Journal of Ethics and Social Philosophy
VOL. 29, NO. 1 · NOVEMBER 2024
https://doi.org/10.26556/jesp.v29i1.3449

KANTIAN FREE RIDING

Jan Willem Wieland

IMAGINE that pollution from boats fishing a local lake has become serious enough to affect the catch. One thousand fishers agree to do their part in cleaning the lake in order to save their livelihood.[1] As one of the fishers, I reason as follows:

> Either enough others do their part, or too many others do not. On the one hand, if enough others do their part, the lake will be sufficiently clean for the fish, and I do not need to contribute my bit. On the other hand, if too many others do not do their part, the fish population will die anyway, and doing my bit will again be a mere waste. Either way, it is better for me to do nothing.

The same reasoning, however, holds for any of the others, and if too many people act in this way, the fish will die, and we all lose our jobs. Importantly, I *do* care about collective success: a clean lake and a healthy fish population. After all, my livelihood depends on it. It is just that collective success depends on whether *enough* people are prepared to spend their time cleaning the lake, not on whether *I* do so.

This scenario relies on an assumption that the group is of such a size that one person's contribution will not make any relevant difference.[2] Of course, I can make *a* difference. If I remove some pieces of plastic from the lake, I might save one fish. Yet what we are concerned about here is the fish population as a whole and whether it is healthy enough to reproduce so that all fishers—including me—can make a living. The assumption is that no single person's contribution makes a difference to *that*.

But even though I care about collective success, I also want to avoid unnecessary costs. It is not that I really want to free ride on others and only want to defect in secret when enough others cooperate. I just do not want to waste my time and energy. In light of this, the question is: *Why cooperate*?

1 This case is adapted from Cullity, "Moral Free Riding," 11.

2 See, e.g., Parfit, *Reasons and Persons*, ch. 3.

Table 1. Social Dilemmas

	Enough others cooperate	Too many others defect
I cooperate	Collective success + cooperation costs	Collective failure + cooperation costs
I defect	Collective success	Collective failure

Dilemmas with the structure presented in table 1 are called *social dilemmas*. In the literature, we find at least two prominent types of replies to why one should cooperate in these dilemmas.[3] Consequentialists point out that this presentation of the decision situation is incomplete: there is still a chance, however small, that defecting will make a difference to collective success, and we should not run this risk.[4] Others have suggested that even when the chance of making a difference to collective success is too small or entirely absent, one may still help or play an instrumental or causal role in bringing it about.[5]

In this paper, I follow a diametrically opposed approach by assuming that there can be reasons to cooperate even in the absence of instrumental considerations. That is, even when one's cooperation has zero impact and fails to make any relevant instrumental contribution (e.g., in cases that involve simply too many parties or where enough parties are already cooperating and thereby guaranteeing collective success), defecting may still be problematic because it is unfair and not *universalizable*.[6] Simply put, defecting lets others do the work and "makes an exception of oneself."

This paper will contrast two opposite elaborations of this basic idea. On the one hand, there is an *others-based sense* of making an exception of oneself: others who cooperate prefer not to pay the cooperation costs but do not act on that preference; if *you* do act on it, you make an exception of yourself in this first sense. On the other hand, there is an *agent-based sense*: the agent who defects prefers others to cooperate and in this way makes an exception of herself. In the following, I explore this second interpretation, which is Kantian in nature and focused on the agent's mindset.

3 For an overview, see Nefsky, "Collective Harm and the Inefficacy Problem."

4 See, e.g., Kagan, "Do I Make a Difference?"; and Hedden, "Consequentialism and Collective Action."

5 See, e.g., Braham and van Hees, "An Anatomy of Moral Responsibility"; Nefsky, "How You Can Help"; and Gunnemyr and Touborg, "Reasons for Action."

6 Lomasky and Brennan suggest that what matters is unfairness, not universalizability ("Is There a Duty to Vote?" 77). In a sense, I agree. What matters is unfairness, though the Kantian test—as I take it—offers a particular interpretation of this notion.

The ambition is to defend this approach against one key problem—namely, how it can distinguish unfair free riding from innocent coordination.[7] In response to this problem, I will argue that what goes wrong in free riding cases is that agents fail to make their conduct conditional on other people's preferences. In innocent coordination cases, basically, people care about what others prefer (e.g., to play tennis now or later) and let their conduct depend on this. In unfair free riding cases, in contrast, people are indifferent to what others prefer. They defect (e.g., fail to do their part in the cleaning of the lake) regardless of whether others prefer to defect too. Only the latter, I propose, fails the Kantian test.

I start by explaining the Kantian test that I employ, as well as the problem with it (section 1). Next, I look critically at existing proposals to solve this problem (section 2). Finally, I set forth a new account (sections 3 to 5). Importantly, my aims are systematic rather than interpretative. That is, I propose a novel way to distinguish free riding from coordination, but the proposal is not intended to originate in any way in Kant's own writings (though some of the authors I discuss do have this different focus).

1. THE KANTIAN TEST

Why is it problematic to make a false promise—lie that one will pay one's debts later—as a means to get money? Korsgaard's classic analysis is this.[8] Imagine a world where making a false promise is the standard means to get money, and ask whether one can still achieve one's purpose (here, getting money) by taking the given means (here, lying) in that hypothetical world. This is not the case: in a world where everyone makes false promises, no one would believe them, and therefore one would not be able to obtain any money in this way. The Kantian test, schematically, is:

1. *Maxim*: "To achieve purpose *P*, I will do action *A*."
2. *Universalization*: Imagine that *A* is the standard procedure for achieving *P*, i.e., all who pursue *P* do *A* as a means to this end.
3. *Test*: In this world, can I still achieve *P* by doing *A*? If not, I run into a *practical contradiction*.[9]

7 In this paper, I use the term 'free riding' broadly: it covers not only not paying for public, nonexcludable goods but defecting more generally, including the case of enslaving others. Pettit labels the latter "foul dealing" ("Free Riding and Foul Dealing").

8 Korsgaard, "Kant's Formula of Universal Law."

9 This is Korsgaard's account of the formula of universal law, in particular of the "contradiction in conception" test. I do not have the space to address alternative interpretations. For the purposes of this paper, what matters is this overall agent-based diagnosis of making an exception of oneself, as contrasted to the others-based diagnosis that I will discuss later.

This test offers a powerful analysis of numerous cases. For example, slavery is morally problematic because in a hypothetical world where everyone keeps slaves, you are enslaved yourself and cannot avoid working. Why is this problematic? The deeper diagnosis is this: if you run into a practical contradiction, you are making an exception of yourself and assume that others will act differently—for example, that they will not keep *you* as a slave. Similarly, if you want to free ride in a social dilemma, you are assuming that enough others will *not* free ride (i.e., in order to be able to free ride on something in the first place), and in this way you are assuming that you are more important than they are. That is what is morally problematic.

The Kantian test offers a straightforward analysis of our social dilemma. I will not do my part in cleaning the lake because I want to enjoy my life and spend my time on things I like better than cleaning the lake. In a world where everyone slacks, there is no clean lake, there are no more fish, and I am jobless. In such a world, I have no money to survive and cannot enjoy my life. Practical contradiction. I assume that other people do clean the lake yet make an exception of myself.[10]

One may point out that much depends on the exact formulation of my purpose. What if we formulate it not as "to enjoy my life" but simply as "to avoid spending unnecessary energy"? In a world where everyone slacks, it seems that I can still avoid spending unnecessary energy.[11] Does this mean that defecting is universalizable after all and thus nonproblematic? That does not sound right. Defecting is universalizable only if *no relevant purpose* is frustrated. Which purposes matter in this context? In social dilemmas, we said, people are interested in two things:

i. collective success; and
ii. not wasting cooperation costs.[12]

10 To be sure, if I do not really care about a clean lake (e.g., if there are alternative ways for me to make money), then this practical contradiction does not arise.

11 One may wonder if this is actually true. After all, in such a world I must work even harder than I did before, e.g., travel to a different lake to fish or learn a new trade or grow my own food to survive, which all take energy.

12 We assume that *P* in the test ranges over all interests the agent has while pursuing *A*, i.e., all interests that may be explicitly or implicitly endorsed by her. See Korsgaard on implicit purposes that can be frustrated ("Kant's Formula of Universal Law," 41–42). We do not need to assume that people always have interest in both i and ii, just that people who face social dilemmas have these preferences. Note that ii need not be self-interested. Saying that one does not want to waste unnecessary efforts is not the same as saying that one wants to have as much as possible for oneself.

Sometimes i is implicit. A certain fisher might think he just wants to enjoy himself rather than spend unnecessary time cleaning. But as long as his enjoyment depends on the quality of the lake, he cares about collective success, at least implicitly. Moreover, fishers assign greater value to i than to ii. A clean lake is way more valuable to them than a day off. They would be happy to clean if that would mean that they can keep their jobs. But again, collective success depends on what many people do, not on what they individually do.

Now, even though ii may not be frustrated in a hypothetical world where everyone defects, the more important concern, i, still would be frustrated. Defecting in social dilemmas is not universalizable in exactly this sense: I make an exception of myself and assume that enough people act differently *to realize collective success*.[13]

So far, so good. As promising as the Kantian test appears, it suffers from a major objection—namely, that it fails to distinguish problematic free riding from innocent coordination. Consider Scanlon's well-known counterexample: "To avoid waiting for an empty court, I will play tennis on Sunday morning."[14] In a hypothetical world where everyone acts on this maxim and plays tennis on Sunday morning, it is super crowded, and I cannot avoid waiting for an empty court. Practical contradiction. Still, it would be absurd to think that it is wrong to act on this maxim. What goes for the tennis maxim, goes for coordination cases generally.[15] Thus Herman:

> I select my driving route to school by observing where others do not like to go. I go to the movies at six o'clock because there are crowds at eight o'clock. The intention is to do what others are not doing. The condition of success for such actions is that others not act the same way.[16]

In both free-riding and coordination cases, the agent is assuming that other people act differently. Yet in coordination cases, that is just fine. But what is the difference? Why is making an exception of oneself fine in some cases but not in others? Note that in a sense, one might not really be "making an exception

13 I borrow this Kantian analysis from Wieland, "Cooperation, Kantian-Style." Albertzart offers a different Kantian analysis ("A Kantian Solution"). According to Wieland, you should cooperate because you should not leave the work of solving your problems to others. According to Albertzart, in contrast, you should cooperate because you should not leave the work of solving *other people's* problems to others.

14 Herman, *The Practice of Moral Judgment*, 138.

15 As well as for further cases: "Some poor people get their food by searching through the rubbish that others throw away. That method must be exceptional, but is not wrong, or unfair" (Parfit, *On What Matters*, 1:284).

16 Herman, *The Practice of Moral Judgment*, 139.

of oneself" in coordination cases, but the question is whether the Kantian test can make the difference. One may suspect that the answer is negative. Wood has stated this clearly:

> [Korsgaard's test] is obviously mistaken because there are clearly any number of quite innocent actions that depend for their success on the fact that they will be exceptional, that others will choose not to do anything similar. . . . The principal kind of "exceptional" behavior which suits Korsgaard's remark is "free riding." But any plausible moral objection to free riding presupposes the existence of a determinate moral principle or duty with which everyone is supposed to comply.[17]

Wood's objection is this. Both free riding and coordination cases share the same structure, and the Kantian test will treat them alike. If we want to distinguish between them, we need some principle that is external to the Kantian test. For example, we may say that in contrast to the tennis player, the fishers are under some moral duty, but only because there is some principle in place—other than the Kantian test—that grounds a duty to do one's part in cleaning the lake but not to stay home on Sunday morning.

The Kantian test has generated a respectable track record of controversies. Philosophers have proposed numerous false positives ("the test is empty") and false negatives ("the test is too strong") and made various attempts to counter them. The current problem poses a special challenge. If the Kantian test is unable to distinguish unfair free riding from innocent coordination, the whole test is flawed.[18] Moreover, if it "presupposes the existence of a determinate moral principle," as Wood puts it, we might as well skip the test altogether.[19] It is this paper's ambition to answer this problem.

17 Wood, *Kant's Ethical Thought*, 108.

18 Contrast further objections such as the false positives (e.g., killing from despair) identified by Korsgaard, "Kant's Formula of Universal Law," 42–43. As Korsgaard suggests, the Kantian test is not really designed for such maxims, and they are also rarely acted upon. One cannot say the same thing about coordination maxims (a subset of false negatives). They are not rare, and the test should be able to handle such everyday maxims.

19 Given this problem, Herman suggests that we should not test such specific maxims as the coordination ones but test only "generic maxims" such as "making a false promise for self-interested purposes." Moreover, the idea is to take the outcome of the test not too strictly but only as input for our moral deliberation (*The Practice of Moral Judgment*, ch. 7). Wood suggests invoking the formula of humanity rather than universal law (Wood, *Kant's Ethical Thought*, 110). Coordination maxims do not seem to violate the other Kantian formula. The very ambition of this paper is to determine if there is also a solution for Korsgaard's initial account.

On the one hand, Herman is right that in both free riding and coordination cases, "the condition of success is that others not act the same way." On the other hand, these cases do not look *exactly* the same. In the tennis case, many people are not interested in playing on Sunday morning. They want to go to church, be in bed, have an extended breakfast, or do other sports. We could agree on coordinating our actions, and everyone would be fine. The same does not apply to problematic free riding cases. It is not as if I would take a slave (or make a false promise, refuse to clean, etc.), others would not, and we would all be fine.

In light of this, one may want to distinguish different kinds of norms.[20] On the one hand, there are moral norms whereby we expect that others *should* act in some way (e.g., do not enslave others). On the other hand, there are descriptive norms whereby we expect that others actually act in some way (e.g., do not play tennis on Sunday morning) but not that they also *should* do so. Just appealing to such a distinction, however, will not solve our problem.[21] What we want to know is whether the Kantian test can make the difference.

2. EXISTING SOLUTIONS

What can Kantians do? There are two broad strategies: either claim that the counterexamples (the coordination maxims) are ill formed and offer specific instructions for maxim reformulation; or leave the maxims as they are but tweak the universalization step. I will look at the most promising existing proposals, starting with an instance of the second strategy by Pogge.[22]

In both free-riding and coordination cases, I want to do *A* ("play tennis on Sunday morning" or "take a slave") but not that others do the same. Yet if we look more closely at everyone's preferences, there is also a difference. In coordination cases, as a matter of fact, other people do not prefer to do *A* ("play tennis on Sunday morning"), while this is less clear in free-riding cases. Others may also want to take a slave. Given this, we may tweak the universalization step "imagine that all who pursue *P*, do *A* as a means" to:

> 2*. Imagine that all who pursue *P and actually prefer A as a means to P*, do *A* as a means to achieve *P*.

20 E.g., Bicchieri, *Norms in the Wild*.

21 Contractualists à la Scanlon may suggest that what distinguishes the two cases is that others can reasonably object to my justification in the free riding cases ("I only want to enjoy my free time!") but not to my justification in the coordination cases ("I want to avoid crowded courts"). See Scanlon, *What We Owe to Each Other*.

22 Pogge, "The Categorical Imperative."

In the Kantian test, then, we do not imagine that everyone plays tennis on Sunday morning but rather that only those who actually want to play tennis on Sunday morning (as a means to avoid crowded tennis courts) play on Sunday morning. That is much like the actual world, and the alleged practical contradiction disappears. Surely it is still possible to avoid crowded tennis courts in a world where no one wants to play on Sunday morning. I do not make an exception of myself in that other people do not want the same.

However, 2* does not work in the slavery case. Many people might not want to do *A* (take a slave) as a means to *P* (avoid working) because they care about other people. If this is so, "To avoid working, I will take a slave" may well pass the test. In a world where hardly anyone is enslaved—because people consider that morally problematic—I might not be enslaved and thereby avoid a practical contradiction. In light of this and following Pogge, we may tweak the universalization one step further:

> 2**. Imagine that all who pursue *P* and would prefer *A* as a means to *P* had *A* not been morally problematic to them, do *A* as a means to achieve *P*.[23]

In a world where no one is obstructed by moral concerns, many would still prefer to stay in bed on Sunday morning. However, when people are no longer obstructed by moral concerns regarding enslaving others, many might well choose to take slaves to work for them. And if they do, I will likely be enslaved in that world and hence no longer be able to avoid working. Practical contradiction. In social dilemmas too, if it were morally okay to defect (e.g., not help out with cleaning the lake), people would simply defect in order to avoid wasting cooperation costs—and hence run into a practical contradiction since they would no longer benefit from collective success.

Even though Pogge's 2** seems promising, it has not received widespread acceptance. It is quite a complex step to apply, as we have to go to hypothetical worlds that are very different from our own. How do we know whether people would take a slave if doing so were morally fine, and how do we know that enough people would do it so that I would run into a practical contradiction?[24]

A further concern with 2**, which I will clarify later, is that it is too focused on what *other* people prefer. As I see it, the Kantian test should identify agents

23 Per Pogge, "an agent is permitted … to adopt some given maxim just in case he can will that everyone be permitted to adopt it.… Other things being unchanged, can he will our world to be such that everyone feels (morally) free to and those so inclined ('by nature') actually do adopt this maxim?" ("The Categorical Imperative," 190).

24 As Kerstein adds, people might still choose not to keep slaves for other, nonmoral reasons (*Kant's Search for the Supreme Principle of Morality*, 171–74).

who make an exception of themselves in exactly this sense: *they* prefer other people—but not themselves—to cooperate. Therefore, let us move to proposals that focus more on the agent's own maxims.

According to McCarty, actions like playing tennis on Sunday morning take place only under certain terms. In the tennis case, it is not the case that one can play whenever one wants. Sometimes the courts are full, and then, according to the rules of many clubs, one has to wait one's turn. Hence, McCarty claims, the act should be described not as "playing tennis" but rather as "playing tennis or waiting one's turn."[25] It is right that one cannot play tennis in a world where everyone plays at once. But in such a world, one can still play *or wait one's turn*. As McCarty concludes, "When the maxims . . . are formulated so as to include references to the background policies or agreements they presuppose, they easily convert from false negatives to true positives."[26]

We may accept that McCarty's suggestion blocks a *logical contradiction*. One runs into a logical contradiction basically when it is no longer possible to perform the action after universalization. As just seen, the action in the tennis case, if properly described, does not face this problem. However, even when there is no logical contradiction, there might still be a practical one. I want to find an empty court; in a world where everyone goes to the club on Sunday morning, I can still play or wait my turn, but I cannot avoid crowded courts. The practical contradiction remains.

Actions do not take place only under certain terms but are usually also intended only under certain conditions. McCarty offers this example: "If I turn one hundred, I will buy a red sports car."[27] To test this maxim, then, we should not imagine that the whole world population is buying red sports cars but only those who reach one hundred years of age. Another instructive example is offered by Kagan: "To get lunch, I will go to some local pizza restaurant in Naples but only if I want pizza, am nearby, and the restaurant has place for me."[28] To test this maxim, again, we should not imagine that billions are trying to crowd into a single restaurant but rather imagine that only those who want pizza, are nearby, and the restaurant has place for them are trying. That yields no practical contradiction.[29]

25 McCarty, "False Negatives of the Categorical Imperative," 185.

26 McCarty, "False Negatives of the Categorical Imperative," 186.

27 McCarty, "False Negatives of the Categorical Imperative," 183.

28 Kagan, "Kantianism for Consequentialists," 138.

29 Such more fully described maxims are more adequate descriptions of an agent's intentions. Thus Kagan states, "I do not have reason to go to Naples regardless of how crowded it is, how inconvenient it is to get to it, and so on" ("Kantianism for Consequentialists," 138).

According to Cholbi too, such *conditionalization* is the key to accounting for coordination cases. For example, according to him, the tennis maxim may be reformulated as "playing tennis *when the courts are available and my schedule permits it*."[30] In a world where everyone plays tennis when the courts are available—whether this be Sunday morning or some other time—it is still possible to avoid crowded courts. The practical contradiction disappears.

However, what details should be included in a maxim? To justify his reformulation, Cholbi invokes the following counterfactual test.

> Include in a maxim only those descriptions which, if altered, would lead the agent to act differently.[31]

In the tennis case, we may ask: What if the courts were free on Saturday rather than Sunday? Would I still want to play on Sunday? Presumably not. I simply want to avoid waiting for a court and want to play when I am free and there is space. If this is so, the detail of Sunday morning is irrelevant according to this test and can, as Cholbi proposes, indeed be omitted.[32]

The counterfactual test removes many irrelevant details in this way. Unfortunately, however, it also removes *relevant* details. Consider the maxim "To avoid working, I will take a slave." Applying the counterfactual test, we may ask: What if I could not get away with it? Or what if others would enslave me in turn? Would I then still take a slave? Arguably not. But then we should add all sorts of conditions: "I will take a slave, but only when I can get away with it, when others would not enslave me, etc." Such a maxim avoids a practical contradiction.[33]

Some have suggested that we should even go more general and describe the tennis maxim as "maintaining my physical well-being" or as "developing my

30 Cholbi, *Understanding Kant's Ethics*, 153.

31 Galvin, "Maxims and Practical Contradictions," 408–9. This test was suggested in O'Neill, *Acting on Principle*, 107. Suppose I drink a cup of coffee in the morning. Ask: What if there was just water in the cup, would I still drink it? If so, the detail of coffee is irrelevant and should not be included in the maxim. I am just drinking to quench my thirst. But if I would not drink it if it did not contain caffeine, the detail about coffee *is* relevant. Galvin does not accept this test since it removes relevant details as well.

32 What if you want to play *only* on Sunday, and so the detail is relevant? See section 3 below.

33 There is more. Would I still keep a slave if I could take different measures to avoid working? Arguably not. But then we should not mention that detail and just speak of "taking smart strategies." In that case, we do not imagine a world where everyone keeps slaves (and so where I am enslaved myself). Instead, people might be doing various things: some keep slaves, others take regular employees, some buy lottery tickets, others pray for a miracle, still others invest in lucrative businesses, and so on. Again, the practical contradiction disappears.

talents."[34] Such maxims pass the Kantian test, though the issue is that we would need some criterion (like the counterfactual test just discussed) of *when* maxims may be generalized in this way. Without such a criterion, there is no reason why we would not generalize "spending time on my own hobbies and taking a slave to work for me" or "spending time on my own hobbies and not doing my part in cleaning the lake" in a similar way—which then would become false positives.

Despite these worries, one takeaway message of these proposals is that maxims should not include irrelevant details like "Sunday morning."[35] Moreover, if we merely say that you go to the club *when many others do not*, the practical contradiction disappears: it is still possible to avoid waiting when people go to the club when many others do not. This would also help in other coordination cases. In a world where everyone tries to enter a particular building at nine in the morning, there is a long line, and I cannot enter. The same problem does not arise for "To enter the building, I will go through the door *when others do not*."

However, Herman reminds us that a similar move is available in the bad cases.[36] For example, to avoid a practical contradiction in the slavery case, I may say that I act on the maxim "To avoid working, I will take a slave *when others do not take me as a slave*." In a world where others act like me, I will still escape enslavement and pass the Kantian test. Hence, what we would need is a compelling story on *why* this latter maxim is ill formed and not to be tested.

Here would be such a story. In the tennis case, the addition "when others do not play" describes how the agent actually attempts to achieve *P* ("avoid waiting"). In coordination cases generally, details about the conduct of others are relevant in this way. If I want to meet people, I go where they go. If I want to avoid people, I go where they do not go. And so on. This does not carry over to the slavery case. There, the addition "when others do not take me as a slave" does not describe how I attempt to achieve *P* ("avoid working") but rather how I can avoid a practical contradiction. Of course, if we want to test for a practical contradiction, we should not add such information.[37] The general idea would be as follows:

> Include in a maxim information about the conduct of other agents whenever this informs us about how the agent attempts to achieve *P* rather than avoid a practical contradiction.

34 See Allison, *Kant's Groundwork for the Metaphysics of Morals*, 196–203; Sensen, "Universalizing as a Moral Demand," 171; and Nyholm, "Kant's Universal Law Formula Revisited," 290.

35 Glasgow suggests we may remove the detail of Sunday morning because temporal locations may generally be neglected ("Expanding the Limits of Universalization," 41–44).

36 Herman, *The Practice of Moral Judgment*, 139.

37 On this theme, see Sneddon, "A New Kantian Response to Maxim-Fiddling."

Once again, I think we should not be satisfied. In social dilemmas such as the fishers' case, it may actually be relevant to add information of the sort "I will avoid doing my part in cleaning the lake *but only when enough others do their part.*" For this information actually describes how I attempt to achieve *P*. I can enjoy my life exactly because others cooperate and I free ride on their efforts. Yet this maxim constitutes a false positive. If people defect but only when enough others do their part, the lake pollution is resolved—namely, by others—and I can still keep my job and enjoy my life. Yet I make an unfair exception of myself, and my maxim should not pass the test.

3. A NEW SOLUTION

At this point, one may think that Kantians should give up. We have seen various proposals to separate innocent coordination from unfair free riding, but none fully satisfy. Can we do better? In the following, I present a novel solution. I adopt the overall idea (entertained by McCarty, Kagan, Cholbi, and others) that maxims can be conditional, but I invoke only a very specific type of conditionalization. Namely, I am interested in maxims that are conditional *on other people's preferences*. As we saw, Pogge also refers to other people's preferences, but I appeal to them only in an indirect way. That is, what matters on my account is whether or not *the agent* cares about the preferences of others (whatever they actually may be).

In coordination cases, people have different preferences (some want to play tennis now, others want to play later) and let their conduct depend on the preferences that others have (I want to play whenever enough others do not want to). In free riding cases, in contrast, the same does not apply: people do not let their conduct depend on what others prefer, and that, I suggest, is what is morally problematic. Contrast:

a. "To avoid waiting, I will play tennis on Sunday morning unless too many others also prefer to play at that time."
b. "To enjoy my life, I will not do my part in cleaning the lake regardless of whether other people also prefer not to clean."

Maxim a is conditional on other people's preferences, while maxim b is not. The former passes the Kantian test. If people restrict their tennis playing, no problems will ensue. People go to the club when (enough) others prefer not to go. If too many others prefer to go, they will not go. In such a case, the courts will likely be available, and then it will still be possible for me to avoid waiting time (and no practical contradiction arises). Maxim b, in contrast, fails to pass the Kantian test. If everyone refuses to do their part regardless of what others

prefer, the lake will likely be polluted. For in such a case, people will defect and refuse to clean the lake *even when* too many others prefer to defect too. Defection will be all over the place, the lake will be polluted, and we will all lose our jobs. Practical contradiction.[38]

What does it take exactly to make your conduct conditional on other people's preferences? There are various ways to unpack this. One way is to take people's preferences into account in your explicit practical reasoning. You may think to yourself, "They do not want to play now, so in that case I will go." Yet making your conduct conditional may also proceed less explicitly. One intuitive account is counterfactual. Your conduct is conditional on other people's preferences when you would act differently in counterfactual situations where others have different preferences. For example, your playing tennis on Sunday morning is conditional on other people's preferences when you would not play at that time if too many others would also prefer to play at that time (which they actually do not). Additionally, making conduct conditional likely involves certain dispositions on behalf of the agent: paying attention to what other people actually prefer and—when this is relevant—even actively inquiring into this.

The proposed account is inspired by Kleingeld's account of Kant's other formula: the formula of humanity. Kleingeld suggests reading this formula in an *agent-focused* way, i.e., focused on the agent's mindset.[39] To illustrate this, she describes a case where a dictator subjects people to dangerous medical experiments, and one of them "happens genuinely to consent to the treatment—say, a radical act-utilitarian who is convinced of the experiment's overwhelming benefits for large numbers of humans in the long run and who believes that these benefits vastly outweigh his own agony."[40] As Kleingeld argues, the act-utilitarian's consent is not enough to permit the dictator's experiments. More generally, agent *A* avoids using other person *B* as a mere means not simply if *B* gives (genuine) consent to be used by *A* but if *A cares about that* and makes her use of *B* conditional on *B*'s consent. In this case, the dictator does not care a bit if anyone gives consent and would still have done the experiments without it, and in this way the dictator acts wrongly.[41]

38 Regarding a, the universalization step reads, "All who pursue *P*, do *A* but not if too many others prefer to do *A* too" while regarding b, we still have, "All who pursue *P*, do *A*, i.e., even when too many others prefer to do *A* as well."

39 Kleingeld, "How to Use Someone 'Merely as a Means,'" 404.

40 Kleingeld, "How to Use Someone 'Merely as a Means,'" 393.

41 According to Kant, these "ways of representing the principle of morality are at bottom only so many formulae of the very same law" (*Groundwork of the Metaphysics of Morals*, 4:436). And as an anonymous reviewer has pointed out, my proposal "renders the formula of universal law much closer to the formula of humanity than other proposals do: by acting

Making one's conduct conditional should not be conflated with the more familiar notion of a *conditional cooperator*.[42] The latter acts on something such as "I will cooperate (clean the lake) on the condition that others do so too." This agent is well intended and willing to do her part as long as she has assurance that others will join her. The kind of agent I am talking about is well intended too but does not make her conduct conditional on the actions of others (or on what she expects others to do); her conduct is conditional on their preferences. My tennis player cares not just about when others actually or likely play tennis but about when they prefer to do so. (More on this difference in due course.)

The question arises whether we can also coordinate in an *unconditional* way, or free ride only *conditionally*. Consider:

c. "To avoid waiting, I will play tennis on Sunday morning regardless of what other people prefer."
d. "To enjoy my life, I will avoid doing my part in cleaning the lake but only if enough others actually prefer to clean it."

This time, d is conditional on other people's preferences, while c is not. And as before, the conditional maxim passes the test, but the unconditional one does not. Let us consider them in turn. Acting on c means that you want to play *only* on Sunday morning and do not care if others want that too. Hence, c can also be read as "I will go to the club on Sunday morning even when others also want to play at that moment and it is super crowded." This yields a practical contradiction. If everyone goes to the club on Sunday morning regardless of what others prefer, the courts will be packed, and I will not be able to avoid waiting time.

Is this plausible? That is, is acting on c indeed morally problematic? I think it is. The core moral wrong here is not a failure of reciprocity.[43] It is not just that people do something for the unconditional tennis player (not play on Sunday) and that the latter fails to return the favor. The wrong is also not one of taking unfair advantage of others. It does not sound right to say that the unconditional tennis player exploits others. Neither is the mistake one of stubbornness. The unconditional tennis player may be stubborn and unwilling to change her

---

only on maxims that respect the preferences of others, we take their ends into account." Indeed, if we benefit from and rely on the cooperation of others, then in a way we are using them to realize collective success for us, and we should make our conduct conditional on their consent (according to Kleingeld) or preferences (according to my account). This is not the exact same, yet the parallel is interesting.

42 The notion of conditional cooperator comes from the social contract tradition, e.g., Gauthier, *Morals by Agreement*.

43 As examined by, e.g., Brown, "Reciprocity Without Compliance."

schedule, but she may also just be indifferent (i.e., care neither about her own schedule nor about those of others).

Is the core mistake a failure of cooperativeness?[44] It is true that the unconditional tennis player, as well as other agents who act on similar unconditional maxims, can rightly be characterized as uncooperative. They face all the social dilemmas we talked about and yet will never be able to solve them if they—and all others—act on similar maxims. Yet what about an unconditional slave holder (i.e., who acts on "To avoid working, I will take a slave regardless of what other people prefer")? To only say that this agent is uncooperative does not get to the bottom of what goes wrong.

Of course, we are inclined to say that where the unconditional tennis player goes wrong is in making an exception of herself. But the same—which is the whole problem from the outset—applies to the conditional tennis player. The latter too wants to play tennis when others do not and expects others to act differently. But then how should we describe what all and only unconditional agents do wrong? I think it is just this: *they are indifferent towards others*. Specifically, they fail to care enough about what other people prefer.[45]

Finally: maxim *d*. Acting on *d* means that you intend to defect but only when enough others do not mind paying the cooperation costs. Imagine (somewhat unrealistically) that all your fellow citizens actually like to clean the lake. Imagine that they hold a competition to see who can collect the most plastic, and it is actually an honour for them to do this. You let them and do not step in. Such a maxim would pass the test. If people defect, but only when enough others prefer to cooperate, the lake will be clean, and I can benefit from their cooperation. In such a case, it may not be clear that acting on *d* should indeed be morally fine. One might think that I am still making an exception of myself in such a case. But it is important to see that I am not making *more* of an exception of myself than the tennis player who acts on maxim *a* is making an exception of herself. We both expect that others will act differently, but innocently so, as we make our conduct conditional on what other people prefer.

44 Cholbi writes regarding the maxim "To improve my backhand, I will play tennis with Katrina on the public courts every Wednesday at 4 PM" that "in insisting that she play with Katrina at 4 PM, etc., our tennis player is being uncooperative, demanding that she be able to pursue her own ends in the way she desires, heedless of the ends that other rational agents have and the ways they desire to pursue them" (*Understanding Kant's Ethics*, 154). Timmermann makes a similar point in terms of dining with friends (*Groundwork of the Metaphysics of Morals*, 158).

45 Note that it can be permitted to ignore preferences of others that do not affect you in any way. E.g., you may well be indifferent to someone's preference to watch tennis over some documentary. This becomes problematic only if you want to watch something *together*.

It seems what drives our concern here is that in the actual world, people virtually never act on d. There are hardly any cases where others do not mind paying the cooperation costs (after all, that is why they are "costs"), and so there are hardly any cases where people defect but only in such special conditions. If people defect, they defect less conditionally—that is, they act on b rather than d—and that is then what is morally problematic.

Let us compare a variant of the case where enough of the fishers prefer to clean up the lake, though this time they do not enjoy the activity of cleaning but prefer to clean because they believe they have a duty to contribute to the public good that they enjoy. Imagine that one fisher refuses to contribute, and he defends himself by saying that he does make his conduct conditional on the preferences of the others (namely, to clean). There seems to be something wrong with this fisher, even when he makes his conduct conditional. How can the proposed view account for this? In response, let me note that people may prefer to cooperate and do their duty, but in addition to that, they may still *also* prefer not to pay the costs of doing so.[46] After all, cooperation is still costly for them. In this case, the fishers have to sacrifice their weekend. The proposal of this paper is that in social dilemmas, we should make our conduct conditional upon these latter preferences, and we should cooperate if others also prefer to avoid the cooperation costs.

Let me consider a further problem case in some more detail. A selfish husband exploits his wife's self-sacrificing devotion to their children but would devote more time to childcare and housework if his wife was less self-sacrificing. If he acts on "To enjoy my life, I will avoid doing my part at home but only if my wife prefers to do it on her own," we still think he is acting wrongly.

In light of such cases, it is important to highlight that people's preferences can be adapted to the circumstances in which they find themselves. To cope with injustices, people might no longer prefer to be free or to have more time for themselves.[47] Genuinely caring about people's preferences, then, involves not simply making one's conduct conditional on people's adaptive preferences but inquiring into what they *really* prefer. Presumably, the wife does not really prefer to do all the childcare and housework alone, and the husband still acts wrongly if he acts on "To enjoy my life, I will not do my part at home regardless of what my wife really prefers."

What do people really prefer?[48] In this case, we may check what the wife preferred *before* she got oppressed. Alternatively, if she grew up in oppressive

46 Trifan, "What Makes Free Riding Wrongful?" 171–72.

47 Nussbaum, "Adaptive Preferences and Women's Options."

48 See the debate on desire satisfactionism, i.e., the view that one's well-being consists of the satisfaction of one's desires, especially those that are "laundered" in some relevant way (e.g., Goodin, "Laundering Preferences").

circumstances and never had any other preferences, we could also ask, "What would she prefer if she were not oppressed?" Arguably, in that counterfactual situation, she would prefer to share the responsibilities at home. The husband would then need to make his conduct conditional on this counterfactual preference. Such counterfactuals can be instructive, though they are not without problems. For example, if the wife were not oppressed, she might not be married in the first place and not have *any* preference about the household she does not have, and then the husband would not be able to make his conduct conditional on that.[49]

Fortunately, we may not have to specify an exact account of people's real preferences. What matters, from a Kantian perspective, is that agents *themselves* make an effort to figure this out. They do not avoid making an exception of themselves if they simply refer to what others actually happen to prefer. They should go further and check if that is what the others really prefer. Note that this duty of inquiry can be more or less demanding. In the tennis case, one could just quickly check when others prefer to play. In the household case, the husband could start doing his share of the work and after some months, ask if that is what his partner prefers.

Why not make one's conduct conditional on other people's *conduct* rather than on their preferences? Consider: "To avoid working, I will take a slave but only if others do not."[50] In the actual world, many people do not enslave others. One should not pass the Kantian test if one merely makes one's conduct conditional on that fact. Instead, the proposal is that we should make our conduct conditional on other people's preferences. Given that people do not prefer to be enslaved, one can only enslave them in an unconditional way ("To avoid working, I will enslave others regardless of whether they prefer to be enslaved") and thus fail the Kantian test.[51]

49 We also cannot check what the wife would prefer if she were not wronged: this paper's aim is to offer an account of how the husband is acting wrongly—he makes an exception of himself and does not care about what his wife prefers—and we should therefore not import a separate account of how the wife is wronged.

50 This is an example of *conditional defection*: "I will defect but only if enough others cooperate." Another example: refusing a vaccine for some infectious disease but only when enough people already got vaccinated to secure herd immunity. See Giubilini, Douglas, and Savulescu, "The Moral Obligation to Be Vaccinated," 553. In such a case, we would still think that vaccine refusers can be unfair, and the Kantian test should be able to handle such cases.

51 Thus far, we have said that people can fail to make their conduct conditional on whether other people prefer to act similarly (e.g., play tennis on Sunday morning) or prefer not to pay the cooperation costs (e.g., refrain from cleaning the lake). But it seems that one may also fail to make one's conduct conditional on whether other people prefer to be *treated* similarly (here, not to be enslaved) or on whether they prefer that *others* act in some way (here, not to enslave others).

Taken together, according to this approach, coordination is permitted when the agent cares about other people's preferences, while free riding is not permitted when the agent is indifferent about this. In principle, as discussed, there *can* be coordination cases that are not so innocent (namely when an agent intends to act unconditionally), as well as free-riding cases that are not so problematic (namely, when an agent does intend to act conditionally). When taking a closer look at those rare cases, though, that is probably exactly what we should conclude.

Note, finally, that this is not to imply that *only* conditional maxims pass the test. There are certain things I can do regardless of other people's preferences that do not run into a practical contradiction. For one thing, insofar as the Kantian test is concerned, it is fine to cooperate in social dilemmas unconditionally and, for example, do one's part in cleaning the lake regardless of what other people prefer. My preference for collective success will not be frustrated in a world where everyone cooperates unrestrictedly. Next, I will consider one further instance of this type.

4. COMPETITION

Is it permitted to lead the life of a scholar? Well, is it a case of unfair free riding or innocent coordination? According to Pogge, it depends:

> If enough others are enjoying physical labor, then the maxim "to lead the life of a scholar" would seem unobjectionable. If, on the other hand, the scholarly life is what most others would also be inclined to favor, then my success in leading such a life without physical work is necessarily parasitic upon the (morally motivated or coerced) sacrifice by others producing the necessities for human existence.[52]

Here, Pogge suggests that whether it is permitted to make a living as a scholar depends on what others prefer. If they would want this too, while in fact they make food for you, it seems you are unfairly free riding on them. My account, in contrast, is not about what others in fact prefer but about whether you, the agent, make your conduct conditional on that.

The worry now is that most of us fail to do this. Instead, we act on "To make a living, I will work on abstract philosophical problems regardless of what other people prefer" or "I will let others produce food even when they prefer to be philosophers too." These will not pass the test. If everyone were to do philosophy unconditionally, no one would produce any food, and I would not be able

52 Pogge, "The Categorical Imperative," 190.

to stay alive (an implicit purpose of mine). Should acting on these maxims, then, be morally problematic?

Parfit also considers these cases: "We can imagine fanatical, unconditional maxims whose universal acceptance would lead us all to become childless underemployed Icelandic dentists who starved themselves to death. . . . Kant's formulas mistakenly condemn our acting on these maxims."[53] In response, Parfit suggests that acting on such maxims should be fine as long as enough people do not actually act on them. For example, Parfit permits Kant to act on "To devote my life to philosophy, I will not have children regardless of whether others do have them" because enough others do not act on this maxim.[54]

As I see it, we may well want to resist Parfit's position here and maintain that acting on certain unconditional maxims just is morally problematic. After all, you are relying on others to produce food for you (or have children, etc.) even when they would rather work on abstract problems too. What matters is not (only) that people's contributions to society in fact complement one another. What also matters is what everyone prefers to do and whether we are sufficiently sensitive to that. Kant acts wrongly (in the case imagined) because he does not care one bit about what everyone else wants.[55]

In the actual world, to be sure, not everyone wants to do philosophy, yet more people want this than there are available jobs. In such a situation, we do not seem to be able to make our conduct conditional on *everyone's* preferences, though it would be implausible to think that we thereby all act wrongly.

I think a promising alternative analysis of such cases is the following. In addition to coordination and free-riding cases, there is a third type of case: *competition cases*. Consider: "To get rich, I will finish first and win the prize." This maxim yields a practical contradiction. It is not possible to get rich if everyone

53 Parfit, *On What Matters*, 1:311.

54 Note that Parfit discusses maxims that are (or are not) conditional on what others *do*, not on what they prefer (as I have it). According to Parfit, doing philosophy unconditionally is permitted by his LN3: "We act wrongly unless we are doing something that we could rationally will everyone to do, in similar circumstances, if they can" (*On What Matters*, 1:311). Compare Brown's *vigilance principle*: "Citizens should do actions which are such that if not enough people do them public goods will suffer and there is a reasonable risk that not enough will do so" ("Reciprocity Without Compliance," 415).

55 Shahar argues that acting on the following maxim is permitted: to make the world a better place, I will not boycott animal products but spend my energy on other causes. Shahar, *Why It's OK to Eat Meat*. In light of the account developed here, we could say that the case is inconclusive—much like "To contribute to society, I will not produce food but spend my time as a philosopher" is undetermined. The question is: Do I make my conduct conditional on what other people prefer? The maxim "To make the world a better place, I will spend my energy on such and such causes regardless of what other people prefer" may still fail to be universalizable.

finishes first. (We might all have to split the money, or we might not get anything at all if there is no clear winner.)

Competition cases have received a compelling analysis by McCarty.[56] Some act descriptions are explicitly or implicitly relative to the actions of others. For example, not everyone can be the first to make it to the finish. As McCarty points out, in such cases, we lack full control over the act ("finishing first"), and much depends on what one's competitors do. For this reason, McCarty suggests, we should move the comparative terms in a maxim from the act description to the purpose description. So I do not act on "To get the prize, I will finish first" but on "To finish first (and win the prize), I will try my best and run the hardest I can." That yields no practical contradiction. In a world where everyone runs the hardest they can, I can still finish first. Winning may not be likely, of course, but that is why it is a competition case.

Similarly, then, people might act on "To get the job, I will try my best and work the hardest I can, i.e., regardless of what other people prefer." Such a maxim would pass the Kantian test.

5. Two Perspectives

As announced, I distinguish two perspectives: how an agent wants others to behave versus how others themselves actually want to behave. Contrast:

> *Flat Share 1*: Imagine a shared flat where all three flatmates strongly prefer a certain level of cleanliness. Two of them do their share of upholding this level of cleanliness, yet the third refuses.
>
> *Flat Share 2*: Imagine a shared flat where all three flatmates strongly prefer a certain level of cleanliness. This level of cleanliness is maintained thanks to the fact that two of the flatmates enjoy exercising around the house with a duster as their preferred way of staying in shape.

According to Trifan, the third flatmate—call him Immanuel—is an unfair free rider in Flat Share 1, but not in Flat Share 2.[57] In Flat Share 2, Immanuel's flatmates cooperate (here, clean) willingly, and according to Trifan, you are unfair only when others share a "free-riding preference" with you. In Flat Share 1, Immanuel makes an exception of himself exactly because he allows himself

56 McCarty, "False Negatives of the Categorical Imperative," 186–88.

57 Trifan, "What Makes Free Riding Wrongful?" 176.

to act on a preference (namely, to avoid unnecessary efforts to keep the house clean) that others share with him but do not act on.[58]

This is very different from the Kantian conception, which states that what matters is the agent's mindset—and Immanuel's mindset might be the same in both these cases. Moreover, in both, Immanuel seems to run into a practical contradiction since his preference to live in a clean house is frustrated if others act like him (i.e., if they also do not clean). Is this a *reductio* of the whole approach?

According to the account proposed in the foregoing, we should focus on Immanuel's maxims rather than on the preferences of his flatmates. But after a closer look, his maxims are not the same. Contrast:

e. "To have time for my hobbies, I will not help clean regardless of what my flatmates prefer."
f. "To have time for my hobbies and let others enjoy theirs, I will avoid helping to clean, but only when enough of my flatmates prefer to clean."

In Flat Share 1, Immanuel likely acts on e. Doing so runs into a practical contradiction. Immanuel's preference for a clean house—that is, if he possesses it—is frustrated after universalization. If his flatmates also refuse to do their part regardless of what the others prefer, their house will be a mess. In Flat Share 2, in contrast, Immanuel likely acts on f. Doing so passes the Kantian test. If Immanuel's flatmates refuse to do their part but only when enough others clean, their house will still be clean.

Are the two perspectives—the Kantian perspective on the agent versus Trifan's perspective on other agents—the same then? No. According to the Kantian account, Immanuel may still be unfair in Flat Share 2. After all, even when his flatmates actually prefer to clean, he might not care about that at all and still act on e rather than on f, i.e., refuse to clean regardless of what his flatmates prefer. And if he does, he will still run into a practical contradiction and be unfair. I think that is just what we should say, and this counts in favor of

58 Trifan builds upon Klosko, "Presumptive Benefit, Fairness, and Political Obligation," and Cullity, "Moral Free Riding." On Cullity's account, basically, Immanuel should pay his part as long as the demand to do so is fairly generalizable, i.e., it is reasonable to ask people to pay in all similar cases. In contrast to the Kantian analysis, Immanuel's own mindset—whether he cares about collective success and seeks to benefit from it—is not relevant in Cullity's account. Inspired by Klosko, Trifan agrees with this, specifically when it comes to required goods (e.g., a clean environment) as opposed to optional goods (e.g., a high level of cleanliness in the flat). My Kantian account does not make use of any distinction between required and optional goods, and it corresponds more to Nozick's subjective approach. According to Nozick, you have no obligation to contribute if you consider the costs of doing so higher than the benefits you will receive (*Anarchy, State, and Utopia*, 93–94).

the Kantian perspective. To be sure, though, this raises subsequent issues that we cannot address here.[59] This paper's very ambition instead was to save the Kantian test from a widespread objection.

Thus, can Kantians distinguish unfair free riding from innocent coordination? The proposal is this: in innocent coordination cases, people let their conduct depend on what others prefer (e.g., playing tennis whenever enough others do not want to play); in unfair free-riding cases, in contrast, people do not make their conduct conditional in this way but rather refuse to do their part regardless of what others prefer. The latter—but not the former—fails the Kantian test.[60]

Vrije Universiteit Amsterdam
j.j.w.wieland@vu.nl

REFERENCES

Albertzart, Maike. "A Kantian Solution to the Problem of Imperceptible Differences." *European Journal of Philosophy* 27, no. 4 (2019): 837–51.

Allison, Henry E. *Kant's Groundwork for the Metaphysics of Morals: A Commentary*. Oxford University Press, 2011.

Bicchieri, Cristina. *Norms in the Wild: How to Diagnose, Measure, and Change Social Norms.* Oxford University Press, 2017.

Braham, Matthew, and Martin van Hees. "An Anatomy of Moral Responsibility." *Mind* 121, no. 483 (2012): 601–34.

Brown, Brookes. "Reciprocity Without Compliance." *Philosophy and Public Affairs* 48, no. 4 (2020): 382–421.

Cholbi, Michael. *Understanding Kant's Ethics*. Cambridge University Press, 2016.

Cullity, Garrett. "Moral Free Riding." *Philosophy and Public Affairs* 24, no. 1 (1995): 3–34.

Galvin, Richard. "Maxims and Practical Contradictions." *History of Philosophical Quarterly* 28, no. 4 (2011): 407–19.

59 For example, see Parfit's Mixed Maxims Objection in *On What Matters*, 1:293, discussed in Hoesch and Sticker, "Parfit's Mixed Maxim Objection Against the Formula of Universal Law Reconsidered." The issue is whether it is plausible to assume that acting on maxim e is wrongful even though in Flat Share 2, the action itself may not be considered problematic.

60 This paper benefited from discussions with many colleagues. In particular, I would like to thank Justin Bernstein, Fleur Jongepier, Ben Ferguson, Emma Turmaine, Martin van Hees, Julia Duetz, Johan Olsthoorn, Chris Kutz, and two reviewers of this journal.

Gauthier, David. *Morals by Agreement*. Oxford University Press, 1986.
Giubilini, Alberto, Thomas Douglas, and Julian Savulescu. "The Moral Obligation to Be Vaccinated: Utilitarianism, Contractualism, and Collective Easy Rescue." *Medicine, Health Care and Philosophy* 21, no. 4 (2018): 547–60.
Glasgow, Joshua. "Expanding the Limits of Universalization: Kant's Duties and Kantian Moral Deliberation." *Canadian Journal of Philosophy* 33, no. 1 (2003): 23–47.
Goodin, Robert E. "Laundering Preferences." In *Foundations of Social Choice Theory*, edited by Jon Elster and Aanund Hylland. Cambridge University Press, 1986.
Gunnemyr, Mattias, and Caroline T. Touborg. "Reasons for Action: Making a Difference to the Security of Outcomes." *Philosophical Studies* 180, no. 1 (2023): 333–62.
Hedden, Brian. "Consequentialism and Collective Action." *Ethics* 130, no. 4 (2020): 530–54.
Herman, Barbara. *The Practice of Moral Judgment*. Harvard University Press, 1993.
Hoesch, Matthias, and Martin Sticker. "Parfit's Mixed Maxim Objection Against the Formula of Universal Law Reconsidered." *Journal of Value Inquiry* 58, no. 1 (2024): 13–32.
Kagan, Shelly. "Do I Make a Difference?" *Philosophy and Public Affairs* 39, no. 2 (2011): 105–41.
———. "Kantianism for Consequentialists." In *Groundwork for the Metaphysics of Morals*, edited by Allen W. Wood. Yale University Press, 2002.
Kant, Immanuel. *Groundwork of the Metaphysics of Morals*, translated by Mary Gregor and Jens Timmermann. Cambridge University Press, 1998.
Kerstein, Samuel J. *Kant's Search for the Supreme Principle of Morality*. Cambridge University Press, 2002.
Kleingeld, Pauline. "How to Use Someone 'Merely as a Means.'" *Kantian Review* 25, no. 3 (2020): 389–414.
Klosko, George. "Presumptive Benefit, Fairness, and Political Obligation." *Philosophy and Public Affairs* 16, no. 3 (1987): 241–59.
Korsgaard, Christine M. "Kant's Formula of Universal Law." *Pacific Philosophical Quarterly* 66, nos. 1–2 (1985): 24–47.
Lomasky, Loren E., and Geoffrey Brennan. "Is There a Duty to Vote?" *Social Philosophy and Policy* 17, no. 1 (2000): 62–86.
McCarty, Richard. "False Negatives of the Categorical Imperative." *Mind* 124, no. 493 (2015): 177–200.
Nefsky, Julia. "Collective Harm and the Inefficacy Problem." *Philosophy Compass* 14, no. 4 (2019): 1–17.

———. "How You Can Help, Without Making a Difference." *Philosophical Studies* 174, no. 11 (2017): 2743–67.

Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, 1974.

Nussbaum, Martha. "Adaptive Preferences and Women's Options." *Economics and Philosophy* 17 (2001): 67–88.

Nyholm, Sven. "Kant's Universal Law Formula Revisited." *Metaphilosophy* 46, no. 2 (2015): 280–99.

O'Neill, Onora. *Acting on Principle*. Cambridge University Press, 1975. Second edition, 2013.

Parfit, Derek. *On What Matters*. Vol. 1. Oxford University Press, 2011.

———. *Reasons and Persons*. Oxford University Press, 1984.

Pettit, Philip. "Free Riding and Foul Dealing." *Journal of Philosophy* 83, no. 7 (1986): 361–79.

Pogge, Thomas W. "The Categorical Imperative." In *Kant's Groundwork of the Metaphysics of Morals: Critical Essays*, edited by Paul Guyer. Rowman and Littlefield, 1998.

Scanlon, Thomas M. *What We Owe to Each Other*. Harvard University Press, 1998.

Sensen, Oliver. "Universalizing as a Moral Demand." *Estudos Kantianos* 2, no. 1 (2014): 169–84.

Shahar, Dan C. *Why It's OK to Eat Meat*. Routledge, 2022.

Sneddon, Andrew. "A New Kantian Response to Maxim-Fiddling." *Kantian Review* 16, no. 1 (2011): 67–88.

Timmermann, Jens. *Groundwork of the Metaphysics of Morals: A Commentary*. Cambridge University Press, 2007.

Trifan, Isabella. "What Makes Free Riding Wrongful? The Shared Preference View of Fair Play." *Journal of Political Philosophy* 28, no. 2 (2020): 158–80.

Wieland, Jan Willem. "Cooperation, Kantian-Style." *Inquiry*, ahead of print, February 3, 2024. https://doi.org/10.1080/0020174X.2024.2312215.

Wood, Allen W. *Kant's Ethical Thought*. Cambridge University Press, 1999.