

DIALOGUE OF ETHICAL THEORIES (KANT AND CONSEQUENTIALISM)

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The topic of consequences is central to consequentialism in general. That is why it is important to be familiar with the opinions of those who dealt with consequences primarily from a non-consequentialist viewpoint, such as Kant. When studying this issue, attention should be paid to three areas. Firstly, what the true character of Kant's ethics is. Secondly, what the position and role of consequences in Kant's ethics are. Thirdly, how the relationship of Kant's ethics to consequentialism is classified.

To summarise the first area regarding the character of Kant's ethics: Kant considers accepting the *a priori* moral law (as the initial motif for actions) as the criterion which determines the moral character of actions and the fulfilment of moral obligation resulting from this law. This emphasises the intentional character of Kant's ethics. It, naturally, does not contradict the well-known fact that Kant's ethics also has a significant teleological dimension provided by the realm of ends. However, this is a different aspect of the issue which the studied area of Kant's relationship to consequences is not concerned with.

In the summary of the second area, i.e. the position and role of consequences in Kant's ethical theory, it could be said that Kant considers such actions that are performed in accordance with requirements resulting from moral obligations as good, regardless the consequences. In the case of different actions, i.e. those that are not based on meeting moral obligations but merely on legal obligations or even actions contradictory to any obligation, consequences can be taken into consideration. Kant regards it important to, in a measure, note (especially negative) the consequences of specific actions by rational beings. In no way does Kant consider consequences a criterion of moral actions nor an expression of the moral value in a rational being.

Those utilitarian or consequentialist theories which, in some way, declare an adherence to Kant's ethics do not provide any confirmation either that it is consequences where common features of these conceptions with Kant can be found. Then, the result of the research is that Kant only pays scant regard to consequences of actions by rational beings, and that is at the level of legal actions based on hypothetical imperative. Kant's understanding of consequences, their position and role in his ethical theory, does not provide any reason to claim that there is a similarity between Kant and utilitarianism or consequentialism concerning issues regarding consequences. Kantians, utilitarians as well as consequentialists are aware of this.

Key words: Kant, consequentialism, moral law, moral obligation, David Cummiskey, Kantian utilitarianism, ethics of social consequences

It is noteworthy that, in general, ascertain similarity between Kant's ethics and utilitarianism or consequentialism is especially considering by some utilitarians or consequentialists (such as M. G. Singer, D. Cummiskey, R. M. Hare), while most neo-Kantians (such as S. Darwall, O. O'Neill, W.A. Wick, Ch. Korsgaard) refuse such reasoning. Authors, who admit the existence of this

aspect of Kant's ethics, tried to mitigate the impracticability of its ethical concepts and eliminate criticism for its lack of interest in real moral problems of man (O. Höffe, J. G. Murphy, etc.). Other authors, outside of Kantianism, utilitarianism and moral consequentialism are to become quite stiffly (for example, G. H. R. Parkinson, G. B. Herbert and J. Rachels).

I think that Kant's moral ideal expressed through the Categorical Imperative has all the features of the maximalist and perfectionist moral ideal, despite the fact that in principle cannot be equated Kant's motives towards perfectionism and, for example utilitarian motives leading to maximization principle. Both theories seek to maximize a form, but based on different criteria and different themes. Utilitarianism seeks to maximize the happiness of the maximum number of people (Bentham, the Greatest Happiness Principle) on the basis of the assessment of the chances of achieving the maximum possible utility, pleasure or satisfaction of desires. Kant seeks to achieve this ideal on the good (moral) motives that lie in accepting *a priori* moral law, and the maxims that it entails. Maxims are expressed in the form of rules, i.e. in the form of Categorical Imperative.

According to Kant, it is moral action only that is consistent with ethical principles and it is conducted on the basis of moral motives. Despite the fact that utilitarianism and Kant differ in how to understand the role and motives of rules for assessing the moral or right action they can be considered as formal approaches analogous, since they set strict formal criteria for determining the moral or right action. It can therefore be concluded that almost identical goal (moving towards perfectionist ideal) is achieved in different ways. It is undoubtedly true that content of Kant's ethical theory and utilitarianism is substantially different because Kant's ethics is focused on the inner nature of the proceedings moral agent that understands the proceedings as implement its obligations which is not primarily important in this context the outcome of proceedings. In utilitarianism, however, it is the emphasis placed mainly on the outside of an action of a moral agent that is primarily aimed at achieving the maximum possible utility or pleasure of their actions.

The topic of consequences is central to consequentialism in general. That is why it is important to be familiar with the opinions of those who dealt with consequences primarily from a non-consequentialist viewpoint, such as Kant. When studying this issue, attention should be paid to three areas. Firstly, what the true character of Kant's ethics is. Secondly, what the position and role of consequences in Kant's ethics are. Thirdly, how the relationship of Kant's ethics to consequentialism is classified. To summarise the first area regarding the character of Kant's ethics: Kant considers accepting the *a priori* moral law (as the initial motif for actions) as the criterion which determines the moral character of actions and the fulfilment of moral obligation resulting from this law. This emphasises the intentional character of Kant's ethics. It, naturally, does not contradict the well-known fact that Kant's ethics also has a significant teleological dimension provided by the realm of ends. However, this is a different aspect of the issue which the studied area of Kant's relationship to consequences is not concerned with.

In the summary of the second area, i.e. the position and role of consequences in Kant's ethical theory, it could be said that Kant considers such actions that are performed in accordance with requirements resulting from moral obligations as good, regardless the consequences. In the case of different actions, i.e. those that are not based on meeting moral obligations but merely on legal obligations or even actions contradictory to any obligation, consequences can be taken into consideration. Kant regards it important to, in a measure, note (especially negative) the consequences of specific actions by rational beings. In no way does Kant consider consequences a criterion of moral actions nor an expression of the moral value in a rational being. Furthermore,

I will focus especially on relationships between Kant's ethics (including Kantian ethics) and consequentialist ethics.

Currently, the most important or most known forms of utilitarianism and consequentialism that already in the name express their positive attitude to Kant's ethics, are R. M. Hare's and D. Cummiskey's theories. Mostly discussion is focused on Hare's approach, for this reason I concern Cummiskey's reasoning on the topic following his work *Kantian Consequentialism* (1996).

David Cummiskey in his book refuses to accept Kant's inquiry universalization as a starting principle of his theory. He does not derive his affirmations from Kant's starting points, but his conclusions arising from Kant's arguments. In his view, Kant's moral theory justifies form of consequentialism without a fact whether Kant intended to or not [3, p. 4]. Cummiskey called his concept of Kantian consequentialism for two reasons: firstly, because it is based on Kantian internalism and secondly, because his value theory is distinctly Kantian [3, pp. 159–160]. His theory of good and value is two-tiered, which means that on the one hand it accepts the Kantian value of reasonable nature and on the other hand, it is completed by utilitarian requirement of maximizing happiness [3, p. 99]. When defining the Kantian consequentialism, he wrote that "...that respect for persons is more important than maximizing happiness. This version of consequentialism thus provides a justification for the common view-or at least the Kantian view-that preserving, developing, and exercising our rational capacities is more important than maximizing happiness. It is simply not acceptable to sacrifice the life or liberty of some in order to produce a net increase in the overall happiness. Kantian consequentialism is thus a *rational reconstruction* of the most central and influential aspects of Kant's moral theory") [3, p. 4]. Based on these allegations, it can be provisionally concluded that Cummiskey pays no attention possible to justify the Kantian consequentialism through reflection on the place and role of similarity in the consequences within Kant's and utilitarian or consequentialist ethics.

Nevertheless, it should still pay attention to some aspects of the Kantian consequentialism which at least indirectly to suggest a link between Kant's ethics and Kantian consequentialism through the consequences. Specifically, there can be mentioned Cummiskey's opinion concerning the application of the Formula of humanity and the end-in-itself in Kantian consequentialism. Cummiskey considers that the central Kantian principle which demands that all persons are seen as the end-in-itself and not as a means generates consequentialist conclusion. In his view Kantianism supports consequentialism using Kant's most influential normative principle, Formula of humanity, with an emphasis on understanding people as the end-in-itself and not the means [3, pp. 10–11].

Cummiskey's view on lie is one of the first examples presenting his approach to the acceptance of these values in Kant's ethics. According to Kant, a lie is in no way morally justifiable. Cummiskey argues that "...Kantian consequentialism does not require doing anything *wrong* in order to promote the good. If lying, for example, is the best means of promoting the good, then it is not wrong" [3, p. 6]. Duty to promote the good in his opinion is the Categorical Imperative. While Kant thought that lie is degradation of human dignity, Cummiskey accepts the lie if it is a means of doing a good. According to Michael Ridge, Kant's view seems to have the consequence that the ideal moral agent is so obsessed with preserving the goodness of her own will that she is unwilling to tell a lie even when doing so is necessary to prevent a truly horrible consequence [16, p. 425].

Reasonable nature is the source of all values and then has an absolute value that is estimated idea of morality as a system of the Categorical Imperative. Cummiskey says when I am able to be a source of values then I have to accept as a source of values any other agents. Thus, any value that

is an attribute of me and my goals, it must also attribute to any other agent and his/her objectives. All agents have the same practical significance or the same value. Cummiskey calls this argument "equivalence argument" [3, pp. 87–88]. The argument in itself contains the idea that in the selection, arrangement and realization of their goals, I am rationally obligated to the equal importance of others. An interest in the same status of other reasonable entities works as a regulative requirement for higher order confirmation and rational arrangement of goals and also as a restrictive condition for a certain actions. According to him, it further means that the achievement and realization of the objectives that I plan must be consistent with the necessary conditions for my rational action as well as rational actions of others. Further, the results in the other rational stated objectives must also refer to my own goals. Then it seems that in promoting rational entity and happiness we need to be strictly impartial and weigh all the same [3, p. 88].

Formula of humanity is, according to Cummiskey, a basic normative principle of Kant's ethics and provides the basis for all moral judgments [3, p. 106]. Each agent has to select goals which would be neutral to other legitimate aims. Equally important is the social context of developing their abilities and the provision of reasonable expectations of happiness. Of course, each person has to shape and revise their conception of the good within clear limits. There is a social obligation to provide the necessary conditions for effective implementation of rationally selected goals. Cummiskey affirms that the obligation of mutual assistance follows from the general obligation to accept goals of others like themselves. This general obligation is, according to Kant, an essential part of the idea of humanity as an objective in the end-in-itself [3, p. 107].

We have a duty to promote good, but this obligation is limited to the suitability and eligibility of the means by which this can be done. On this basis, Cummiskey concluded that in promoting good we must recognize status of persons other than the end-in-itself. In principle, though not in practice, consequentialist in his opinion may be requested to sacrifice an innocent person because of some greater good. He is aware, however, that according to the Kantians, it affirms use of people as a means and not an end [3, p. 140]. Nevertheless it submits that fundamental structural feature of consequentialism (at least in principle) can ask us to sacrifice some people to save others. We must now examine whether the sacrificed person is or is not an appropriate feature of understanding the person as the end-in-itself [3, p. 141].

Consider, Cummiskey writes, what a Kantian must do when faced with the terrible choice between killing several people or by leaving for dead a lot more people. Take, as an example of long-lasting war in which carried out attacks on the city, home of many innocent people (children, the elderly and citizens of other countries who are against war, etc.). We are assuming that our actions could significantly reduce human suffering and oppression, could save many human lives, then it is not clear why a Kantian could not sacrifice some people to save many others. Formula of the end-in-itself asks us not to use others as a means of subjective goals. But in this case, in his view, the goals of the actions are objective, not subjective. Objective goal is that whether it is first necessary to protect the life and freedom that could be lost during the ongoing conflict and further support the fundamental needs of others. According to Kant's understanding of the negative obligations, we cannot touch or violate the legitimate aim of a person. The positive understanding of the obligations means that we have a mission to help people realize legitimate goals [3, p. 141]. Thus, there arises a conflict of duties. According to Kant, however, negative obligations are perfect and have priority for the positive, which are imperfect. It also claimed that the conflict of obligations is not possible, because they form a harmonious kingdom of ends [3,

p. 142]. That, according to Cummiskey, suggests that it is not possible to sacrifice a few people to save more. On the other hand, however, it points out that the Kantian principle of beneficence calls for rescue or a help so many people, how much is possible to help. Kant is right when he say sthat we have a duty to promote the happiness of others. On this basis, Cummiskey concludes that we have additional responsibilities and lexical priority to save lives and promote freedom. Duty to promote happiness is limited lexical duty up to promote the conditions necessary for the development of a reasonable nature. Deontologists, however, contend that this obligationis limited in that they must not be immoral conduct, which should be the means of implementing these obligations and cannot therefore lead to an unreasonable sacrifice. In my opinion, the obligation to sacrifice someone and save more is no immoral conduct nor it is unreasonable sacrificing. In his view, the sacrifice is demanded by reason. This attitude justifies the fact that this is consistent with Kant's requirement of the end-in-itself, because if it is made good, evil cannot be done. Then Cummiskey notes that to save many people cannot be evil [3, pp. 143–144].

Cummiskey concludes that to sacrifice several people for rescue of many does not use them arbitrarily and not to deny the value of unconditional sentient beings. The term end-in-itself, according to him, does not support the view that we can never sacrifice someone to save others. If we pay attention to the equal value of all sentient beings, then such reasoning leads us to the conclusion that the agent can sacrifice a few people to rescue others. However, it also follows that there are not acceptable non-rational requirements for sacrificing others [3, p. 146]. According to Cummiskey, natural interpretation of Kant's requirement that to each agentis given equal respect for all sentient beings, leads to consequentialist normative theory. Consequentialist interpretation does not ask victims, which would be according to Kantian, considered unreasonable and it does not carry out evil, whereas in this case shows the good [3, p. 151].

Even on the basis of extensive analysis of Cummiskey's views it is impossible to conclude that he somehow accepts the consequences as something common to consequentialism (really just a modified utilitarianism) and Kant's ethics. His thinking about the consequences is based solely on utilitarian grounds and also contains a certain amount of sophisticated speculation, to help him to prove that on the basis of the conclusions of Kant's ethics can be accepted utilitarian or consequentialist dealing with such emergencies. The starting point for his efforts to reconcile Kant's Formula of humanity and the end-in-itself with utilitarian solutions in case of acceptance deceptive or sacrificing the life of an innocent man, is to convince that everything what is done in order to achieve maximum happiness or maximum good is really good. On the one hand, he creates an unacceptable precedent because it could lead to the acceptance of unwanted forms of behavior and action. On the other hand, thus actually he got into conflict with its own declared lexical priority of protecting, developing and implementing rational nature. Even when he used consequences as latent criterion when considering and deciding in favor of sacrificing innocent people, certainly it has been far in the sense in which at least marginally Kant thought of the consequences. Cummiskey is aware, as well as other utilitarians and consequentialists that Kant's understanding of the consequences is a marginal issue in his ethical theory. Almost everyone, Kantians and the utilitarians or consequentialists are aware of what Jeffrie G. Murphy pointed out that Kant's understanding of the consequences has nothing to do with how the consequences understood in utilitarianism or consequentialism [12, p. 106].

Scott Forschler holds that Cummiskey derives his consequentialist position mainly through an argument for the value of rational agency, only later he considers how a rational agent ought

to respond to such value, revealing a distinctly un-Kantian priority of the good over the right [4, p. 89]. According to him, Cummiskey's two-tiered consequentialism privileges the ends of each rational agent's preserving one's life and rational capacities above all other ends, requiring each agent to always give these ends some significant weight vis-à-vis any other ends he or she may have, while still requiring maximization of the satisfaction of all agents' ends with this weighting kept in mind [4, p. 97]. Finally, he thinks that it is necessary to distinguish between normative and foundational elements of an ethical theory. Then, for example, Richard Mervyn Hare, Peter Singer, and George Edward Moore are consequentialists, while Immanuel Kant and William D. Ross are deontologists. But follows metaethical criteria, Kant, Hare, and Singer are ethical rationalists, while Moore and Ross are intuitionists. He concludes that "...utilitarian who starts taking considerations of universality into account *is* on his or her way to Kantianism – but only to Kant's rationalism, not to his deontology" [4, p. 100].

According to Philipp Stratton-Lake, Cummiskey holds that there is no anti-consequentialist argument in Kant's ethics, and that there is no Kantian argument for the deontological view and there are constraints on maximising the good. In Stratton-Lake's view, Cummiskey affirms that Kant's position *entails* consequentialism. He also sees that one of the strengths of Cummiskey's book is the idea of a consequentialist normative principle justified by Kantian non-consequentialist arguments. Another value of Cummiskey's ideas is in Stratton-Lake's opinion the way how he includes the notion of respect for the autonomy of others, or the special value and dignity of rational nature, in consequentialism [17, p. 215–216].

Ridge affirms that these two views, Kantianism and consequentialism, they are logically compatible. He thinks that it is possible agree with Cummiskey that a Kantian meta-ethics can get you to consequentialism and agree with the present account that consequentialism is consistent with a Kantian first-order moral theory [16, p. 423]. He concludes that consequentialism and Kantianism should not be seen as mutually exclusive options. According to him, Cummiskey's theory is Kantian in its verdicts about particular cases and its value theory but nonetheless consequentialist in its structure [16, p. 435].

However, Christina Korsgaard differently sees relations between Kant's ethics and consequentialism and she rejects Cummiskey's Kantian consequentialism. According to her, "consequentialists try to derive the values that concern the quality of our relationships from considerations about what does the most good. If you should be just and honest and upright in your dealings with others, according to the consequentialist, that is because that is what does the most good. If you are allowed to be partial to your own friends and family, and not required always to measure their interests against the good of the whole, that is because it turns out, the consequentialist claims, that people maximize the good of the whole more efficiently by attending to the welfare of their own friends and family. It is less often noticed, but just as true, that in a Kantian theory the value of producing the good is derived from considerations about the quality of our relationships. The reason that pursuing the good of others is a duty at all in Kant's theory is that it is a mark of respect for the humanity of another that you help him out when he is in need, and more generally that you help him to promote his own chosen ends when you are in a position to do that. This is why it is a serious mistake to characterize Kantian deontology as accepting a "sideconstraint" on the promotion of the good. Kant does not believe there is some general duty to maximize or even promote the good that is then limited by certain deontological restrictions.

Rather, he believes that promoting the good of another and treating her justly and honestly are two aspects of respecting her as an end in herself" [10, pp. 388–389].

Those utilitarian or consequentialist theories which, in some way, declare an adherence to Kant's ethics do not provide any confirmation either that it is consequences where common features of these conceptions with Kant can be found. Then, the result of the research is that Kant only pays scant regard to consequences of actions by rational beings, and that is at the level of legal actions based on hypothetical imperative. Kant's understanding of consequences, their position and role in his ethical theory, does not provide any reason to claim that there is a similarity between Kant and utilitarianism or consequentialism concerning issues regarding consequences. Kantians, utilitarians as well as consequentialists are aware of this.

In context of my ethical position entitled as ethics of social consequences as a form on non-utilitarian consequentialism, I think that there are similarities between consequentialism and Kant's ethics. It concerns especially his Formula of humanity and my approach to humanity as one of the most important values of the ethics of social consequences. In my position humanity is understood as all the forms of behaviour leading to the protection and maintenance, i.e. respect and development of human life. On the basis of the differences in the objects of our behaviour and conduct, we distinguish between humanity as primary natural-biological quality (fundamental moral value of respect to human life) and additional moral quality (in some context it can be a virtuous action) supporting and developing human life of strangers. The moral value of the first kind of behaviour is determined by our biological or social relations to our close ones. In the second case, the moral value of our behaviour to strangers is a pure manifestation of our morality and I think that it is fully acceptable also in Kant's seeing humanity overcoming our nature and moral hindrances.

On the other hand, the protection and maintenance of the life of strangers is the moral additional value (perhaps, virtuous action) by which we create a new, higher quality in our behaviour in relation to other people. In this case we can really speak about humanity as a moral quality, or value in Kant's sense. It is something that is really specifically human and which deserves respect and admiration. By such behaviour man proves that he can, at least to certain extent, transcend the natural-biological framework of his determination. Especially in that context it is a very close to Kant's ideas on the extension of moral realm to strange people [5, pp. 261–263].

In conclusion, we can find similarities between consequentialism and Kant's ethics, particularly in practical terms. It concerns the fundamental values inherent in Kant's ethics and ethics of social consequences in which the value of humanity holds a position of one of the core values. Despite the fact that Kant directly does not significantly regard consequences in his theory, however, Cumiskey's considerations of humanity and also in the ethics of social consequences, offer to us option that there is scope of finding common approaches in solving moral problems between Kantians and at least some versions of consequentialism including ethics of social consequences concerning especially humanity.

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ДІАЛОГ ЕТИЧНИХ ТЕОРІЙ (КАНТ І КОНСЕКВЕНЦІАЛІЗМ)

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Проблема наслідків є центральною в консеквенціалізмі. Тому дуже важливо ознайомитись з думками тих, хто має справу з наслідками, насамперед з погляду не-консеквенціалізму, такими як Кант. При вивченні цього питання слід звернути увагу на три напрямки. По-перше, яким є істинний характер етики Канта. По-друге, якою є позиція та роль наслідків в етиці Канта. По-третє, як класифікується взаємозв'язок між етикою Канта та консеквенціалізмом.

Перший напрям, який стосується характеру Кантової етики, можна узагальнити так: Кант вважає прийняття апріорного закону моралі (як вихідної мотивації дій) критерієм, який визначає моральний характер дій та виконання моральних зобов'язань, які випливають із цього закону. Це підкреслює інтенціональний характер етики Канта. Звісно, це не суперечить відомому факту, що Кантова етика також має значний телеологічний вимір, що його забезпечує царство цілей. Однак це інший аспект питання, до якого досліджуваний напрямок Кантового ставлення до наслідків не має стосунку.

Підсумовуючи другий напрям, тобто позицію і роль наслідків у етичній теорії Канта, можна сказати, що Кант розглядає дії, виконані згідно з вимогами, які виникають на основі моральних зобов'язань бути добрим, незалежно від наслідків. У випадку інших дій, тобто таких, що ґрунтуються не на моральних зобов'язаннях, а лише на правових зобов'язаннях чи навіть дій, що суперечать будь-яким зобов'язанням, наслідки можна враховувати. Кант переконаний, що важливо, певною мірою, нотувати (особливо негативні) наслідки певних дій, вчинених раціональними істотами. Кант жодним чином не вважає наслідки критерієм моральних дій чи виявом моральних цінностей раціональних істот.

Ті утилітарні чи консеквенціалістські теорії, які певним чином заявляють, що слідує Кантовій етиці, не пропонують жодних підтверджень, що саме в наслідках можна знайти спільні риси з концепціями Канта. Відтак результат дослідження полягає в тому, що Кант доволі зневажливо ставиться до наслідків дій раціональних істот і відносить їх до рівня правових дій, заснованих на гіпотетичному імперативі. Кантове розуміння наслідків, їхня позиція й роль в його етичній теорії не дають підстав стверджувати, що існує подібність між Кантом та утилітаризмом чи консеквенціалізмом у питанні наслідків. Кантіанцям, утилітаристам та консеквенціалістам про це відомо.

Ключові слова: Кант, консеквенціалізм, моральний закон, моральне зобов'язання, Девід Кумміскі, кантіанський утилітаризм, етика соціальних наслідків.