

## Zombies Incorporated

**ABSTRACT:** How should we understand the relation between corporate agency, corporate moral agency, and corporate moral patienthood? For some time, corporations have been treated as increasingly ontologically and morally sophisticated in the literature. To explore the limits of this treatment, I start off by redeveloping and defending a *reductio* that historically has been aimed at accounts of corporate agency which entail that corporations count as moral patients. More specifically, I argue that standard agents are due a certain type of moral concern, but corporate agents are not due that type of concern, so they are not agents of, at least, the standard type. Diagnosis: because corporations plausibly lack qualia, they are 'zombie agents' that mimic real agents. This explains why they are neither standard agents nor standard moral patients: they are not standard agents because they lack mental states, and because they lack experiences, they are, at best, morally notable rather than morally respectable. However, I then argue that we nevertheless have instrumental reasons to include them in our moral responsibility practices, both because that is what notability involves and bluffingly, and both when it comes to treating them as moral agents and as moral patients. Hence, we may treat corporations as part of our moral responsibility practices to a limited extent anyway.

**KEYWORDS:** corporate agency, corporate moral agency, corporate moral patienthood, philosophical zombies, moral responsibility.

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Much recent work on corporate agency sees corporate agents treated as having rather robust ontological and moral standing (e.g. Björnsson & Hess, 2017; Collins, 2022; French, 1979; Gilbert, 1989; List & Pettit, 2011; Tollefsen, 2015; Tuomela, 2013). Many think they display the same kinds of mental states, rationality and self-awareness as individual agents – or functional analogues thereof – so they count as agents in general and moral agents in particular. But in the light of such ambitious views, one may wonder how we should understand the relation between corporate agency, corporate moral agency, and corporate moral patienthood. This is the question I shall investigate in this paper.

While many authors embrace the possibility that corporate agents could be moral agents like humans, few think of them as moral patients on a par with us. Yet the latter view has started to acquire an increasing number of defenders. Most strikingly, Silver (2019) has argued that corporations are on a par with individuals in terms of their moral status both as agents and patients.<sup>1</sup> Similar possibilities are suggested by Schwitzgebel (2015) and Hasnas (2018). And others have argued that the fact that there are good reasons to treat corporations like individuals indicates that we ought to reexamine moral background assumptions (Hess, 2018; Hindriks, 2014; Wringer, 2014).

However, a *reductio* worry about the idea that corporations would be able to count as moral patients in a way which is, in principle, like that of standard agents lurks in the background. It has long been argued that thinking of corporations as on a par with individuals risks overinflating the concern that they are due (Donaldson, 1982; Manning, 1984; 1988; Ranken, 1987).

I aim to redevelop this *reductio* and aim it at more recent views. I argue that standard agents are due an important type of moral concern, but corporate agents are not due that type of concern, so they are not agents of, at least, the standard type. This is a moral version of the G.E Moore shift: for Moore, famously, common sense beliefs are more likely to be true than extravagant philosophical views (Moore, 1925). Similarly, whatever the ontological or moral status of corporate agents might be, it is more likely they are not standard agents with the same moral status as individuals than that a number of common-sensical moral intuitions I shall emphasize are wrong. Hence, accounts of corporate agency that entail that they have the same standing as standard agents are false, and accounts of corporate agency ought not to be so ambitious that they imply this. Their status is lower than that of standard agents.

My diagnosis of why corporations fail to be standard agents is the familiar thought that they lack qualia, so they are akin to philosophical zombies who only mimic agency rather than possess it. This also explains why they lack the standing as moral patients that standard agents have. I then suggest that we should distinguish between two kinds of moral patienthood: *respectability* and *notability*. The latter allows our interests to determine how someone should be treated, and as they lack qualia, corporations do at best have the latter status. While they therefore do not possess the same status as moral patients as standard agents, this move allows us to incorporate them in our moral practices in a way that is instrumental to our interests: both as that is intrinsic to notability, and bluffingly. Practically, this may help corporations do better and become increasingly sophisticated. And theoretically, the instrumentalist view helps us to explain their seemingly

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<sup>1</sup> For simplicity, I shall use 'moral status' as a shorthand term to cover one or both of those properties, letting the context indicate what I have in mind.

fragmented moral status: they are plausibly due moral concern in low-stakes situations, but not the kind of respectability that standard agents are due. Hence, instrumental concerns lie at the heart of their inclusion in our moral practices, both on the agent- and patient sides.

In section (1), I outline some increasingly ambitious accounts of corporate agency from the literature and indicate how their becoming increasingly ambitious suggests that we may want to treat corporations as morally on a par with individuals. In section (2), I develop the new *reductio*. In sections (3) and (4), I defend its two premises. In section (5), I suggest a diagnosis of why corporate agents fail to be standard agents: we have conflated standard agents with zombie agents. In section (6), I then argue that their lacking qualia explains both why they are not standard agents and why this implies that their moral status is lower than that of standard agents. In section (7), I discuss how we have instrumental reasons to incorporate them in our practices. I conclude in section (8).

### **(1) Increasingly Ambitious Corporate Agency**

For some decades by now, philosophers have been attracted to increasingly ambitious accounts of corporate agency. On these views, corporations count as agents by themselves and often have mental states. I shall start by recapitulating a number of views, indicating how they have developed in both ambition and sophistication as well as how they seem to be leading towards further developments still.

An influential early account comes from Peter French (1979; 1984; cf. Ozar, 1985). For French, a corporation can form belief/desire-pairs in virtue of its internal decision-making structure. This means that it is able to act in a way which is analogous to the familiar Humean Theory of Motivation or *HTM* (Davidson, 1963; Smith, 1994; Sinhababu, 2017). This is because *HTM* says that an action is an event caused (in the right way) and rationalized by a suitably organized belief/desire-pair. As corporations can do that too, they can act like individuals. Moreover, French thought, this means that corporations count as both legal and moral persons.<sup>2</sup>

Other ambitious views come from the joint intentionality literature. Gilbert (1989) famously thinks individuals can form plural subjects in virtue of their commitments to each other, where these plural subjects give rise to obligations on part of the members and can have mental states which are irreducible to the members' individual mental states. For Tuomela (2013), members of corporations do instead share a kind of ethos toward each other and the group, but the upshots

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<sup>2</sup> This view has had its defenders (e.g. French, 1979; 1984; Goodpaster, 1983) and critics (e.g. Donaldson, 1982; Manning, 1984; 1988; Ranken, 1987), but I say 'thought' rather than 'thinks' as French eventually gave up the original version of his view. Both he and others have recognized that considerations regarding moral agency may be disentangled from moral personhood (French, 1995; Hess, 2013; cf. Manning, 1984; 1988). See Hasnas (2018) for a recent overview of the debate, and Moore (1999) for an older one.

are similar: while corporate agents do not have mental states with phenomenal consciousness, they may have something that is functionally like causal mental states anyway.

Perhaps the most influential recent suggestion has however gone in a functionalist direction which is close to French's (1979) view (e.g. Copp, 2006; Hess, 2013; 2018; List & Pettit, 2011; Tollefsen, 2015).<sup>3</sup> While defenders disagree on some details, in rough outline, the thought is that an agent is an entity with an internal point of view (Rovane, 1997). This means that it has mental states like desires which function to set its aims, beliefs about (*inter alia*) how to reach those aims, and an internal structure which organizes their beliefs and desires in a way that enables it to act on these desires by using their beliefs about means. This account looks a lot like it contains the key building blocks of a causal theory of action: more specifically, of *HTM*. Many have therefore concluded that corporations are agents with mental states and who perform actions, both of which are irreducible to those of their members.

In fact, we may beef up the *HTM*-style corporations further still by giving them additional abilities which are more sophisticated than just taking means to ends. For example, we may add the functional equivalent of reactive attitudes like blame or anger (Björnsson & Hess, 2017). Or we may add the equivalent of emotions like regret (Shoemaker, 2019). Or we may add the ability to formulate Kantian maxims (Hess, 2018; MacArthur, 2019; cf. Wringer, 2014). This is because we can add increasingly complex structures inside the corporate agent. We can, in particular, assign tasks and offices which are such that corporate agent will approximate having a more complex psychology, closer to the one of the individual agents who make it up. This makes the corporate agent rather similar to ordinary agents, and hence – for many, here's the clincher – a moral agent susceptible to praise or blame.

Could our views become more ambitious still? There are two, interrelated, points where philosophers recently have appeared to start to go beyond even beefed-up functionalism. While most writers on the topic doubt that corporations can have phenomenal consciousness, some have recently started to question whether this is so, instead allowing that they do (Collins, 2022; Huebner, 2013; Kramer, 2021; Silver, 2019; Schwitzgebel, 2015). Sometimes for this – and sometimes for other – reasons, philosophers have also started to wonder whether corporations in fact might count as having the same status as moral patients as individuals (cf. Hasnas, 2018; Hess, 2018; Hindriks, 2014; Schwitzgebel, 2015; Silver, 2019). If they are moral patients, they have various

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<sup>3</sup> Strictly speaking, it should perhaps be called functionalist-interpretivist, because it seems possible to interpret it either as fully realist functionalism about mental states or as a form of Dennettian or Davidsonian interpretivist functionalism (though see Strohmaier, 2020 for critical discussion). I shall stick with calling it functionalist for now.

rights and we various duties towards them. Are these the same as those humans have? Or where does the buck stop?

## (2) *A Reductio*

There is a reason the last section started with French (1979). His early view, viz. that corporations should count as moral persons, was often faced with a *reductio* argument (Donaldson, 1982; Manning, 1984; 1988; Ranken, 1987). The worry was that moral patienthood might be too far-reaching, and in fact count against ambitious accounts of their ontology. We should not respect corporations too much.

In the recent literature, the *reductio* argument has not often been endorsed. Rather, it has often either been mentioned in passing or used as a foil against which ambitious accounts of the agency or status of corporate agents have been developed (cf. Hasnas, 2018; Hess, 2018; Hindriks, 2014; Schwitzgebel, 2015; Silver, 2019). However, a version of the *reductio* argument is a problem for recent ambitious accounts of corporate agency too. It is so in two ways. First, views that imply that corporations count as having the same kind of moral patienthood as standard agents like humans – such as Silver (2019) and Schwitzgebel (2015) – are false. Second, insofar as other views approximate these, the *reductio* sets a limit on how we may understand the agency of corporations. If they end up in a territory where they count as having the same status as standard agents, something has gone wrong.<sup>4</sup>

To be able to say that, we do however need an adequate formulation of the *reductio*. I shall attempt to develop one by engaging with some recent formulations. Let us start with Silver (2019):

Though we might take the result [that corporations have a status as important moral patients] as a *reductio* against the claim that corporations have agential capacities in the first place, in fact I think proponents of corporate agency should accept that corporations are both moral agents and moral patients. Crucial will be to recognize that corporations, as very different kinds of things, may not deserve or demand many of the rights that we hold dear (Silver, 2019, p. 254, his italics, my clarification)

Silver argues that corporate agents have a status as moral patients by emphasizing that corporations have, or at least that we lack reason to doubt that they have, several properties that often are taken to ground moral patienthood. I shall return to several of Silver's lines of argument below. But I want to start off by noting that he does not make the *reductio* very clear. "Though we might take the result as a *reductio* against the claim that corporations have agential capacities in the first place (...)"

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<sup>4</sup> I emphasize Silver and Schwitzgebel in the main text because it is fairly clear that they think this. It is less clear what others – including, in particular, functionalists who deny that corporations may have phenomenal consciousness – think. I leave it to the reader to situate their own views, or preferred interpretations of other views, in the literature.

is a throw-away line, and the argument could be developed in much greater detail. Moreover, his formulation seems to conflate the question of whether agents have agential capacities *simpliciter* with whether they count as moral agents. But it seems quite possible to have some agential capacities without being a moral agent. Cats are a familiar counterexample (Donaldson, 1982).

Could we articulate the *reductio* better? In recent work, where she primarily is concerned with establishing the extent to which corporations may qualify as Kantian moral agents, Kendy Hess has summarized the older *reductio* argument as follows (Hess, 2018, p. 320):

- (1) If corporations are moral agents then they must also be persons.
- (2) If corporations are persons then they are entitled to significant rights and protections, of the kind traditionally reserved for human beings.
- (3) This is an absurd outcome.
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- (C) Corporations are not moral agents.

It is true that defences of corporate moral status, as well as potential *reductio* arguments, often have been formulated in terms of personhood. This is no problem for Hess, however, for she distinguishes corporate agency from corporate personhood (Hess, 2013; cf. Manning, 1984; 1988). But there are two reasons for thinking that her formulation does not give us the strongest possible version of the argument.

First, this version invites metaphysical confusion because the notion of 'personhood' turns into a red herring. French initiated the debate by distinguishing between three kinds of personhood (French, 1979). There is *legal* personhood, which corporations famously are granted. But then there is *moral personhood*, which is to be such that one can be held morally responsible for one's actions, and *metaphysical personhood*, or the type of personhood which metaphysicians tend to debate. But, he also noted, how moral and metaphysical personhood should be understood or are related is quite unclear.

However, we ought to be interested in the question of whether corporations can be agents who may be moral agents or patients *whatever* we make of personhood. Regardless of how we conceptualize moral personhood, metaphysical personhood, or the relation between them, questions about the moral responsibilities and rights of corporations will remain. So even if we do not speak the language of personhood, an argument parallel to Hess' can easily be run against corporations as moral *agents*. Hence, we may cut out the middleperson.

The second reason that we may prefer to do without the notion of personhood is that it has become increasingly recognized that other entities than persons may have status as moral patients. On top of standard examples such as persons or sentient beings, ecosystems, creatures with ends which



plausibly are not persons (such as bacteria, *qua* features of ecosystems) and exceptional objects whether natural (such as the world's oldest tree) or cultural (such as Egyptian pyramids) are just some candidate entities for moral patienthood.

Hence, it seems to me extremely plausible that *standard agents* are moral patients, where a standard agent is an entity which has the same type of psychology and mental states as human beings, *whether or not* we count standard agents as persons.<sup>5</sup> The class of standard agents includes humans, but could also include non-human entities like higher animals, or all kinds of religious or fantasy or sci-fi entities (if they exist!). It is, intuitively, very plausible that these entities are due an important type of moral concern, regardless of which of them we consider to be persons. This need not be the *only* type of moral concern, but it is a type of moral concern nevertheless.

If there is a *reductio* lurking in the background, I rather suspect it should look like this:

- (1') If someone is a standard agent, we ought to treat them with an important type of moral concern.
- (2') We ought not treat corporations with that type of moral concern.
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- (C') Corporations are not standard agents.

*This* argument, I suspect, spells out a genuine worry for the picture of corporate agents which counts them as moral patients like standard agents outlined in section (1) above. It avoids the problems I raised for Silver's and Hess's formulations. *Contra* Silver, it is very explicit and aimed at a specific type of agents: standard agents. *Contra* Hess, it does not get bogged down in a notion of personhood yet still takes standard agents to be moral patients. But is it plausible?

One version of a *reductio* which fits this argument pattern has in fact recently been suggested by Hasnas (2018). Hasnas does not embrace it as a *reductio*, however: he argues conditionally that if there are corporate agents that function like they are supposed to according to one leading defender of an ambitious picture – Philip Pettit – then they ought to be given the right to vote via the all-affected-interests principle, which says (roughly) that everyone affected by a government's decisions ought to have a right to participate in that government. This, Hasnas thinks, could be either a *reductio* or an extension of our standard conception of a voter.

This argument is attractive but has several limitations. First, it is specifically aimed at Pettit's construal of ambitious corporate agency, rather than other ambitious ones. While Pettit's view is

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<sup>5</sup> Why do I speak of standard agents rather than agents *simpliciter*? The reason is that some philosophers ascribe agency very broadly, perhaps even to bacteria (Hyman, 2015). But that is too inclusive an account of agency for present purposes. Presumably no one thinks bacteria are moral agents, even though they may move purposefully.

important, philosophers will always quibble about the details.<sup>6</sup> Second, it relies on the all-affected-interest principle, which is plausible but also contestable. Third, it only discusses the right to vote rather than a broad range of common-sensical moral concerns. Taken together, they could generate a systematic challenge to ambitious accounts of corporate agency that entail that corporations have the same moral patienthood status as standard agents rather than a conditional argument that could end up counting against corporate agency or extend their powers further.

In the next two sections, I shall defend the redeveloped *reductio* while simultaneously broadening it beyond Hasnas' concerns. My version is aimed at the ambitious picture of corporate agents as standard agents, whatever one makes of the details. It relies on a range of moral intuitions from several philosophical perspectives, rather than the all-affected-interests principle. And I shall argue that the common-sensicality of the intuitions it features makes it more plausible than various metaphysical views about corporate agency.

### **(3) Premise (1')**

Again, premise (1') reads: 'If someone is a standard agent, we ought to treat them with an important type of moral concern.' I shall present three common-sensical moral intuitions to defend it, representing diverse theoretical background perspectives. The reader is free to pick and choose among them based on her preferred background approach to first-order ethics.<sup>7</sup>

First, we presumably ought to respect the autonomy of standard agents. This is a familiar Kantian thought. What exactly autonomy is or why it is important are vexed questions, but I shall assume that respecting the autonomy of standard moral agents will involve respecting the conditions under which they are able to govern themselves, not least in political contexts. For simplicity, I shall therefore primarily be concerned with political autonomy.

Second, standard agents are such that things can be good for or bad for the: in other words, some type of good-for, personal well-being, or welfare. Presumably, this also matters morally. Like autonomy, what their well-being consists of could be cashed out in several ways, but for simplicity I shall assume that it consists of the satisfaction of desires. This view is in line with the well-known desire-satisfaction theory of well-being.

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<sup>6</sup> On Pettit's picture, the agent faces normatively significant choices, has the capacity to judge right from wrong in the light of their evidence, and has relevant (self-)control. One might presumably disagree here or there.

<sup>7</sup> One reason it can be defended in so many ways is that the conditional in premise (1') does not say that it is *because* a standard agent is a standard agent that we ought to be morally concerned with them. Rather, their agency is likely to be a way to *indicate* that they have the relevant properties that make them matter morally. It need not be agency itself that grounds our moral concerns with agents, but standard agents nevertheless presumably instantiate the properties that make them such that we ought to care about them, whichever these are.



Of course, that is not the only theory of welfare available, but talking in terms of desire-satisfaction is helpful for two reasons. First, it serves as a proxy for other common theories. If welfare, for example, is happiness, desire satisfaction is likely conducive to welfare, for desire satisfaction is plausibly conducive to happiness. Or if welfare consists of an objective list of goods, then desire-satisfaction is likely to be on the list, and agents will commonly desire whatever else is on the list. Second, it is by far the easiest well-known theory to translate to the context of functionally understood corporations. It is unlikely that they could have the phenomenal experiences needed for pleasure or pain, and quite unclear what an objective list of welfare-making properties would be for them. But many think corporations have desires.

In addition to autonomy and welfare, I want to draw attention to a third moral consideration that matters for standard agents. They seem to be under a kind of protection of moral fairness according to which they ought not be treated excessively harshly, not least in the context of punishment. It seems wrong to punish an agent harsher than necessary for a moral wrong or a crime, whether or not that will affect their autonomy or welfare in the longer run. This is why, for example, imprisonment or corporal punishment for shoplifting seem egregious.

In summary, then, I presume that there are many ways in which we should be morally concerned with standard agents. These ways are likely to involve at least their autonomy, well-being, and treating them fairly (for example, by not punishing them excessively harshly). It may of course also include more, but I take the examples to be uncontroversial.

#### **(4) Premise (2')**

Now to premise (2'). It says that we need not treat corporations with the same type of moral concern as individuals. I shall defend it by arguing that there are several things we intuitively may do to corporations that we may not do to individuals in the dimensions of autonomy, well-being, or fair punishment. This generates the moral Moore shift, for I shall also argue that these intuitions are better justified than abstract metaphysical views.

First, there is political autonomy. I claimed that whatever autonomy is, it is plausible that respecting autonomy involves respecting the conditions under which agents are able to govern themselves, not least in political contexts. This will include agents' right of political association with others, their right to participate in public affairs, and their right to vote.<sup>8</sup> But we need not care about the autonomy of corporations in the same way as individuals' autonomy with respect to these rights.

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<sup>8</sup> As indicated above, see Hasnas (2018) for another discussion of the right to vote in the context of this *reductio* argument. But the right to vote has been at issue in this literature since the very beginning, e.g. in Donaldson (1982).

First, their right of association is more restricted than ours. While individuals are free to join any political party they would like, if corporations were allowed to do that, they, too, could join any party. But that right could easily be abused to artificially boost the member number or resources of a party. Relatedly, it is plausible that they ought not to have the right to participate in public affairs in the same ways as individuals – for example, by funding or engaging in political campaigns – or to have the right to vote. This would make them more powerful than they ought to be. I take it that these are pre-theoretical default intuitions regarding their political rights. It is usually scandalous when corporations try to intervene too much in real-life political processes.

Second, there is welfare. I have especially emphasized welfare understood in terms of desire-satisfaction. But if corporations have desires which are not reducible to those of their members, and hence have a kind of irreducible welfare, it is implausible that their welfare should matter as much as individuals' welfare. Consider:

*PRESIDENT.* There is a major wage dispute between a labour union and an employers' union, and you are the president in your country. The dispute has turned so ugly that it has ended up on your table. (Your country's legal system allows this after it has passed through several rounds of impasse.) The reason is that the labour union requires an immediate substantive wage increase of 5%, whereas the employers' union refuses to raise wages, as that would lower corporate investment.

Your advisors inform you that the increase in desire satisfaction that would be generated for the workers and the corporations would be equally high if either side were to win. Employees would be able to increase their standard of living, which they want to do, whereas corporations would be able to invest, which they want to do. The advisors also inform you that there are no important additional consequences to the decision: in the long(-ish) run, the corporations would remain equally profitable, GDP would not be affected, employment rates would stay at current levels, etc., so the choice ultimately comes down to whether you should satisfy the employees' or the corporations' desires, and *ipso facto* increase the welfare of one or the other. All else is equal between them. Would you decide that wages ought to be increased or that corporations should retain more of their earnings?

It should be obvious that the employees' desires matter more than the desires of the corporations here. Therefore, whatever the normative status of the satisfaction of corporate desires may be, it cannot be on a par with that of individuals.

Third and finally, I mentioned the unfairness of excessively harsh punishment. Notwithstanding its impact on autonomy or welfare, it seems beyond the pale to punish someone excessively for a minor misdeed. I used the example of shoplifting above, but we can raise the stakes to a case that better brings out the difference between individual and corporate agency. Imagine an individual

who emits an unusually high amount of greenhouse gases by driving an extremely gas-guzzling car and who is a vocal climate change denier. This person probably deserves some kind of moral sanction for that – for example, a reactive attitude like anger – but it seems far too harsh to kill or mutilate them because they have contributed more than their fair share of greenhouse gas emissions and spread misinformation about it.

However, there is no corporate analogue of this intuition. It seems quite appropriate to ban or severely restrict the power of an energy corporation – for example, a coal-based energy provider – which pollutes more than its fair share and spreads misinformation about the climate crisis. Even assuming that the corporation causes exactly the same amount of damage as the individual agent in the example above, it seems quite apt to have it shut down (killed) or split up into smaller sub-companies (mutilated), whereas such punishments seem excessively harsh for any human being.<sup>9</sup> As such, corporate agents may be punished much more harshly than individuals for analogous misdeeds.

Summing up the examples of autonomy, welfare, and fair punishment, we seem able to treat corporations very differently from individuals. They need not be granted rights that would guarantee their political autonomy, we need not be as concerned with their welfare as with the welfare of individuals, and we may punish them in ways that would seem excessively harsh applied to an individual. So they are unlikely to be standard agents. This is the moral Moore shift.

Now, a defender of corporate moral patienthood may think that this move begs the question against their metaphysics, much like how Moore's argument appears to beg the question against metaphysical anti-realists. Just saying that you see a hand in front of you does not commit you to interpreting your experience of the hand as the experience of an external world. And if corporations are agents, we ought to treat them better than I have indicated.

However, it is more plausible that we may limit corporate political autonomy, dismiss corporate welfare, and punish them harshly than that some metaphysical picture of their agency that puts them on par with individual agents is true. This is so for two reasons.

First, even the few intuitions I have emphasized cover several distinct aspects of morality, including both deontological notions (autonomy and fairness) and a more evaluative one (welfare). This indicates that regardless of how we understand morality, some of these intuitions are extremely likely to be captured by it. (In fact, because they are so uncontroversial, it is likely that they all will be.) This makes at least some of them analogous to moral data points that any theory ought to

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<sup>9</sup> See Manning (1988) for similar points about killing or dismembering corporations.

capture, whereas the account of corporate agency with which they stand in tension is easier to contest (cf. Rönnegard, 2015; Moen, 2023).

Second, the moral intuitions ought to be credited with additional confirmation weight because of how widely shared they are in our moral practices. Corporations are not usually allowed to be members of political parties, their abilities to express themselves politically and donate to political candidates are heavily contested, and they are not normally allowed to vote in general elections. Few care about the satisfaction of the desires of corporations – unlike the desires of individual humans or animals. And few worry about punishing corporations excessively, whereas killing or mutilating individuals for contributing to climate change seems beyond the pale. The fact that the intuitions are widely shared indicates that many already intuitively think that corporations lack the status of individual persons. This should increase our credence in the idea, in the same way as we ought to increase our credence in the existence of some perceptual phenomenon if it is perceived by many.<sup>10</sup>

In the light of these two points, the common sense Moorean intuitions weigh heavily against accounts of corporate agency that entail that they have the same moral patient status as standard agents. And it is not just different in the sense that they are different than standard agents but may be treated differently. Rather, they may be treated *worse*. This indicates that their moral status is intrinsically lower than that of standard agents.

I emphasize this because some philosophers have argued that because corporate agents are very different from individual agents, the way in which we ought to be morally concerned with them also differs (Silver, 2019; cf. Hess, 2018). Silver, in particular, emphasizes how (business) corporations might not value the sorts of things ordinary agents value, such as life and autonomy, but rather things like the security of their assets and their ability to return profits to shareholders. This means that even if corporations and individuals are due the same type of moral concern, it may *manifest* differently. But this cannot be right. We may treat corporations worse than individuals, so their moral status is lower than that of standard agents.

What it is for a treatment to be better or worse – and, *ipso facto*, for a moral status to be higher or lower – has to be settled by our moral intuitions about what is good or bad treatment of moral patients. Here, not having political autonomy, welfare taken into much consideration, and being punished unfairly (and excessively harshly) for transgression all seem rather bad. If someone lacks political autonomy, they can be repurposed and used at will without providing their own input into

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<sup>10</sup> Admittedly, our practices could be in principle wrong or biased against corporations, like writers like Hasnas and Silver sometimes suggest. But what is the reason for thinking that?

the decision-making. If someone's welfare does not count in contrast with someone else with whom they are otherwise equal, what is good-for them counts for less than those of others – so others may be prioritized over them in times of conflict. And if someone may be punished excessively harshly, we need not treat them with the fairness with which we need to treat standard agents. This is not just *different* treatment from what standard agents are due. It is worse.

Now, one may still think there is a sense in which some moral patients may count as equal with others without being treated equally. Perhaps children lack the right to vote in virtue of their immaturity, or the rich ought to be prioritized less than the in a just distribution of resources precisely because they are richer. But then there is some relevant property that these moral patients have that justifies their being treated differently: children are less mature than adult voters, and the rich are richer than the poor. When they instead acquire the relevant properties, the concern they are due will also increase: when children grow up, they will acquire the right to vote, and when the poor are better off, the (previously?) rich may become comparatively speaking more deserving of more resources even on egalitarian accounts of distributive justice.

By contrast, the corporations I have been considering are in relevant respects identical to those of standard agents. I have assumed that all else is equal between them: I have not highlighted any differences between corporate and individual agents that justify not considering their political autonomy, welfare, or fairness in punishment. But it still seems legitimate to treat corporations worse than ordinary agents. Treating them as autonomous would grant them too much power, treating their welfare as equally important as human seems preposterous, and punishing them unfairly harshly seems ok. Because we may do so when all else is equal with respect to their autonomy-, welfare-, and punishment-grounding properties, they seem to have lower status than standard agents, rather than a similar status that manifests differently.

I shall turn to what the explanation for that may be in the next section. For now, let us take some stock. (2') seems true. So (C') follows. We need not treat corporations with the type of concern with which we ought to treat standard agents: we may treat them worse. Hence, their moral status is lower than that of standard agents. And they are not agents in, at least, the way that standard agents are. Hence, views that entail that they are such agents are false, and ambitious views of corporate agency in general ought not to be formulated so that they have these implications. However, I have not argued that corporations are not *any* kind of agents or do not have *any* kind of moral status. Their status is, rather, lower than that of *standard* agents with *standard* moral status. So what are they?

## (5) Diagnosis: Corporations are Zombies

In this section, I shall suggest a diagnosis. It is based on the common suspicion that corporations lack qualia. Therefore, I shall argue, they are zombie agents – and not real agents. I shall defend this diagnosis by first presenting the core intuition and then responding to some potential objections. The diagnosis serves two purposes: it lends some additional credence to the *reductio* argument by indicating why philosophers have gone wrong, and it serves as a way forward because it paves the way for the explanation of a symmetry: it is because corporations lack qualia that they *both* fail to be standard agents and fail to be due the same type of concern as standard agents.

But first things first. After the *reductio* argument, it may seem surprising that I am happy to agree that the functionalistically understood beliefs, desires, and internal points of view that are part of the ambitious picture of corporate agency in fact capture the rudiments of an important form of agency – and the more complex functions one adds to it, the more sophisticated it gets. But this is not enough for real agency. Even according to most defenders of ambitious accounts of corporate agency, corporations appear to lack mental states with a qualitative character, or qualia (cf. Hess, 2018; Huebner, 2013; List, 2016, and references therein). Simultaneously, a plethora of writers have convincingly argued that the possibility of being phenomenally experienced is a necessary feature of mental states.<sup>11</sup> This does not mean that it is necessary that all mental states actually be experienced – some could be unconscious – but it should still be *possible* to experience them. But I also argued that standard agents have the same constituent features as human agents. It follows that corporations cannot be standard agents. They do not have mental states.<sup>12</sup>

Furthermore, I take it that one lesson of the famous zombie argument is that it is conceivable that an entity can have the functional equivalent of mental states without actually having mental states. That is what makes it a philosophical zombie.<sup>13</sup> And that is, I suspect, *exactly* how corporations function. We may well interpret corporations as having functionalistic mental states. But interpretation is not necessarily a guide to reality: in this case, our being able to interpret corporations as having mental states does not entail that they have them. Hence, corporations are better thought of as zombies that mimic standard agents than as real agents. Real agents may

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<sup>11</sup> I will not rehearse the arguments here, but I find Nagel's (1974) phenomenological observations the most compelling.

<sup>12</sup> I do not pretend that this view is novel: it has been defended by writers such as Searle (1990) and more recently Baddorf (2017). What matters for my purposes is that it can be put to normative use.

<sup>13</sup> The zombie argument, popularized by Chalmers (1996), is fundamentally the point that it is conceivable and possible that an entity (a 'philosophical zombie', or just 'zombie' for short) has exactly the same physical properties as people while lacking phenomenal consciousness or qualia. Hence, consciousness does not reduce to the physical. I take one interpretation of functionalistic mental states – e.g. states characterized in terms of their relations to input, output, and other states – to be compatible with such physicalism, but that variety of functionalism will not capture real mental states.



experience their mental states, but corporations may not, so corporations do not actually have mental states. It just looks like they do.

Insofar as we embrace a conception of agency that counts zombies as standard agents, which functionalists and interpretivists do, it is easy to see how we may have been inclined to mistake zombies in general and corporations in particular for standard agents. Because they mimic standard agents, they look a lot like them from the outside. The background error in the literature, then, has been to start off from a wide conception of agency which does not distinguish between entities with mental states and those who only mimic having mental states. French committed the error in his early work, and since then approaches to the mental that do not account for qualia have remained popular in the social ontology literature (French, 1979; cf. List & Pettit, 2011; Tollefsen, 2015). This means that the literature systematically has missed out on the importance of qualia, despite the fact that it has been increasingly recognized elsewhere.

Or has the literature really missed the point? Might there be some reason to think that corporations are *not* zombies, in the sense that they, themselves, can experience their mental states? Schwitzgebel (2015) and Silver (2019) suggest this explicitly. A number of other authors suggest that corporations may have phenomenal states that are experienced via their members (Collins, 2022; Schimd, 2014; Tuomela, 2006). And List (2017) and Huebner (2013) deny that corporations actually have phenomenal consciousness yet remain open to that possibility if corporations were to exhibit sufficient complexity. I shall bolster my diagnosis by replying to these views in turn, starting with Schwitzgebel's.

Schwitzgebel argues that if materialism is true, corporate entities are also likely to be conscious. He characterizes materialism broadly as the view that a phenomenology depends on how someone is materially organized. Then he argues that that entails that corporate agents organized in the right way have phenomenal consciousness.

However, this argument at most tells us something about how hard the hard problem of consciousness is. It is quite unclear how our constituent parts make us conscious, but it seems to be a datum that we are phenomenally conscious and are that at least in part in virtue of how we are organized. To that we may then add the received view: it seems extremely unlikely that corporations are phenomenally conscious, even though they are constituted much like us according to standard materialist theories of the mind. This makes the problem even harder to solve: why do we, unlike them, seem to be conscious? But the complexity of the problem does not indicate that corporations in fact are phenomenally conscious. It is, perhaps, rather a theory that predicts that they would be that has to go.

Silver (2019) instead suggests that corporations seem to approximate standard agents in so many ways – for example, via their rather complex psychologies – that we seem to run into the problem of other minds with respect to them. But because they simultaneously are very different from us, we are unlikely to be good at imagining whether they are conscious, and quite possibly even biased against them. However, because the moral stakes are high, we should be open to the possibility that they actually have phenomenal consciousness.

But the moral stakes consideration cuts both ways. Taking corporations to be agents with mental states – and *ipso facto* the moral status of standard agents – is likely to be very risky too. Corporations who are due moral concern with respect to, for example, their autonomy, welfare and fair punishment are likely to hurt us, other conscious agents like animals, or the planet in many ways. After all, corporations do not have a great track record.

We must then return to the dialectical drawing board of wondering whether corporations are likely to have phenomenal consciousness. As risks go both ways, we may want to consider this question without invoking moral concerns in favour of or against them. And then I presume that the fact that they are very different from us in fact is evidence that it is unlikely that they are agents with minds rather than evidence of our limitations. Analogy: one reason we do not ordinarily think rocks have qualia is that they are very (very, very) different from us. Why would this be evidence of our epistemic limitations or biases rather than of how the world works?

One way to make corporate phenomenology more intelligible is by suggesting that it is experienced by the members of the corporate agent, but still such that it belongs to the corporate entity. The members are the *loci* of the group experiences: they could experience things as pluralities, in the we-mode, or as members of groups taking up the group's point of view (Collins, 2022; Schmid, 2014; Tuomela, 2006). However, in these cases the collectives are not conscious in the right way: it is still their *members* who fundamentally have conscious experiences. It is therefore hard to see how the corporate entities by themselves are conscious. Or so Collins (2022) convincingly argues regarding Schmid's and Tuomela's views.

Yet she also thinks her position differs. On her view, corporate agents are self-aware in the sense that they may experience moral emotions and their associated qualia, even though these are experienced through the members. Such experiences are certainly not the experiences of standard agents, but they are still experiences. However, the third contrast between corporate agents and standard ones in the *reductio* argument above makes this view implausible. If corporations experience moral emotions through standard agents – for example, fear of punishment, or

humiliation, shame, or guilt in response to punishment – these are experienced by humans in much the same way as standard human emotions. Then they should plausibly matter as much morally as the emotions of real humans. Yet they do not. Hurting corporations excessively by punishing them excessively harshly is not an issue of moral concern, as the acceptability of such punishment makes clear. But *because* this is acceptable, it is implausible to think that corporations experience emotions in the first place.

The final position to consider is that of List (2018) and Huebner (2013). They do not think that extant corporate agents have qualia, but they both distinguish between any possible corporate entities and those that currently exist. Taking phenomenal consciousness to be potentially explained by the level of computational power exhibited by some system, they both believe that it is possible for the former to have phenomenal consciousness in principle but deny that extant corporations have it. Huebner writes:

The collectivities in our world (...) are unlikely to be organized in a way that yields subjective experience, and it is even less likely that they will be organized in a way that respects (...) fine-grained similarities between collectivities and typical people. I would not be at all surprised to learn that subjective experience presupposes more computational or physical unity than we will ever find in an actual collectivity; perhaps subjective experience even requires high-bandwidth connections that cannot be realized interpersonally without enormous technological innovation. (Huebner, 2013, p. 112, my abbreviations)

In fact, I suspect we should say something even stronger than this. Because corporate agents with qualia seem to run afoul of our Moorean moral intuitions, we have pre-theoretical reason to think that we will not find any cognitive scientific theory according to which they have that. We should be sceptical of such theories: they would run too far afoul of data that are part of the manifest image of our world. While one might think that it is in principle possible for cognitive scientific theories to entail that corporations are conscious, that is data that a full account of how the world works should accommodate, too. A view that does not seems to go wrong in the first place.

Summing up, my diagnosis is that corporations do not appear to be standard agents. Standard agents have the type of psychology humans do, but corporations do not. They lack qualia, and – unlike functionalists – I think this yields the stronger conclusion that they lack mental states altogether. What is the normative upshot?

## **(6) Qualia, Notability, and Respect**

There is a symmetry between the way in which corporations fail to have the status of moral patients that standard agents have, as per the Moorean intuitions in the *reductio*, and the way in which they

fail to be standard agents. Corporations are not due the type of moral concern which standard agents are due, and corporations are not standard agents because they lack qualia. This suggests that it is because corporations lack qualia that they fail to be standard agents *and* fail to be due the type of moral concern that ordinary agents are due. It is extremely attractive to think that their lacking qualia does both metaphysical and normative work. It explains both points at once.

It is hard to see what other explanation would do the same work. As I hinted at in section 2 above, in addition to phenomenal consciousness, a vast number of properties that have been taken to explain why an entity would have status as a moral patient. Just Silver considers the following alternatives (2019, pp. 255-263). Having ends or goals, in the sense of having a good for oneself. Being a member of an appropriate holistic system, such as an eco-system. Having appropriate intellectual abilities, such as those constitutive of Kantian autonomy. The ability to care, including having the right type of emotions for that. Being sentient, in the sense of being the subject of pleasure or pain. To these we may add further criteria still, such as personhood or being a valuable object (whether natural or cultural – remember the world's oldest trees and the pyramids).

It is very plausible that some of these properties at least sometimes could explain the moral status of various entities. For present purposes, we need not take a stand on which properties do which work. But qualia stand out in contrast with the others. It seems quite possible to have the other properties – or, in the case of the more complex mentalistic ones such as intellectual abilities, emotions or sentience, functional analogues that can perform the same roles as real intellectual abilities, emotions, or sentience, whether or not they are experienced (cf. Björnsson & Hess, 2017; List & Pettit, 2011). So corporations appear able to have them, or functional analogues thereof, despite not having the same status as moral patients as standard agents.<sup>14</sup> This indicates that qualia, which they lack, explain both why they are not standard agents and lack the status of moral patients that standard agents have. They are the difference-maker.

Care must be taken to outline *what* difference phenomenal consciousness makes, however. When Silver introduces his discussion corporate moral status, he asks: 'Are they also deserving of respect? Do they have a moral status beyond their instrumental value to us?' (Silver, 2019, p. 254). But these are separate questions. While it is possible – though by no means certain – that corporations have a moral status beyond their instrumental value to us, they are nevertheless not deserving of respect.

Return to the symmetry: it is because corporations lack qualia that they fail to be standard agents and because they lack qualia that they do not have a respect-grounding kind of moral status. There

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<sup>14</sup> Of course, in the zombie case, the functional analogues of intellectual abilities, emotions, and sensations would not be real versions of these states. They would be zombie abilities, emotions, or sensations.

are two possible explanations of this. One straightforward way to develop the qualia explanation of the symmetry would be to say that because corporations lack qualia, they are not moral patients at all. This seems *prima facie* intuitive enough, but it is also a strong commitment. It may well be the case that at least some corporate entities have a status as moral patients independently of that: while not all need to be, it is conceivable that some can be. For example, in virtue of having ends, being part of ecosystems, or being important natural or cultural objects (such as the world's oldest tree or the pyramids). Perhaps a corporation like IKEA is analogous to a Swedish pyramid?

However, to understand the moral status they plausibly may have, we must draw a distinction. It is a distinction between having the moral status of *respectability* and the moral status of *notability*. The moral status of respectability does not afford us leeway to treat someone differently in virtue of our interests (in morally charged situations): we must take someone or something which is morally respectable into consideration in a way where their moral patienthood constrains how our interests may affect them, such as by respecting their rights or welfare. I suspect most discussions of moral status concern respectability.

However, someone or something may still be *notable* as a moral patient if the way in which we take note of them depends on our interests rather than gets constrained by their status. This is compatible with treating something very poorly indeed. Perhaps it is in our interest to destroy something and at best commemorate it in museums. For example, we could maybe do that to a species of bacteria which is part of an ecosystem we ought to preserve, but which risks evolving into becoming dangerous for humans and can be replaced in that ecosystem with a less risky species. Or we could do it to cultural artefacts ranging from the dangerous such as nuclear bombs to the pointless such as used crisp bags, or we could see a firm which produces toothpaste that tastes so bad that it gets outcompeted go under. All that is compatible with their having *some* level of status as moral patients. It is just that we have to notice it, but we have leeway to determine how to do that in virtue of our interests. Hence, notability does not reduce to respectability. It is intrinsically lower than that, as we may disrespect bacteria, nuclear bombs, used crisp bags or outcompeted firms by destroying them or letting them go under in virtue of human interests.<sup>15</sup> Even so, all this is still compatible with treating them as, in some sense, notable.

With the distinction between moral respectability and notability available, we may clarify the nature of the moral status of corporations. I argued in the *reductio* that we may treat corporate agents systematically worse than standard agents: lacking political autonomy, they can be repurposed and

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<sup>15</sup> A potential concern: it might be insisted that my notability is a very unfamiliar form of respectability, but still a form of respectability. It is hard for me to see how destroying something or letting it go under involves respect, but even if it is, my substantive point is conceded: it seems like a *lower* form of respectability than standard respectability.

used at will, lacking welfare that counts for much when compared with others, they may be deprioritized, and being able to be punished excessively harshly, we do not seem to have to treat them fairly. Plausibly, it is their lacking phenomenal consciousness which make things like autonomy, welfare, and fair punishment seem less important to corporations, for they will not experience how they are treated in any of these dimensions. The explanation for why we may treat corporations worse than standard agents, then, is that whatever moral status they have does not require us to respect them. Instead, insofar as they have any status as moral patients, we have leeway to treat them worse than us as they do not experience the treatment. It is therefore tempting to think that they may be notable, but not respectable. Therefore, they have lower moral status than standard agents, who are deserving of respect.

The view that corporations are morally notable rather than respectable need not be terribly revisionary. Silver writes: 'If corporations can be shown to be deserving of *any distinct moral consideration whatsoever*, this will be a tremendous departure from orthodoxy' (p. 256, his emphasis). It is true that many philosophers have not considered moral patiency as notability, and in that sense the number of entities that count as moral patients may be greater on my view than in most discussions.<sup>16</sup> But the view is not revisionary in the sense of diverging too far from our practices. If some of the above-mentioned candidate properties for grounding moral patiency in fact sometimes do ground moral patiency, then moral patiency in the sense of deserving moral consideration, in *some* sense, comes for cheap. We sometimes do seem to care about whether someone or something has ends, is part of an eco-system, or is an important natural or cultural object. This increases the number of entities that have moral status from standard agents – but the properties in question also do not always seem to ground anything like the moral status of standard agents. We are likely to be allowed to treat them in a way which turns on our interests, rather than respect them.<sup>17</sup> That gives them a significantly lower status than standard agents.

A plausible position about the moral patienthood of corporations is then this: the fact that corporate agents are zombies transforms what matters morally about them, even if they are due some type of moral concern. After all, I have not argued that they are not due *any* type of moral concern. But they are due a lower type of concern than standard agents. Corporate agents are, plausibly, notable rather than respectable.

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<sup>16</sup> But see Smith (2018) for the view that corporations are due *something* as moral patients, but probably less than people.

<sup>17</sup> Of course, this is not to say that we may treat all parts of ecosystems or all valuable objects as notable rather than respectable. It is plausible that animals, for example, are parts of ecosystems and *also* have some other status-grounding property, such as qualia, which in turn indicates that they are respectable: this might be the difference between how we may treat wild animals and the average tree in a forest. But corporations lack qualia.



Of course, some may still object that the distinction between notability and respectability does not work, and that all moral status involves respectability. Perhaps the distinction comes off as *ad hoc*. I am open to this possibility, but if that is the case, we may want to revert to the former possibility: because corporations have lower moral status than standard agents, if moral patiency necessarily involves respectability, they plausibly lack any moral status at all.

Regardless, lacking qualia, corporations either lack any kind of moral status, or – more plausibly – they are notable rather than respectable. We have leeway to treat them poorly, in the light of our interests. Hence, they are at most due a lower type of moral concern than standard agents. Where does this take us?

### **(7) Moral Agents, Moral Patients, and Instrumental Concerns**

The debate about corporate agency has not just been concerned with whether corporations are agents of the kind I have called ‘standard agents’ or with their status as moral patients. It has been concerned with their *moral agency*, or with whether they have the type of agency which is susceptible to praise or blame. In this final section, I hope to show how their potential for being treated as moral agents who can be praised or blamed links up with how we may want to treat them as moral patients, in spite of their not being real agents and the low normative status they have as notable rather than respectable. I shall outline below how we have good instrumental reasons to include them in our moral practices, both as agents and patients. In fact, beyond its instrumental benefits, this instrumental justification is likely to vindicate our moral judgements about their fragmented status as moral patients (cf. Lovett & Riedener, 2021). We may treat them as moral patients when nothing great is at risk, but not when more serious moral concerns, such as those captured by the Moorean intuitions in the *reductio*, are at stake. In virtue of these concerns, we can see how agency, moral agency, and moral patienthood should be disentangled.

Let us start with moral agency. I assume that, ordinarily, a moral agent is praise- or blameworthy in a backward-looking manner.<sup>18</sup> In virtue of doing something right or wrong, in the right way – for example, with adequate control and knowledge of what they do – an agent may be praised or blamed. Agents that lack requisite control and knowledge are therefore off the hook. But we may nevertheless ‘bluffingly’ moralize about, and to, such agents.<sup>19</sup> For example, teaching children what to do, we may say to them that they are responsible for their actions, even though we know that they sometimes lack adequate control or knowledge. A child may be bluffingly blamed for eating a

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<sup>18</sup> While it has competitors, this appears to be the received view about responsibility in the literature. For an application in the context of corporate agents, see Baddorf (2017).

<sup>19</sup> The terminology of bluffing comes from Williams (1979). For him, it relates to agents’ internal reasons, but I use it as in the main text.

piece of candy they cannot resist, or for hurting someone by saying something too honest because they would not be expected to realize the hurtfulness of honesty. We do this for forward-looking reasons: it may improve their actions in the future.

Now, my arguments about the low moral status of corporations leave the status of corporations as moral agents mostly untouched. Many writers suggest that corporations may approximate standard moral agents with moral status, in various ways, even though they lack qualia. Perhaps they are able to act like Kantian moral agents (Hess, 2018; MacArthur, 2019; Wringer, 2014), or perhaps they can have functional analogues of whichever abilities are necessary for moral responsibility (Björnsson & Hess, 2017; Shoemaker, 2019). This would make them apt for praise and blame, even though they are not standard agents or respectable moral patients. Both the *reductio* and the diagnosis are orthogonal in relation to these abilities.

However, corporations do not have such abilities by metaphysical necessity – and, in reality, may well lack them. Whatever bells and whistles are needed for having maxims that pass the categorical imperative test or being an agent we may aptly praise or blame, it is in no way necessary that actually existing corporations have *those* (Haney, 2004; McKenna, 2006; Shoemaker, 2019). The abilities to form maxims tested by the categorical imperative or having the functional equivalents of various reactive attitudes do not follow from the *HTM*-like structure of typical functionalist-style corporate agents. Additional abilities are needed for that. Hence, it is unlikely that we always will be positioned to praise or blame them. They may lack control or knowledge.

Nevertheless, corporations do of course often do things that affect our interests. They can do a lot of good and ill, both morally and prudentially (cf. O'Neill, 2001). This opens the door for familiar instrumentalist ideas about how we may treat them. We may want to hold them accountable, assign benefits and burdens to them, and even hold them morally responsible *despite* the fact that they may lack relevant abilities (McKenna, 2006; cf. Haney, 2004). In other words, we may bluff when it comes to how we moralize with respect to them.

This is because we may *develop* the moral status of corporations into something stronger, both on the agent- and patient sides, when we bluffingly include them in our practices, analogously with how we may want a child to learn. Yet on both sides, even though we may bluff, we seem to both take intrinsic interest in involving them in our practices and be concerned with doing so because of its effects. As such, we have good reasons to incorporate them in our practices.

On the agent side, corporations can serve as moral pressure valves. We 'blame' and 'praise' all kinds of things even though that strictly speaking may not be warranted: we blame tables if we snub our

toes on them. It is therefore unsurprising that we are likely to want to express our feelings about powerful corporations. Furthermore, blaming or praising corporate agents may have important side-effects. Individuals in important decision-making positions within or regarding them may well react to positive or negative criticism aimed at the corporations, leading them to correct the behaviour of the corporations.

In fact, depending on which criteria we deem appropriate for taking someone to be a moral agent, if we express our feelings in the right ways – for example, with appropriate strength and with appropriate demands – it even seems possible to instigate reforms to make corporations approximate *bona fide* moral agents. Assume, for example, that the ability to have the functional equivalent of reactive attitudes like regret or guilt is necessary for moral agency, such emotions involve reflecting on and correcting past actions one has performed, but a corporation lacks appropriate internal offices to start to reflect on its actions when it has done poorly. Then the members who make up a corporation that we moralize about enough may acquire incentives to develop such offices. It would still not be a real agent, but it would have powers that mimic those of a *bona fide* moral agent. That is quite something.

In fact, it is even a theoretical possibility that a corporation which does that can bootstrap itself into a moral status where it is due an increased amount of moral *patienthood* in virtue of its moral quasi-agency, despite not being able to have qualia. I have only argued that they lack status as respectable moral patients, not as notable ones, and at least some corporations may still have some status as moral patients, perhaps as culturally important artefacts. Again, maybe that is what IKEA has and is. Such corporations may still be incorporated in our practices in various ways, depending on what we want them to do. For example, on the low end, they may be represented in museums if we deem them worthy of remembrance, but we may also want to preserve them as reliable institutions just because they are that – and if they are sophisticated enough to approximate real moral agency, we may want to preserve and have them operate in the future, as corporations that approximate real moral agency are likely to behave better than those that do not.

As such, it makes sense to treat at least some corporations as being valuable and due for preservation. This could be *qua* notable rather than respectable moral patients – or with the deliberate bluffing aim of treating them as respectable, even though they are not. Either way, as a side-effect, the members who make up the corporation can establish trust and expectations of goodwill with the community around them. If people support corporate entities, for example by attempting to pay a fair price for goods offered or by paying bills on time, they are likely to start to expect that too.

Nevertheless, approaching corporations with moral concerns in ways like these is contingent on our interests. It makes sense to say that we ought to repay our debts to corporations or hold reactive attitudes towards them. But when it comes to more serious moral matters, such as the Moorean intuitions that I have been using to argue that corporations are not standard agents, we will want to prioritize ourselves more. If we take corporate agents to be respectable enough for political autonomy, welfare, or fair punishment, we have granted them too high a status as moral patients.<sup>20</sup>

With instrumental concerns in mind, we may then explain both our intuitions about how we may want to incorporate corporations in our moral practices as agents and patients, but simultaneously do not want to assign them too high a moral status, as the Moorean moral intuitions indicate. Corporations are not standard agents and not respectable moral patients because they lack qualia. But for instrumental reasons, we may want to treat them as moral agents and respectable moral patients: perhaps even to the extent that they begin to mimic real moral agents.

We have now disentangled the relation between corporate agency, moral agency, and moral patienthood. A benefit of this view can be seen when it is contrasted with a recent suggestion from Lovett & Riedener (2021). I agree with them that corporations appear to have a fragmented moral status – they are due some moral concern, but not at all as much as standard agents. However, they explain what we owe to corporations by appealing to the fact that they have an important kind of value. This value comes from the interest we humans have in engaging in group agency: Lovett & Riedener take this to be a particularly excellent kind of agency because it can perform more complex and sophisticated actions than individuals, which is valuable in itself.

However, I fail to see why performing complex and sophisticated actions would be intrinsically valuable. Less is often more. Presumably, what value different kinds of agency have for us will depend on something else than their complexity and sophistication. (It is tempting to think that human interests decide this too.) However, appealing to the instrumentalist concerns I have emphasized, we can however say this: sometimes, we moralize by bluffing to keep corporations in line. But when things get real, the Moorean intuitions about their lower status kick in.

## **(8) Conclusion**

In this paper, I have discussed the question of what the relation may be between corporate agency, moral agency, and moral patienthood. I have argued that in virtue of a Moorean *reductio*, we ought

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<sup>20</sup> While my aim primarily has been to disentangle agency, moral agency, and moral patienthood theoretically, it is noteworthy that this also means that my view differs from those of authors like Silver, who think corporations deserve respect, in practical terms. There is no reason to protect a corporation's rights morally or in legislation for the sake of respecting them: we may always prioritize human interests above theirs.

not think of corporate agents as standard agents. Diagnosis: this is because they lack qualia. However, their lacking qualia also explains why they may be notable moral patients without being respectable ones. On this view, we have instrumental reasons to include them in our moral practices to some extent anyway, both in virtue of their notability and bluffingly, and both when it comes to treating them as moral agents and patients. In the case of moral agency, incorporating them in our practices may make them acquire functions whereby they approximate real moral agents. In the case of moral patienthood, treating them as respectable rather than notable may achieve similar goals. This explains their fragmented status: sometimes, they appear to be due some more moral concern, but that concern is not the same as the one standard agents are due.

To make my case, I started in section (1) by outlining recently popular and increasingly ambitious conceptions of corporate agency. In section (2), I redeveloped a *reductio* argument against the most ambitious ones. In sections (3) and (4), I defended its two main premises. In section (5), I diagnosed corporate agents with lacking qualia, and in section (6), I argued that we can explain both why they are not standard agents and not typical moral patients by how they lack qualia. Hence, corporate agents are at best notable as moral patients, not respectable. In section (7), I did however argue that it is likely to be in human interests to sometimes treat them as appearing to be more than that.

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