian*, has been wronged as front and centre of the explanation for the wrongness of Ann's act, the wronging-first approach can neatly incorporate a ground for corrective duties. Ann does not owe a corrective duty *merely* because she acted wrongly by imposing risk of harm, but because she has wronged Brian. The wronging-first approach fares better with respect to corrective duties because it is fundamentally a relational view that highlights the ruptured moral relationship between the perpetrator and victim. The fact that Ann wrongs Brian makes resentment and blame, for example, a part of the story.

5 | A Wronging-First Account of the Wrongness of Imposing Risk

To build off the foregoing, I now want to briefly motivate a particular wronging-first account of the wrongness of imposing pure risk of harm. If this account were to be categorised in the isolationist/unificationist taxonomy, it would feature as an example of an isolationist view. This is because it isolates a wrong-making feature over and above the wrongness of what is risked. Underpinning the framework is the idea of mutual concern or respect. This is the standard on which it is determined whether an individual has been wronged. I ultimately settle on an 'adequate concern' account of the wrongness of imposing pure risk, which highlights the way in which wrongful impositions of risk typically fail to show adequate concern and respect for the victim and it is this fact which grounds its wrongness.

We can take as our starting point a popular, albeit brief passage from Rahul Kumar. Kumar argues that, in *Drunk Driving*, 'there is nothing suspect about the claim that one has been wronged by the drunk driver [...] simply in virtue of his having, without justification, taken your life in his hands by exposing you, even briefly, to a serious risk. An adequate analysis of being wronged ought to be able to make good sense of our intuitions in this kind of case' (2003, 103). In *Drunk Driving* Brian is wronged by Ann's conduct. Ann flouts legitimate expectations of how one ought to treat others. In the background is the contractualist idea that an action is wrong if it is unjustifiable to others. To test whether an action is unjustifiable to others, we ask whether a principle regulating the action would be disallowed by principles no one could reasonably reject for governing our behaviour towards each other (Scanlon 1998, 153). Central to the contractualist approach is the in-principle justifiability of one's conduct to others. An approach with a similar tack is P. F. Strawson's account of the reactive attitudes. The frustration of the 'goodwill or regard' that we ought to expect from our peers can lead to reactive attitudes such as resentment and blame (2008, 6–7). Both positions highlight a background of expectations of interpersonal conduct. Fornaroli combines both into an account of wronging:

We wrong others, I suggest, when we do not consider their status as a moral equal as a stringent source of other-regarding reasons for action and fail to take ourselves accountable to them. (Fornaroli forthcoming, 5)

To consider others as moral equals and stringent sources of other-regarding reasons for action is to view others as beings whose interests matter just as much as anyone else's. For example, reasons to avoid harm apply just as stringently to anyone. This account, which Fornaroli abbreviates to the 'adequate concern' account, can furnish a wronging-first account of the wrongness of imposing risk, as I will show below. Before proceeding, I want to consider some potential objections. First, one may worry that the adequate concern account merely stipulates the existence of a scheme of mutual accountability. Although not all will agree with the account of contractualist wronging or of Strawson's account of the reactive attitudes, I do believe that the broad assumption of moral equality which generates a duty for equal concern for others' interests (as exhibited in the passage above) is of ecumenical appeal. It is difficult to plausibly deny the assumption of equal moral status to the extent that the interests of each don't matter just as much as everyone else. Second, one might argue that the adequate concern account fails to differ in any substance to a rights-based account. For example, Ryan Doody has proposed that we each have a right to be treated with respect, where this can incorporate a right against the sorts of unjustified risks like *Russian Roulette* (2023, 214–215). In Section 2, I noted issues that befall the *Rights Strategy*. My purpose here is to carve out a distinct explanation of the wrongness of imposing risk that does not make explicit reference to the notion of rights, to avoid issues with their grounding and scope. I take the assumption of moral equality as a more basic and less controversial assumption. On this view, there is a background expectation of how we ought to treat others and to wrong someone is to violate these expectations.

Inspired by the preceding discussion and Fornaroli's account of wronging, I will now present the following account of the wrongness of imposing risk:

Adequate Concern Account: When it is wrong to impose a pure risk of harm on another, it is wrong in virtue of constituting a wronging, namely the failure to consider the victim's equal moral standing as a stringent source of constraints on conduct.

It is clear what verdict the *Adequate Concern Account* gives in *Russian Roulette*. Ann's imposition of risk fails to treat Brian with adequate concern. She treats Brian as if he were a shooting target and someone without important interests such as the interest in avoiding wrongful harm. The account has several virtues. First, the account highlights the directedness of the wrong. In fact, it is front and centre of the explanation for the wrongness of what Ann does. She has taken Brian's life into her own hands and did not treat him as a moral equal. Second, the view is parsimonious. It provides a direct and intuitive explanation for the wrongness of Ann imposing risk by appealing to the character of her action. Third, the view accounts for how Brian has been negatively impacted without appealing to outcome orientated isolationist positions, such as the way in which his freedom or autonomy has been interfered with. A feature of the *Adequate Concern Account* is that setting back the victim's interests (i.e., being harmed) is neither necessary nor sufficient for them to be wronged. Brian is negatively affected by being *wronged*. This is something that is bad for him even in the case when he is unaware, because it is bad for a person to be wronged.¹⁹

The *Adequate Concern Account* can comfortably handle the following case, where outcome orientated isolationist accounts struggle:

Fake Russian Roulette: Ann has a gun with one bullet and five empty chambers. Unbeknownst (and unforeseeable) to Ann, the bullet she reasonably believes to be a live round is in fact a blank. Ann aims the gun at Brian, who is sitting blissfully unaware on a park bench, and pulls the trigger. No bullet fires.

From a fact-relative perspective, there is no interference with Brian's autonomy, modal security, etc., as the outcome of the act is as if there was no risk at all. This calls into doubt outcome orientated isolationist conceptions of the wrongness of imposing risk, since it is still wrongful to act in *Fake Russian Roulette* even though there is no impact on any outcome orientated interests. Any prospective outcome is impotent in this case, but the lack of concern or respect is demonstrable nonetheless. The *Adequate Concern Account* returns the verdict that Ann wrongs Brian and thereby acts wrongly, because all else equal it is wrong to wrong another. It is immaterial whether there is an objective risk of harm. Instead, it is the reasonable belief given the evidence that one is imposing a risk of harm that is of importance.²⁰ And it is from this perspective that the *Adequate Concern Account* has a grip. As such, one way of characterising the *Adequate Concern Account* is as an act orientated isolationist position. It

is isolationist because it picks out a feature over and above the risk itself (namely the wronging) which grounds the wrongness of imposing risk.

The *Adequate Concern Account* has similarities to some other approaches in the literature. For example, numerous accounts make reference to 'respect': Maria Ferretti argues that interfering with an agent's available options can amount to disrespect (2016, 262); Ryan Doody claims that 'we each have a right that others not perform actions that fail to express proper respect for us and our projects' (2023, 214); Seth Lazar argues that killing someone more riskily exhibits greater disrespect by more seriously undermining the victim's 'security by instantiating in your action a disposition to harm [the victim] across all relevantly similar counterfactual scenarios' (2019, 25); Adriana Placani argues that individuals have an interest in dignity and impositions of pure risk can harm the victim by setting back an interest in being treated with respect (2017, 91). The difference between these approaches and the *Adequate Concern Account* is that the former posit further wrong-making features (interference with freedom, violation of rights, interference with security, setting back of interests in dignity, respectively), whereas the latter merely refers to the way Ann treats Brian as though his moral standing is not a stringent source of constraints on conduct. As such, the explanation for the wrongness of imposing risk is more parsimonious than these other approaches by providing a more direct explanation of the wrongness of imposing pure risk of harm.

6 | Conclusion

This paper had two goals. The first was to motivate a wronging-first approach to explaining the wrongness of imposing risk. I achieved this by critiquing unificationist and monadic approaches to the wrongness of imposing risk, thereby paving the ground for a dyadic approach to the wrongness of imposing risk. This opens logical space for a wronging-first approach, which holds that an agent acts wrongly by imposing a risk of harm because they wrong a particular person. I then provided my preferred wronging-first account called the *Adequate Concern Account*. This account is an act-orientated isolationist account because it isolates a particular wrong-making feature of an act (i.e., that it is a wronging). This account sidesteps appeals to controversial fact-relative impacts on the victim, such as their autonomy, modally robust freedom, that are made by outcome orientated isolationist views. It also provides a more intuitive explanation for why it is that Ann acts wrongly in *Russian Roulette*, unlike unificationist positions. Although the *Adequate Concern Account* is only briefly motivated and developed here, I hope this article prompts further development of wronging-first approaches to the ethics of imposing risk of harm.

Acknowledgements

With thanks to the participants of the 2022 MANCEPT Workshop on Imposing Risk for very helpful comments on an earlier version of this paper. Thanks, also, to Kritika Maheshwari and Tony Zhou for helpful conversations on the topic of this paper.

Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

Data sharing not applicable to this article as no datasets were generated or analysed during the current study.

Endnotes

- ¹ Much of the debate over justifiable risks has centred around the 'ethics of social risk', where a principled justification is sought for the imposition of intuitively permissible risks on a population. See, for example, Cai (2022), Frick (2015), Steuwer (2021). Another influential approach argues that acceptable risks are those that are part of an equitable social system of risk-taking (Ove Hansson 2003).
- ² Analogues of this case are used by, for example, Bowen (2022a, 517), Lazar (2019, 17), Maheshwari (2021, 965), Oberdiek (2009, 373–374), Placani (2017, 95), Thomson (1986, 176).
- ³ Analogues of this case are used by, for example, Kumar (2003, 103), Maheshwari and Nyholm (2022, 617), Parr and Slavny (2019, 76).
- ⁴ The victim of the risk is deemed to be unaware as awareness of the risk of harm itself could constitute a harm, through fear, distress, anxiety, etc. (Nozick 1974, 71–73). The notion of a pure risk of harm, as I understand it here, screens out the possibility of downstream harms to isolate the risk of harm itself. The concept of 'pure risk' was coined by Judith Thomson (1986). See Maheshwari (2021, 978) for an argument that risks of harm can only be harmful in virtue of what a risk itself *causes* (e.g., fear or anxiety) rather than in virtue of features of the risk itself.
- ⁵ Unless explicitly stated, references to 'risk' are references to 'pure risk'.
- ⁶ In what follows I shorten 'pro tanto wrongfulness' to 'wrongfulness' for ease of exposition.
- ⁷ To this end, I am following an assumption from Parr and Slavny (2019, 77). This contrasts with the argument that it is impersonally wrong to impose risk of harm. I consider and reject this approach in Section 3.
- ⁸ For example, Maheshwari (forthcoming), Parr and Slavny (2019), Placani (2017, 80–86).
- ⁹ This account is most notably developed by Joel Feinberg (1987), and authors that utilise this account include Finkelstein (2003), Oberdiek (2017), Perry (1997), Placani (2017).
- ¹⁰ See Stefánsson (2024) for a critique of this position.
- ¹¹ A potential move is to argue that wrongful imposition of pure risk might be bad for someone even though it does not frustrate their well-being. In a recent discussion of the fairness of chances, Michael Otsuka argues that it is mistaken to think that the value of lottery chances must contribute, themselves, to a person's well-being (2024). Instead, the chance of winning a lottery may be of *instrumental* value. If we take chances of benefits to be symmetrical with chances of harms, as for example Finkelstein (2003, 967–974) suggests, then the chance of a harm that is imposed, say, by Ann in *Russian Roulette* may have instrumental disvalue in the analogous sense that a lottery ticket may have instrumental value for a person even if they do not end up winning.
- ¹² It may turn out that the wronging-first account I develop is consistent with the *Rights Approach*, but I leave that possibility open. Placani (2017, 87) postulates that there may be a right not to be wronged. If so, my approach would be in principle compatible with a rights approach. An account which combines a rights-based view with elements of wronging is suggested by Doody (2023, 214–215).
- ¹³ Notable exceptions are those approaches which focus more squarely on the conduct of the risk imposer. For example, Kumar's (2003) account that I will shortly consider, and Maheshwari and Nyholm's (2022) domination account of the wrongness of imposing risk. Although the latter view relies on wrong-making features outside of the risk itself,

namely interference with republican freedom, so it shares more features with the outcome orientated isolationist positions considered at the beginning of Section 3.

- ¹⁴ Parr and Slavny consider (and reject) this possibility (2019, 77).
- ¹⁵ This is a view endorsed by John Rawls (1999, 301–308). The principle of fairness, originating from H. L. Hart (1955, 185), states that 'When a number of persons conduct any joint enterprise according to rules and thus restrict their liberty, those who have submitted to these restrictions when required have a right to a similar submission from those who have benefited by their submission'.
- ¹⁶ Here I am appealing to the distinction between fact-relative, belief-relative and evidence-relative wrongness. These senses refer, respectively, to an act being wrong if we knew all the relevant facts, if our beliefs about these facts were true, and if we believed what the evidence gave us decisive reason to believe, and these beliefs were true (Parfit 2011, 150–151).
- ¹⁷ Michael Thompson refers to such predicates and the practical nexus they entail as 'bipolar normativity' (2004, 335–336), and contrasts these with 'non-relational' or 'merely monadic' forms (2004, 338). This distinction is also adopted by Laitinen and Särkelä (2023).
- ¹⁸ Thompson (2004, 333–340) discusses various details of this moral relationship.
- ¹⁹ For example, being betrayed is bad for us even if we are unaware of the betrayal (Nagel 1979, 4). A potential further connection can be drawn with the literature on 'doxastic wronging'; the idea that one can wrong another simply by believing something about them, over and above any potential negative effects (Basu and Schroeder 2018, 181).
- ²⁰ John Oberdiek, for example, adopts an 'evidence-relative perspective' on risk, which is a subjective conception of risk that is objectively based (2017, 50).

References

- Alexander, L. 2023. "Recklessness, Agent-Relative Prerogatives, and Latent Obligations: Does Belief-Relativity Trump Fact-Relativity With Respect to Our Rights." *Philosophia* 51: 2639–2655.
- Basu, R., and M. Schroeder. 2018. "Doxastic Wronging." In *Pragmatic Encroachment in Epistemology*, edited by B. Kim and M. McGrat, 181–205. New York: Routledge.
- Bowen, J. 2022a. "But You Could Have Hurt Me!": Risk and Harm." *Law and Philosophy* 41: 517–546.
- Bowen, J. 2022b. "Robust Rights and Harmless Wronging." In *Oxford Studies in Normative Ethics Volume 12*, edited by M. Timmons, 31–53. Oxford: Oxford University Press.
- Cai, Y. 2022. "Just Social Risk Imposition and the Demand for Fair Risk Sharing." *Journal of Moral Philosophy* 19: 254–279.
- Darwall, S. 2006. *The Second-Person Standpoint*. Cambridge, MA: Harvard University Press.
- Doody, R. 2023. "Chance, Consent, and COVID-19." In *Moral Challenges in a Pandemic Age*, edited by E. Barbosa, 204–224. London: Routledge.
- Feinberg, J. 1987. *The Moral Limits of the Criminal Law Volume 1: Harm to Others*. New York: Oxford University Press.
- Ferretti, M. 2016. "Risk Imposition and Freedom." *Politics, Philosophy & Economics* 15, no. 3: 261–279.
- Finkelstein, C. 2003. "Is Risk a Harm?" *University of Pennsylvania Law Review* 151: 963–985.
- Fornarioli, G. forthcoming. "Rights, Wronging, and Equality of Status." *Law and Philosophy*: 1–28.
- Frick, J. 2015. "Contractualism and Social Risk." *Philosophy & Public Affairs* 43, no. 3: 175–223.

- Hart, H. L. A. 1955. "Are There Any Natural Rights?" *Philosophical Review* 64, no. 2: 175–191.
- Hayenhjelm, M., and J. Wolff. 2012. "The Moral Problem of Risk Impositions: A Survey of the Literature." *European Journal of Philosophy* 20: 26–51.
- Hurd, H. 1996. "The Deontology of Negligence." *Boston University Law Review* 76, no. 1: 249–271.
- Kamm, F. 2007. *Intricate Ethics*. Oxford: Oxford University Press.
- Kumar, R. 2003. "Who Can Be Wronged?" *Philosophy & Public Affairs* 31, no. 2: 99–118.
- Laitinen, A., and A. Särkelä. 2023. "Social Wrongs." *Critical Review of International Social and Political Philosophy* 26, no. 7: 1048–1072.
- Lazar, S. 2019. "Risky Killing: How Risks Worsen Violations of Objective Rights." *Journal of Moral Philosophy* 16, no. 1: 1–26.
- Maheshwari, K. 2021. "On the Harm of Imposing Risk of Harm." *Ethical Theory and Moral Practice* 24: 965–980.
- Maheshwari, K. forthcoming. "A Unificationist Approach to Wrongful Pure Risking." *Inquiry*: 1–28.
- Maheshwari, K., and S. Nyholm. 2022. "Dominating Risk Impositions." *Journal of Ethics* 26, no. 4: 613–637.
- McCarthy, D. 1997. "Rights, Explanation, and Risks." *Ethics* 107, no. 2: 205–225.
- Nagel, T. 1979. *Moral Questions*. Cambridge: Cambridge University Press.
- Nozick, R. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Oberdiek, J. 2009. "Towards a Right Against Risking." *Law and Philosophy* 28, no. 4: 367–392.
- Oberdiek, J. 2012. "The Moral Significance of Risking." *Legal Theory* 18, no. 3: 339–356.
- Oberdiek, J. 2017. *Imposing Risk: A Normative Framework*. Oxford: Oxford University Press.
- Otsuka, M. 2024. "Equal Chances Versus Equal Outcomes: When Are Lotteries Fair and Justified?" *Political Philosophy* 1, no. 2: 381–398.
- Ove Hansson, S. 2003. "Ethical Criteria of Risk Acceptance." *Erkenntnis* 59: 291–309.
- Owens, D. 2012. *Shaping the Normative Landscape*. Oxford: Oxford University Press.
- Parfit, D. 2011. *On What Matters Volume One*. Oxford: Oxford University Press.
- Parr, T., and A. Slavny. 2019. "What's Wrong With Risk?" *Thought* 8, no. 2: 76–85.
- Perry, S. 1997. "Risk, Harm, and Responsibility." In *The Philosophical Foundations of Tort Law*, edited by D. G. Owen, 321–346. Oxford: Oxford University Press.
- Perry, S. 2003. "Harm, History, and Counterfactuals." *San Diego Law Review* 40: 1284–1313.
- Placani, A. 2017. "When the Risk of Harm Harms." *Law and Philosophy* 36, no. 1: 77–100.
- Rawls, J. 1999. *A Theory of Justice: Revised Edition*. Cambridge, MA: Harvard University Press.
- Rowe, T. 2021. "Can a Risk of Harm Itself Be a Harm?" *Analysis* 81, no. 4: 694–701.
- Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, MA: Harvard University Press.
- Stefánsson, H. O. 2024. "How a Pure Risk of Harm Can Itself Be a Harm: A Reply to Rowe." *Analysis* 84, no. 1: 112–116.
- Steuwer, B. 2021. "Contractualism, Complaints, and Risk." *Journal of Ethics and Social Philosophy* 19, no. 2: 111–147.
- Strawson, P. F. 2008. *Freedom and Resentment and Other Essays*. London: Routledge.
- Thompson, M. 2004. "What Is It to Wrong Someone? A Puzzle About Justice." In *Reason and Value: Themes From the Moral Philosophy of Joseph Raz*, edited by R. J. Wallace, P. Pettit, S. Scheffler, and M. Smith. New York: Clarendon Press.
- Thomson, H. 1990. *The Realm of Rights*. Cambridge, MA: Harvard University Press.
- Thomson, J. 1986. *Rights, Restitution, and Risk*. Cambridge, MA: Harvard University Press.
- Wallace, R. J. 2019. *The Moral Nexus*. Princeton: Princeton University Press.
- Webber, D. forthcoming. "Putting Wronging First." *Philosophical Quarterly*: 1–20.
- Wolff, J., and A. de-Shalit. 2007. *Disadvantage*. Oxford: Oxford University Press.
- Zhou, Y. K. 2022. "More on What It Means to Suffer Harm." *Jurisprudence* 13, no. 4: 516–544.