

Considering Collective Agency in Kant's Ethics

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Abstract

This paper explores the justifications and ramifications of considering collectives such as states and communities as moral entities within a Kantian moral framework. Kant's criteria for being a moral entity are not helpful for this question, but we will argue that nothing prevents our considering collectives as such. In fact, Kant himself refers to them in this way by means of analogy. By taking this analogy literally we can analyze the morality of cultural appropriation, proselytism, and a living wage, which we argue cannot be understood properly in a Kantian framework that grants moral and ethical standing only to individual agents.

Introduction

Immanuel Kant seeks to ground morality in the rational capacities of individual agents (paradigmatically, human beings). He builds up from a few simple principles an entire system of morality among individuals. Here we generalize his framework by considering collectives such as cultures, states, companies, and spontaneous groups of people as morally salient in their own right. We will set the stage with an explanation of standard Kantian moral philosophy, and of collective action. Then we will reconcile the two by considering collectives **as** individuals (autonomous agents) within the Kantian framework. Finally, we will explore the ability of this generalization to answer the moral questions of cultural appropriation, proselytism, and living wage.

Kantian Moral Philosophy

For Kant, morality is a question of what is good “without limitation”. That is, good regardless of what your goals or desires are. For example, being strong or brave may be desirable traits in many cases, but if a person of bad character has these traits, they are “evil and harmful” overall.¹ From this observation, Kant deduces that morality must take the form of a Categorical Imperative: Imperative is a thing that one ought do, and it is categorical if one ought do it regardless of your circumstance. Through a few assumptions

¹Groundwork 4:393

and some logical argumentation that is beyond the scope of this paper, Kant deduces three forms for the categorical imperative that are, according to him, equivalent. We will explain the three of them through examples of their application to a moral dilemma.

The first is this: *“act only in accordance with that maxim through which you can at the same time will that it become a universal law”*.² A maxim is some sort of rule under which someone acts, and a universal law means that everyone else would act under that maxim too. Kant gives the example of someone with the maxim “when I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know that this will never happen.”³ In order to determine the morality of this maxim according to the categorical imperative, we see if it can become a universal law, and imagine the situation that all people act under that maxim. Kant argues that if everyone lived under these circumstances, then people would not believe anyone, so such a promise would become meaningless, which would prevent the original lie from being meaningful. Kant concludes that because the maxim could not be universal, it is immoral to act under that maxim yourself.

The second is the following: *“So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means”*.⁴ The exact meaning of “humanity” is debated, but we will choose to interpret it as the things that define someone’s moral identity: their ability to set their own ends (goals), and all of their ends. To treat someone as an end, then, is to respect their autonomy as an end for yourself. To treat someone merely as a means, is to not care about their autonomy, and to only care about them in their ability to provide something for you. Using the same example as above, we see that lying to someone for a loan uses them as a means to the money. And furthermore you are not treating them as an end, since you lied to get the loan, they evidently would not have given you the loan otherwise, which disrespects their ability to set their own ends. This formulation of the categorical imperative agrees with the first, then, that lying to secure a loan is never acceptable.

The third is harder to untangle but it reads as follows: *“all maxims from one’s own lawgiving are to harmonize with a possible kingdom of ends as with a kingdom of nature”*.⁵ This is really a combination of the two previous formulations, since if we require our maxims to be universalizable, we should be able to dictate them as law to everyone else. And if we consider everyone to be an end like us, then their maxims are also universalizable. From that we get the image of a kingdom of ends. Kant doesn’t provide any examples of applying this formulation.

When Kant applies the categorical imperative to discover what is moral, he usually frames the results in terms of duties and rights. Duties are actions that you ought to take, and are usually derived by deducing that not taking that action is contrary to the categorical imperative. Rights are essentially the converse of duties, if I have a duty not to lie to you, you have a right not to be lied to. For Kant being a moral agent is one and the same as having rights and duties.

²Groundwork 4:421

³Groundwork 4:422

⁴Groundwork 4:429

⁵Groundwork 4:437

At this point we should note that the framing of Kantian philosophy seems very individualistic. Every version of the categorical imperative is concerned with what individuals should do towards other individuals. Any consideration of social constructions such as a culture or an organization will be a reduction to the consideration of the individuals involved. In the first one, universalizability is tested by imagining all individuals acting under your maxim. In the second one you are commanded to treat the humanity in every individual as an end. In the third one the kingdom of ends seems to be conceived of in terms of all of its individual members. While it does refer to a kingdom, which is collective, this is not a real; it is an imagined kingdom to which **all** moral beings belong.

Collective Action and Collective Entities

There are ways, however, in which it seems we can best understand a situation by considering collective behavior. We see this in headlines such as “Foreigners see U.S. as ‘Greedy Bully’”⁶ and “How the Left Created Trump”⁷. In the former it is the “U.S.” who is seen as a bully, and in the latter it is “the left” who has created Trump. Social movements provide another good example: Trevor Noah, in responding to accusations that Black Lives Matter was supporting aggression, violence, and destruction said “There is a distinction between a movement and the people [who comprise it].”⁸ He was saying that although there are people in the movement who are doing these things, the movement itself should be judged separately based on the actions it explicitly condones. All of these examples show groups being thought of as responsible for an action or behavior, in a way that is different from simply ascribing that action or behavior to the individuals of the group.

We *could* choose to view these groups and their actions as merely some complex combination of individuals and their actions, but from a biological perspective, we can also choose to consider a human being’s actions as merely some complex combination of the actions of all of their cells. We still find it morally relevant, however, to consider a human being as a cohesive whole. So too, we can consider a group of humans as a cohesive whole.⁹

It is in this way that I hope to reconcile the apparent individualism of Kant’s ethics with a collectivist worldview: Just as Kant considers humans to act based on will and be subject to moral consideration, so too we can consider groups of humans to act on a collective will, and to be subject to moral consideration as a collective.

⁶<http://abcnews.go.com/Nightline/story?id=128545>

⁷<http://www.politico.com/magazine/story/2016/11/how-the-left-created-donald-trump-214472>

⁸<https://youtu.be/F2xv4fba65U?t=8m8s>

⁹For our purposes, it will suffice to consider collective entities in these broad terms. Technically speaking, however, whenever there are pieces of a system that interact, and constrain each other’s actions, we cannot merely consider the behavior of the individual pieces when trying to understand the behavior of the whole, we must also understand the connections between the pieces of the system. The behavior of the system is then known as emergent behavior, and we should really be thinking of the entity as a collective entity. As we will see later, we are only really interested here in entities that are complex enough to be considered to have their own will, distinct from the wills of the individuals that comprise them. For a more detailed scientific exposition of emergence, see <http://necsi.edu/guide/concepts/emergence.html>

Consideration as Moral Agents

The question, then, is whether these collectives constitute moral agents in Kant's ethics. Our first problem is to even define the collective agents that we are talking about. When I posit that a human being is a moral agent, at the very least we can agree what the human being **is**; where it is, what it is doing, etc. Some collectives such as "the left", the Twitter community, or a culture are not localized in space, and even a city, which **is** localized, will lose members and gain other members, and is generally not defined merely by the people that comprise it. There is no easy answer to this, but I will argue that there is no fundamental reason why a non-localized being can't be a moral agent. One can imagine a species much like bees or termites in their collective swarming behavior, but which collectively each hive shows all of the same signs of sapience and rationality as humans.¹⁰

We have established through examples that collective agents sometimes perform actions that are most easily understood as the **collective** performing that action, rather than any microscale description of the individual humans that make it up, and that their delocalized nature does not preclude them from being moral agents. This is not sufficient, however, to be considered morally relevant in a Kantian framework. Animals, for example, perform actions in some sense, but have neither rights nor duties according to Kant.¹¹ So we look to the criteria Kant puts forward for moral agents. The problem we will find is that Kant's criteria are all framed from a first-person perspective. They help answer the question "am I a moral agent?", and not "is that thing a moral agent?". As such, we can only guess at their applicability to collectives. However, the important thing to notice is that we can also only guess as to their applicability to other individuals besides ourselves.

The first and most important way to tell if something is a moral agent is if it has a will, and can determine that will through reason. Kant's definition of unconditionally (or morally) good is being "necessary for a subject *practically determinable by reason.*" (emphasis added).¹² This doesn't help us at all though, since we don't have a good understanding of what a collective will really consists of, much less what processes determine a collective will. Once again, though, this is framed in a first-person way. It is impossible for me to tell for certain if another individual is being determined by reason or not, whether it is a collective individual or another human being.

Kant gives us a small way out here, by suggesting that we can tell we are capable of acting in accordance with reason, by noticing that we feel subject to moral law. Similarly, we can tell if another being has a will by asking ourselves if we consider it subject to moral law. For if it *ought* to behave a certain way, then certainly it **can**. This test, however, is begging the question. We are interested in the question of whether a being is subjected to moral law. To base that argument on the fact that it is subject to moral law or not, is unhelpful.

Another way to tell if something is a moral agent is if it can set maxims for itself. This can

¹⁰For those who have read Ender's Game, imagine the buggers.
For those who have seen Star Trek: The Next Generation, imagine the Borg.

¹¹Critique of Practical Reason 5:76

¹²Groundwork 4:414

be seen in the first formulation of the categorical imperative, which refers only to maxims. So one is subject to the categorical imperative if and only if one has maxims and can set them.¹³ Unfortunately, it is difficult to even tell what a maxim would look like for a collective, or to look into the “mind” of that collective and see if it has maxims. Of course, we cannot look inside the mind of another human being to determine this either. In this case, however, we can see cultural values of certain collectives (cultures) that determine in a systematic way how a society interacts with individuals and other societies. This resembles in many ways the maxims Kant is talking about. But still we can’t be sure because we need internal access to the mind of the potential moral agent in question.

There are a few other similar ways to tell a moral agent, all of them equivalent according to Kant. And all of them share this quality of being understood from a first-person perspective. There is going to be no way to tell from observation whether a collective is a moral agent or not, and this seems to lead to the argument that to consider them as such is simply projecting our own willfulness of action onto these collectives. However, it is important to remember that to Kant, we are also projecting our willfulness of action onto other human beings. We do not know for certain that any individual is a moral agent in the same way we are, since we do not experience what it is to **be** them. Just as Kant proposes we guess that their experience of the world is similar to ours, and project a will, and reason, and maxims into them, we can do the same for collectives.

Thus far, however, we’ve only argued that it is possible to consider them in this way. We can go further, and say that it fits extremely **well** into Kant’s framework. And in some ways, the idea is already there. In his work on the ethics of states, Kant takes an extremely pro-monarch stance, saying “Like a chasm that irretrievably swallows everything, the execution of a monarch seems to be a crime from which the people cannot be absolved”.¹⁴ One could read this as Kant seeking to protect monarchs from retribution, but if we look further, he says “for it is as if the state commits suicide”.¹⁵ Kant almost directly supports treating the state as a moral agent! Unfortunately, he does so only by analogy. If we pay close attention though, he has actually already referred to “the people” as committing the crime, treating them implicitly as a collective entity, culpable as a collective. In one reading of the text, Kant treats the monarch with such reverence because he is looking for a locus for the moral agency of the state, and the nearest clear moral agent is the monarch. Instead, we will consider the collectives (such as states) themselves to be moral agents in their own right, with the implied rights and duties.

¹³Animals, for example, might behave in certain ways, but they do not have systematic *principles* of action that are maxims. They don’t employ reason to determine policies by which they will act. We are morally culpable because we do, and so we are capable of setting those maxims in a moral way.

¹⁴Metaphysics of Morals 6:322

¹⁵ibid

Implications

Let us consider, then, what these rights and duties might be. In other words, what does it look like to apply the categorical imperative to a collective? We will examine here one example each of a duty of individuals towards collectives, of collectives towards collectives, and of collectives towards individuals. Recall that in the Kantian framework, we derive duties by showing that they are fundamentally implied by the categorical imperative. Usually by showing that doing anything else contradicts the categorical imperative. The first formulation of the categorical imperative is often useful for this purpose. Here however, we find it not as useful. Recall that it reads “*act only in accordance with that maxim through which you can at the same time will that it become a universal law*”.¹⁶ It is difficult to understand what kind of maxims a collective has, or how my maxims might apply to collectives, so although theoretically this formulation applies, it is unclear how to apply practically. The third formulation of the categorical imperative is similarly problematic. So we will use the second formulation: “*So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*”.¹⁷ Since how an individual is *treating* a collective, and vice versa, are much easier to see.

We will start with a duty of an individual towards a collective: The duty to not participate in cultural appropriation. By this I mean the use of something culturally significant or produced by a culture without permission from that culture or consideration of the cultural context it’s being taken from. For example, wearing a native American headdress, an Indian bindi, a turban, cornrows, or any other culturally significant dress or style just because it looks cool. These are the most typical examples because they are the most visible. However, some private cases would also seem morally offensive if they were discovered, such as using the bible as foot rest. It is fairly clear that the moral problem with intellectual property cannot be explained in terms of individuals. Some people try to explain it either because it is insulting or offensive to individuals, or because it somehow violates their intellectual property rights. However, being offensive is not particularly immoral,¹⁸ and often times the “originator” of this custom isn’t known, and has clearly been dead a long, long time, so individual intellectual property is a weak defense. It is telling that cultural appropriation cannot even be *defined* without reference to a “culture”, which is a fundamentally collective entity.¹⁹

¹⁶Groundwork 4:421

¹⁷Groundwork 4:429

¹⁸Kant divides duties into perfect, and imperfect duties. Perfect duties are ones like “don’t murder”, which you simply must do, period. Imperfect duties are those like “help others”, which you must try to do to the extent that you are able, but are not absolute. Not being offensive can at best be an imperfect duty, since there can be times when no action you could take would not be offensive to someone, or when simply breathing would offend someone. Not appropriating culture, however, is more naturally a perfect duty, since you can simply not do it. My interpretation of it as a duty of an individual towards a collective correctly characterizes it as a perfect duty.

¹⁹It is true that permission from any member of the group is typically sufficient for an outsider to do something. However, I would argue that in this instance the person giving the permission is acting as a spokesperson for the culture, advising in their presumed knowledge of the customs and appropriateness of the act.

So the idea that cultural appropriation is wrong cannot be defended in an individualist framework. Fortunately, we have modified Kant's philosophy for exactly this purpose. We consider, then, the culture in question as a collective entity and examine the treatment of the culture/collective by the appropriating individual. In particular, we are asking "is the individual treating the culture as merely a means, or as the categorical imperative commands, at the same time as an end?". The telling part about cultural appropriation is the lack of consideration of the context you are taking the cultural piece from, and not asking permission for using it in that way. In this way, the appropriator has no regard for the culture as a whole. The only investment the individual has in the culture's continued existence is its continued production of interesting pieces of culture for the individual to use however they please. There is no respect for the culture, and therefore no treatment of it as an end in itself.

Next we look at the duty not to proselytize, a duty of a collective towards another collective. In order to avoid conflation with other duties of individuals towards individuals, we must focus on a very particular kind of proselytism. Imagine a religious group whose members proselytize in a very straightforward manner. They approach you, and make very clear that their intention is to convert you to their worldview and religion; they do not lie to you, manipulate you, or coerce you in any way. They only try to convince you, and if you would like them to leave, they do. If we only look at the individuals involved, there has been no moral transgression. The target of the proselytizing has not been treated merely as a means, since her ability to set her own ends has not been disrespected, nor have her particular ends. It is clear, also, that it cannot be immoral to ever try to convince someone of something. However, if we look at collectives, a different picture emerges in the case of proselytism. If we imagine the ends of a religion, such as keeping alive the language of its heritage, When every member of that religion is converted to the other religion, those ends are lost, and replaced with the ends of that other religion. The ends of the religion are thus not being respected. Nor is its ability to set its own ends: The proselytizing culture imposes its own values and ends on the other cultures. If a group is proselytizing to random individuals, that is like the individual case and there is no problem. If, however, the proselytizing is being done to systematically eliminate other religions (as is often the case), then proselytism is the collective analogue of murder.

Finally, we discuss a duty of a collective towards an individual: The duty of a company to pay its workers a living wage. We will first argue that this is indeed a moral imperative, and then that the onus is on the company as a whole and not any individual. The question for us is whether the workers are being treated as ends. Let us say that a contract is signed and entered into completely voluntarily by both parties. This means that the worker is setting this job as their end of their own accord and voluntarily, so one would think that they are being treated as an end. However, if we consider the company's interest in the worker, they are being valued only for the work they can provide at this moment. Their future survival, and therefore ability to set ends, is completely disregarded. They are being treated as *merely* a means to be used until they die, and then replaced. This is definitely not treatment as an end in themselves. One might now argue that this is a duty of the owners

of the company, or the CEO, or the boss immediately overseeing the workers. However, none of these individually set the wages. It can be determined by a company policy or some combination of individual decisions, leaving the burden on no one person. United States law makes a similar evaluation, as culpability is often put on the company as a whole, and no individual suffers consequences for the actions of a company. This can be seen in the Ford Pinto case, where Ford produced a car that they knew to have a faulty engine design, that would catch on fire. People were injured and died as a result, and the company was sued. In both civil and criminal cases, however, the punishment sought was a fine on the company, rather than any punishment of individuals in the company.²⁰ The Wall Street collapse of 2008, similarly, had no consequences for individual bankers.²¹ One can posit that this is a case of rich people protecting themselves, and it is true that in other countries individuals were prosecuted.²² Perhaps, however, we should be looking instead for more effective ways to punish corporations as a whole. Of course, legality is not strictly a question of morality, but by our understanding, the corporation is the morally culpable party.

Conclusion

The idea of a collective being, a body politic, is not new. Here, however, we have taken the idea quite literally and shown how that can extend Kantian philosophy to explain moral issues we could not before. The issues we discuss directly are those of cultural appropriation, proselytism, and living wage. These can be understood in terms of Kantian duties that involve collectives as actors, as those acted upon, and as both. Though collective agents were not a part of Kant's work, they fit in with minimal modification. And, in fact, there are places where he seems to be thinking along the same lines, but doesn't quite take the idea of a collective moral agent as literally as we have.

There is much more to study in the implications of this idea to Kantian philosophy, especially in analyzing how well it fits with what Kant does say about collectives (states). Another direction is to study the implications to other moral philosophies, to investigate how collective agents can add to those frameworks as well.

In any philosophical framework the ideas explored here have the potential to reconcile the camps of individualism and collectivism that usually contradict. Finding common ground between these two philosophical schools of thought can help us better understand each independently, and find shared truths.

²⁰<http://users.wfu.edu/palmitar/Law&Valuation/Papers/1999/Leggett-pinto.html>

²¹<https://www.channel4.com/news/by/jon-snow/blogs/bankers-arrested>

²²<http://www.visir.is/larus-welding-og-gudmundur-hjaltason-daemdir-i-fangelsi-/article/2012121229270>