

## May I Treat A Collective As A Mere Means?

Abstract: *According to Kant, it is impermissible to treat humanity as a mere means. If we accept Kant's equation of humanity with rational agency, and are literalists about ascriptions of agency to collectives it appears to follow that we may not treat collectives as mere means. On most standard accounts of what it is to treat something as a means this conclusion seems highly implausible. I conclude that we are faced with a range of options. One would be to rethink the equation of humanity with rationality. Another would be to abandon the prohibition on treating as a means. The last would be to abandon literalist construals of attribution of agency to collectives. (113 words)*

### I: Introduction

Kant famously argued that it is morally impermissible to treat humanity merely as a means to an end.<sup>i</sup> The formulation of the categorical imperative in which Kant expresses this prohibition - the so-called formula of humanity – is widely held to be among the more plausible and contentful of the various formulations that Kant provides of the categorical imperative.<sup>ii</sup> Furthermore, although Kant's prohibition on treating others as a means – labelled the 'Mere Means Principle' by Samuel Kerstein - may not exhaust the full content of the Kantian duty to respect rational nature as an end-in-itself, the Mere Means Principle (henceforth, MMP) has been at the basis of many of the most plausible attempts to show how we might derive some substantive moral content from the formula of humanity.<sup>iii</sup>

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The interpretation of MMP raises two kinds of problem. One relates to its scope – to the question of what we may or may not treat as a means. The second relates to its content: to the understanding of what it is to treat something as a mere means. Many, though not all recent discussions have concentrated on the second of these questions. By contrast, my main concern will be with the first. I shall argue that if we understand the scope of the principle in the way which many Kant commentators suggest, Kant is committed to an implausible view about our moral relationship to collective agents. He is committed to the view that we may not treat collective agents as mere means, even in situations where this would not involve treating any individual agent as a mere means.<sup>iv</sup>

In saying that it is impermissible to treat humanity as a mere means, Kant was not simply saying that it was impermissible to treat individual human beings as mere means. For Kant tends to use the terms ‘humanity’ and ‘rational nature’ interchangeably.<sup>v</sup> Furthermore, many (though not all) of Kant’s arguments about the specific duties which agents owe to one another are grounded simply in considerations about what is required, and what is owed to creatures with a capacity for rational agency, where rational agency requires little more than the ability to set oneself goals and to pursue them.<sup>vi vii</sup>

It is well-known that for Kant, the class of rational agents need not be identical with the class of human beings. For this reason, the notion of a person, rather than that of a human being, has often been prominent in discussions of Kantian ethics. However, one class of entities which many philosophers recognize as agents,<sup>viii</sup> and which are not identical with individual human beings, is rarely discussed in this context: collective agents.<sup>ix</sup>

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There are a number of practical contexts, including moral, legal and political contexts where we do treat collectives as agents in their own right, and where it is at least not obvious that we could reconstruct these practices in ways which do not involve literal construals of agency without changing them in significant ways. These practices include assigning blame (as we might do when we blame the corporate entity Philip Morris, and not merely the executives who are part of it responsible for million),<sup>x</sup> assigning legal responsibility and liability for punishment (at least within common-law based legal systems, such as that within the United Kingdom and most of the United States),<sup>xi</sup> and assigning forward looking responsibilities both for remedying existing wrongs and for preventing, or at least mitigating future ones.<sup>xii</sup> Furthermore it seems hard to see how someone attracted to Kantian accounts of rationality and morality might be able to resist allowing for the possibility of literal ascriptions of agency to collectives. For, at least as they are typically understood, Kant's conception of rationality, morality, and even agency, are purely formal. Someone attracted to conceptions of this sort seems to be in a poor position to impose *a priori* restrictions on the kinds of things that could be agents.<sup>xiii</sup>

Does Kant's prohibition on treating humanity as a mere means apply to agents of this sort? If, as Kant seems to think, humanity and rational nature are the same thing, then it is hard to see why it should not. If we take Kant's prohibition seriously, and if we think corporations are capable of rational agency it seems as though we are prohibited from treating corporations as means to ends.<sup>xiv</sup> This seems highly implausible – more implausible, for example, than the idea that collectives are capable of fully-fledged agency.

## II: Murder Inc.

To see why it is implausible to suppose that there is something problematic about treating a collective as a mere means, consider an example of a collective which has been discussed in some detail by Claudia Card – that of Murder, Inc.<sup>xv</sup> Murder Inc. was an organized crime syndicate operating in the United States in the 1940s and 1950s which was responsible for over 1000 murders while operating a wide variety of systems of racketeering and extortion.<sup>xvi</sup>

Card argues that the existence of Murder Inc. presents difficulties for any view which holds that any organism which has interests or which is capable of flourishing, has at least a *prima facie* claim to respect.<sup>xvii</sup> For Murder Inc. seems to satisfying both of these conditions. For example, it may have an interest in ensuring the ready availability of guns and ammunition in large cities so that it can easily recruit potential hitmen; and it is perhaps a condition of Murder Inc.'s flourishing that law enforcement should be less than minimal, so that less well-organized, or less vicious gangs of thugs do not complicate its existence.

If we are interested in discussing MMP, we need to ask whether Murder Inc. is rational. The answer appears to be 'Yes': it is capable of having ends and taking means towards these ends, and indeed of setting itself ends. Thus, for example, the bosses of Murder Inc. might set themselves the goal of expanding their operations in California, and might take this decision in such a way that it could be recognized as a goal of the organization. If so, then Murder Inc. seems to fall under the scope of MMP.

However, it seems implausible that there is anything wrong with treating Murder Inc. as a mere means. If the claim that we should not treat Murder Inc as a mere means entails that we owe the same kinds of duties to Murder Inc. as to individual human agents, this seems clear.

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Consider an imperfect duty, such as the duty of benevolence. Perhaps Murder Inc, will go out of existence if it is no longer able to make good on its debts to its hitmen. Still, I am under no obligation to donate money to its ‘Benevolent Fund’. In fact, I am probably under an obligation not to.

On some accounts of collective agency, Murder Inc. might not meet all of the conditions for being a fully-fledged collective agent. Thus, for example, despite its name it is perhaps implausible that Murder Inc. had the kind of formally defined ‘corporate decision structure’ which Peter French takes to be essential for corporate agency. What is perhaps less implausible is that a collective agent with purposes that were in some ways every bit of nefarious as those of Murder Inc. should have such a structure. <sup>xviii</sup>

### **III: Humanity – Good Will or Rationality?**

I have focused, on an examples of a collective organization which has evil purposes. . Many interpreters of Kant hold that it would be implausible, and utterly incompatible with Kant’s ethical outlook, to suppose that the fact that an individual human agent had predominantly evil purposes excluded them from the scope of MMP.<sup>xix</sup> If so, and if all rational agents fall under the scope of MMP, then the fact that Murder Inc. has predominantly evil purposes excludes it from the scope of MMP. To do so would, in effect, involve a kind of biological chauvinism which is out of keeping with an approach which focuses on what we owe to rational agents.

Richard Dean argues that when Kant talks about ‘humanity’, he has something more than mere rationality in mind.<sup>xx</sup> Dean reminds us that Kant holds that the only thing which is

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good without qualification is the good will, and points out that if we suppose that something can only be an end-in-itself if it is good without qualification - something which seems at least initially plausible – then it seems hard to avoid concluding that Kant is committed to the view that only the good will can be an end-in-itself.<sup>xxi</sup> Call this the ‘Good Will’ interpretation of humanity. If correct, it suggests that we are under no obligation to avoid agents who do not have a good will as a mere means. In the current context, Dean's view seems appealing. If we are not obliged to treat agents who lack a good will as ends-in-themselves, we may be able to avoid being committed to the view that we ought to treat Murder Inc. as an end in itself.

The ‘Good Will’ interpretation is problematic. It seems to suggest that we can tell lies, break promises and otherwise manipulate other agents, provided they do not possess a good will. As Dean admits, this all seems highly unKantian. He suggests that we can rescue the ‘Good Will’ interpretation by appealing to Kant's view that we can't know very much about the quality of another agent's will. So he suggests that the reason that on Kant's view we cannot lie to, break promises to, or otherwise manipulate an evil agent is that we can never be sure that we are dealing with such an agent.<sup>xxii</sup>

It is unclear whether this kind of skepticism about other people's motives is either plausible or plausibly Kantian.<sup>xxiii</sup> Furthermore the purposes of collective agents will often depend in significant ways on the purposes of individual agents. If we cannot be sufficiently sure of the purposes of an individual agent to be justified in being confident that they lack a good will, it is hard to see how we could be confident that we could correctly judge the quality of the will of a collective agent. If so then we cannot make Dean's account plausible without precluding it from solving the problems raised by Murder Inc.

#### IV: Treating as a Mere Means: Three Interpretations

I have argued that that the fact that Murder Inc. has predominantly evil purposes should not be taken to exempt it from the scope of MMP. However, someone might suggest that this fact is, nonetheless, relevant to the content of that Principle: perhaps less is required of us, in order to avoid treating Murder Inc. as a means than we might suppose. In order to address this line of thought adequately we shall need to consider in more detail how MMP should be interpreted. I shall argue that most common interpretations raise questions about our treatment even of collective agents without evil purposes

On one interpretation of MMP - the ‘End-Sharing’ account - one agent treats a second as a mere means if the first agent’s action involves an end which the second agent could not share.<sup>xxiv</sup> On a slightly different interpretation - the ‘Possible Consent’ account - an agent treats a second agent as a mere means when the first agent has as the maxim of their action something to which the second agent could not consent.<sup>xxv</sup>

The ‘End-Sharing’ version of the ‘Mere Means’ principle, does not seem to be a plausible moral constraint on our actions with respect to collective entities. Many collective entities are formally constrained with regard to the kinds of ends they may have. The University Promotions Committee may have as one of its ends that the right kinds of individuals are promoted to responsible posts within the university. There are many ends which I might quite legitimately have when volunteering to sit on it – for example, that of satisfying my own department’s service requirements, which this committee *qua* committee cannot have.<sup>xxvi</sup> Under some regimes of business law, business corporations are required to maximize shareholder profit. If so, they are, by their very constitution, precluded from sharing many of the ends which

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I might have in seeking employment with them. And whatever ends, a nation may have in performing some official act such as issuing me with a passport, it does not seem that my end of being able to enjoy a pleasant and restful vacation is or could be one of them.

Someone might suppose that these limitations on the ends collective bodies can have are simply contingent limitations, akin to psychological limitations that individuals might be subject. So understood, these examples do not present a problem for the 'End-Sharing' interpretation. However, on many accounts of collective agency a collective agent is individuated by some sort of organizing principle, such as a constitution, a set of laws or (in the case of a corporation) its articles of association. This means that the limitations I have in mind are not merely psychological: there can be cases where a particular agent collective cannot have a particular end while remaining the collective we are considering.

The 'Possible Consent' interpretation seems less problematic than the End-Sharing interpretation. Whatever ends committees, business corporations, and nation states might be capable of having, it seems plausible that they can, without self-defeat, consent to people sitting on them to fulfill service requirements, promote the welfare of their families and enjoy restful vacations. Nevertheless it also seems to face problems. Just as collectives may be formally constrained in respect of the ends which they can have, they can also be constrained in respect of the sorts of things which they can consent to. Thus, for example, a committee or corporation might be constrained by its own rules from consenting to its own dissolution, or from permitting women to sit on the board, or from changing the corporation's name. But it is not clear that individual would be acting wrongly in seeking to bring about any of these ends.



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It is arguable that neither the ‘End-Sharing’ account nor the ‘Possible Consent’ account is an entirely satisfactory interpretation of MMP. Notoriously, the first account appears to entail that organizing a surprise party for you would involve treating you as a means. Samuel Kerstein has argued that on the second account it is not clear that deceptive promise-making involves treating the person to whom a promise is made being treated as a mere means. For it seems logically possible that someone lending money might do so with the intention of not being paid back by the borrower. They might, for example hope to see the person who borrows the money have their reputation ruined by making a conspicuous extravagant purchase.<sup>xxvii</sup>

Kerstein has recently proposed an interpretation MMP on which incorporates elements of both the ‘End-Sharing’ and ‘Possible Consent’ interpretations. He calls this the ‘Reinforced Hybrid’ interpretation. On this interpretation one agent treats a second agent as a mere means if

- 1) it is not reasonable for the first agent to believe that the second agent can either consent to the first agent’s use of him or share the end he is pursuing in using him
- and
- 2) it is not reasonable for the first agent to believe that what prevents the second agent from sharing his end is that the second is using someone else in pursuing an end, and it is reasonable for the second agent to believe neither that this person can consent to the other’s use of him or share the end that the second person is using him.

Kerstein includes the second clause in order to have an account of treating someone as a mere means on which the prohibition on treating someone as a mere means does not rule out the possibility of coercing someone else to prevent them from treating another person as a means.<sup>xxviii</sup>

Even if Kerstein's account can deal adequately with standard objections to MMP it still seems to rule out behavior with respect to collectives which is entirely unobjectionable. Consider once again the case of the committee which is formally precluded from seeking its own dissolution. It may be both precluded from consenting to this and from having it as an end. On Kerstein's interpretation of MMP, it seems as though trying to bring about the dissolution of the committee would involve a contravention of MMP. But it seems implausible that this is in fact morally impermissible.

## **V: The Duty-Respect Argument**

One conceivable strategy for arguing that it is impermissible to treat collectives as a mere means starts from the claim that collectives are capable of seeing themselves as agents which have moral duties. If we add to this the idea that little or nothing beyond being able to see oneself as an agent who has duties is required for one actually to be an agent who cannot permissibly be treated merely as a means to an end, we have an argument that corporations may not permissibly be treated merely as a means.

Why might anyone suppose that collectives are capable of seeing themselves as agents which have moral duties? There are two possible lines of thought which might support this view. First, many philosophers who think that collectives can be agents also think that it makes sense to talk of collectives having beliefs.<sup>xxix</sup> This is sometimes seen as a precondition for collective agency, and sometimes argued for as a result of an independent analysis of the notion of collective belief.<sup>xxx</sup> Neither approach seems to entail any obvious constraints on the kinds of

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beliefs that collectives have. If there are no constraints on the kinds of beliefs that collectives can have, then it seems as though collectives must be capable of seeing themselves as moral agents.

A second line of argument would start, not from the idea of a collective belief, but that of a collective emotion. Margaret Gilbert has argued that groups can be the subjects of collective emotions, including the emotion of remorse.<sup>xxxi</sup> It is plausible that an agent that has a capacity for remorse must have a capacity to grasp that it is an agent and that it is responsible, morally, for its actions. It is also plausible that an agent which can see itself as being morally responsible for its actions should see itself as having duties.

If we grant this much, then there might appear to be a viable argument for the claim that it is impermissible to treat collectives merely as a means. Consider what I shall call the ‘Duty-Respect’ claim.

D-R: An agent that can see itself as having duties should be seen by others as an agent which is worthy of moral respect.

If we assume, with Kant that it is impermissible to treat X merely as a means to an end if and only if X is worthy of moral respect, then it follows from the Duty-Respect Claim and what has been said before about collectives being capable of seeing themselves as having duties, that it is impermissible to treat collectives merely as a means.

## **VI: Undermining the Duty-Respect Argument**

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This argument should not convince us that it is impermissible to treat collectives merely as a means? It fails because the ‘Duty-Respect Claim’ is false. However, its falsity is easy to miss if we restrict our attention to individual human agents. Let me explain.

First, some preliminaries. In what follows, I shall talk, as Kant does, of agents having some ends conditionally and others unconditionally. I shall also assume, with Kant, that duties are unconditional ends. I shall also assume that if it is impermissible to treat X merely as a means to an end, then X can have ends that give rise to duties in other agents, simply because they are ends that X has.

One might argue for the Duty-Respect Claim in one of two ways. First, one might claim that an agent that recognizes itself as having duties must also regard itself as deserving of respect; and an agent which recognizes itself as worthy of respect must be regarded as worthy of respect by others.

It is certainly plausible that an individual who sees him- or herself as having duties does for that very reason have to see him or herself as having ends which are unconditionally valid; or, in less Kantian language, as worthy of pursuit independently of any of the agent’s desires. And one might think that ends that are worthy of pursuit by an agent independently of that agent’s desires give rise to reasons which ought to have weight for *any* agent. It would be tempting to conclude from this that an agent which sees itself as having duties must see itself as deserving respect. This conclusion would follow from the claim that there is nothing more to being deserving of respect than having ends. However, although this claim is tempting, it is nevertheless incorrect.

It is incorrect because there is more to the idea of being deserving of respect than having ends which give rise to reasons which have weight for all agents. For an agent A to be deserving of respect is for A to have ends which give rise to reasons which have weight for all agents because they are A's ends. It is at least conceivable that a being could have ends which gave rise to reasons which had weight for all agents without doing so because they were ends of that particular agent. Suppose we thought, as Kant does not, that animals were agents. It might be that some animals had ends which gave rise to reasons having weight for all agents not because they were the ends of that agent, but because of the value that some other agent placed upon those ends. For example, it might be wrong for any agent to wantonly frustrate my pet the ends of my pet poodle for food, water and shelter, not because these were ends of the poodle, but because the poodle's flourishing was particularly significant to me, his owner. It would be a mistake to say that the poodle was deserving of respect.<sup>xxxii</sup>

The tempting claim would be not only tempting but even correct, if the only agents we were considering were individual human agents. After all, we should certainly see other human beings as deserving of respect. But this is not to say that we should see other human beings as worthy of respect *because* they see themselves as being worthy of respect. Indeed there is a good reason not to make this latter claim. For it seems to hold out the possibility of giving a moral explanation of something for which there is no (further) moral explanation and where the demand for a moral explanation is inappropriate. The fact that we should respect other individual moral agents is a brute moral fact; not a fact that needs to be explained by reference to other facts; and *a fortiori* not by the fact that they see themselves as being worthy of respect.

In order to argue successfully that corporations should be seen as ends-in-themselves along the lines being considered here, we would need to think that a claim that we have to

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respect agents which respect themselves could ground or justify a claim that we need to respect particular moral agents. I have argued that a claim of the first sort cannot explain a claim of the second sort. However, if a claim of the first sort cannot explain a claim of the second sort, it cannot justify a claim of the second sort either. Any reason for doubting a claim of the second sort would be a reason, and indeed just as good a reason for doubting a claim of the first sort. So this argument does not succeed.

One might instead argue that an agent which recognizes itself as having duties should be regarded as having duties by others; and that an agent which is regarded as having duties by others should be regarded as being worthy of moral respect from others. However, even if we take it for granted that collectives can have moral duties, the argument fails. The argument turns on whether an agent which is seen as having duties should, for that reason be seen as being worthy of respect. When we are considering collective agents, the answer is no. This is because of the kinds of duties which collective agents have.

If corporations have duties, they have ends which are unconditional. One might think that such unconditional ends would be binding on all moral agents, and that consequently their existence imposed duties on all moral agents. Suppose this is right. One might think that this meant that corporations were deserving of respect, because for a being to have ends which impose duties on all moral agents simply is for that being to deserve respect.

However this is not correct. For a being to deserve respect is for it to have ends which impose moral duties on other agents *simply because they are the ends of that agent*. Corporations have no such ends. The unconditional ends that they have – and the duties that they thereby impose on other agents – involve duties that would fall on other agents in any case. So these ends do not

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impose moral duties on agents *simply because they are ends of the corporate agent*. So the argument being considered does not establish that collective bodies are deserving of moral respect. So it does not establish that it is impermissible to treat corporations as mere means to an end.

## VII: Collectives and Their Members

Although the idea that collective agents such as business corporations and nations are ends-in-themselves is unattractive, it would seem less objectionable if it could be shown to follow from a requirement not to treat individuals as mere means. It might seem obvious that if I treat a collective body as a mere means, I must treat some of the individuals who belong to it as a mere means. However, I shall argue that this is not correct: treating a collective as a mere means need not involve treating the individuals that make it up as mere means.

Start by considering the ‘end-sharing’ interpretation of MMP. I argued in section III that there are many kinds of ends which seem, intuitively, to be perfectly morally acceptable, but which certain kinds of collective might be incapable of sharing, simply because of the way in which they are constituted. Thus for example, I claimed that it is morally permissible for me to apply for a passport with the end of enjoying a restful holiday, while the British state is logically precluded from doing so; and it is morally permissible for an individual manager to have as their end the promotion of the well-being of their employees, even though the corporation may not legally have this as their end. If these actions are morally permissible, then it seems as though they will not involve treating any individuals as a means. Thus, it seems as though, on the End Sharing account I can treat a collective body as a mere means without treating any individual as a mere means. And this seems to be confirmed by further reflection: there does not seem to be

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anything about either of the ends which I have discussed here which would preclude them from being shared by other individuals.

Matters seem more complicated on the Possible Consent account. Recall that on this account an agent treats a second agent as a mere means when the first agent has as the maxim of their action something to which the second agent could not consent. I shall argue that it does not follow from the fact that a collective could not consent to the maxim of some agent's action that individuals who make up the collective could not each consent to it.

In order to defend this claim, I shall put forward an account of what it is for a collective to consent to something which draws on Margaret Gilbert's work on collective action.<sup>xxxiii</sup> A key notion in Gilbert's work is that of joint commitment. Roughly speaking a group of individuals can be jointly committed to a certain proposition or course of action if they each take it that they are committed to it *as a body*. On such an account a group of individuals could consent, jointly, to be treated in a particular way if they agree that they should be treated, collectively in that way.

On Gilbert's account there can be differences between what individuals are jointly committed to and what each of them is individually committed to. In particular, I can take it to be acceptable for myself and other members of a group to be treated in a certain way but refrain from entering into a joint commitment to allow this. Furthermore, I might find reasons for acceding to a joint decision for a group of which I am a member to be treated in a particular way, even if I would not agree to be treated in that way myself.<sup>xxxiv</sup>

A group of individuals might each individually be convinced that the treatment was appropriate, while being unable to express a collective commitment to that view. For example,



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each individual in the group might take themselves to be morally required - by means of a previously given promise - to act in ways which served the interests of the other individual members of the collective body. So the collective could be treated in ways to which it was unable to consent without any of the individuals in question being unable to consent to being treated in this way. In this situation it seems that the collective would be treated as a mere means without any individual being treated as a mere means.

Here is a more concrete example. A corporate body might, for formal reasons, be unable to consent to its own dissolution. For example, such a possibility is ruled out by its articles of association). It would not follow from this fact about the corporation that anyone involved in the corporation should be incapable of consenting to its being wound up. (Of course, those who stood to profit from the corporation's activities or those who were in leadership roles might be *unwilling* to consent; but they would not be unable to do so.)

Finally we need to consider Kerstein's 'Reinforced Hybrid' account. What we need to notice about this is that any behaviour which is ruled out by the first clause of this account must be ruled out either by the End-Sharing account or the Possible Consent account. We need to find some kind of behavior which falls foul of both the end-sharing and possible consent conditions for a corporation, and which involves ends that individuals can both share and consent to. We also need a case where the second clause does not come into play.

It seems both that the corporate dissolution case fits these constraints. Notice how it satisfies both clauses of the of the first clause: the corporation cannot have as its end its own dissolution; nor can it consent to it. What prevents it from doing so is its constitution, not the fact that it is treating someone else as a means to an end. So this counts as treating the

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corporation as a means to an end on Kerstein's account. But it does not seem to involve treating any individual in a way which involves an end which they cannot share, or a maxim which they cannot consent to.

### VIII: Conclusion

Implausible consequences follow if we accept Kant's 'Principle of Humanity', think that it forbids us to treat rational agents as mere means, and are serious about the idea that collectives can be rational agents. What conclusions might we draw from this? There seem to be two ways we might go. One possibility would be to conclude that we should not be literalists about the attribution of agency to collectives. Some Kant scholars - such as Onora O'Neill<sup>xxxv</sup> - have suggested this, talking of corporations and states as being mere 'secondary agents'; and it may have been Kant's own view. But this seems uncomfortably *ad hoc*: given that Kant wants to allow personhood to individuals in ways that do not depend only on their rational nature and not on the details of how that personhood is instantiated, it seems to involve what we might call (by analogy with the term 'speciesism') an unmotivated kind of 'individualist chauvinism'.

A second response, which might seem more appealing to those who are not independently committed to Kantian positions in moral theory, would be to abandon the Principle of Humanity, or at least the 'Mere Means' principle. This need not involve saying that it is acceptable to treat human beings as mere means. Instead it would involve saying that our duty not to do so was grounded in something other than simply our rational nature. This would then raise the question of what, other than our minimally rational nature, the relevant feature of human beings might be. But that is matter for a future enquiry.<sup>xxxvi</sup>

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i Kant 1785/1992

ii Dean 2006 pp1-2

iii Wood 2007, Nelson 2008

iv One might be skeptical as to whether such cases are possible. In Section VII I argue that they are.

<sup>v</sup> As Kerstein 2008 points out, in the *Metaphysic of Morals*, Kant tells us that ‘the capacity to set oneself an end - any end whatsoever – is what characterizes humanity.’ (Kant 1797/1996). Cf Kerstein 2009, p165. Dean 2006 pp 18-9 suggests that ‘the standard view’ among Kant commentators - one he contests – is that “ ‘humanity’ refers to some minimal feature or features of rationality necessarily possessed by any rational agent.’ I discuss Dean’s view in Section IV below.

<sup>vi</sup> As Kerstein 2008 also points out.

<sup>vii</sup> See Nelson 2008 for a similar formulation.

<sup>viii</sup> Various kinds of entities have been regarded as collective agents. They include both groups with some sort of formal organization such as states, committees, and business corporations, and more informal groupings, such as pairs of friends going for a walk. French 1984, Gilbert 1989, Pettit 2007, Pettit and List 2011. For the bulk of this paper, I shall simply assume that at least some ascriptions of agency to collective agents should be understood literally, and that when so understood at least some of them are true. Note that many of the accounts of collective agency which have been proposed to account for the phenomena of collective action are ones on which collectives have the capacity to set themselves ends, as Kant requires

<sup>ix</sup> Kutz 2000 is a rare exception.

<sup>x</sup> Tollefsen 2003

<sup>xi</sup> Wells 2001

<sup>xii</sup> Miller 2007

<sup>xiii</sup> Or, as we might say, on the kinds of material in which the formal structures characteristic of agency might be instantiated 'Material' here should be read as contrasting with 'formal', rather than as a near synonym for 'physical stuff'.

xiv One might regard this as a *reductio ad absurdum* of literal ascriptions of agency to collective agents. However, this seems untenable. One might also give up on the formula of humanity, or on the claim that rationality and humanity are interchangeable terms. However, it is not clear how much of a distinctively Kantian approach to ethics could be salvaged without them.

xv Card 2010 pp 92-3.

xvi For more detail on Murder Inc. see Feder and Tutkus 1951.

xvii Card, 2010 *ibid.*

xviii French 1984

xix But note the discussion of Richard Dean’s interpretation of the Principle of Humanity in

#### Section IV

xx Dean 2006

xxi Frierson 2007 Glasgow 2007

xxii Dean 2006 chapter 5

xxiii See Frierson 2007 for an argument that it is not plausibly Kantian

xxiv See for example Wood 2007 Korsgaard 1996

xxv O’Neill 1989 pp 110-117. Cf Korsgaard 1996 pp137-40

xxvi For committees as collective agents, see Copp 2006, List and Pettit 2011

xxvii Kerstein 2009

xxviii I am not sure whether this provision is to the spirit of Kant’s account. However, this point does not affect the main point I make here

xxix See for example, List and Pettit 2011;

xxx Gilbert 1987, 1994. See also Fagin 2011 for a useful account of what a non-reductive account of collective belief might amount to .

xxxi Gilbert 2001

xxxii      Something similar might be true of collectives, whose claim to agency is, of course, being presupposed in this paper.

xxxiii      Gilbert 1989

xxxiv      Gilbert 1989

xxxv      O'Neill 2001

xxxvi      Acknowledgments (omitted for refereeing)