

Cummiskey's Kantian Consequentialism

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In *Kantian Consequentialism*, David Cummiskey argues that the central ideas of Kant's moral philosophy provide claims about value which, if applied consistently, lead to consequentialist normative principles. While Kant himself was not a consequentialist, Cummiskey thinks he should have been, given his fundamental positions in ethics. I argue that Cummiskey is mistaken. Cummiskey's argument relies on a non-Kantian idea about value, namely that value can be defined, and objects with value identified, conceptually prior to and independent of the choices that a rational agent would make. The contrasting Kantian concept of value is that to possess value is to be the object of (one sort or other) of rational choice. Inasmuch as Cummiskey gives no reason to reject the Kantian account of value in favour of his own (consequentialist) account, his argument does not establish that Kant's ethics inevitably leads to normative consequentialism.

In his original and challenging book, *Kantian Consequentialism*, David Cummiskey argues that the central ideas of Kant's moral philosophy provide claims about value which, if applied consistently, lead to consequentialist ethical principles.¹ While Kant himself was not a consequentialist, Cummiskey thinks he should have been, given his basic approach to ethics.² I will argue that Cummiskey is mistaken, and that his mistake illuminates an important difference between the ways that consequentialists and Kantians think about value.

Cummiskey believes that the cornerstone of Kant's ethics is the humanity formulation of the Categorical Imperative, and that the humanity formulation leads to consequentialism because of the special and equal value it attributes to every agent's rational nature.³ The non-consequentialist Kantian is 'faced with quite a challenge', Cummiskey says, because she must provide 'an explanation of the

¹ David Cummiskey, *Kantian Consequentialism*, New York and Oxford, 1996.

² R. M. Hare offers a different line of reasoning for the claim that Kant's 'formal theory can certainly be interpreted in a way that allows him – perhaps even requires him – to be one kind of utilitarian'. See 'Could Kant Have Been a Utilitarian?', *Utilitas*, v (1993).

³ There is controversy over what counts as 'rational nature' in the humanity formulation, but I do not want that to be the focus of this paper. The details of the definition do not affect the thrust of the arguments in this paper. Cummiskey (p. 85) adopts Christine Korsgaard's definition of 'rational nature' (or 'humanity') as something like the 'capacity to set oneself an end'. For various positions on what Kant means by 'rational nature', see Thomas E. Hill, Jr., 'Humanity as an End in Itself', *Dignity and Practical Reason in Kant's Moral Theory*, Ithaca and London, 1992, pp. 38–57; Christine Korsgaard, 'Kant's Formula of Humanity', *Creating the Kingdom of Ends*, Cambridge, 1996, pp. 106–32; Allen Wood, 'Humanity as End in Itself', *Proceedings of the Eighth International Kant Congress*, vol. I, pt. 1 (1995), and Richard Dean, 'What Should We Treat As An End In Itself?', *Pacific Philosophical Quarterly*, lxxvii (1996).

equal practical significance of each person that does not generate the consequentialist interpretation' (p. 100). Because of the value Kant attributes to every rational nature, '[f]or structural reasons alone, consequentialism should follow' from the humanity formulation (p. 101).

Cummiskey is right that an important element of Kant's ethics, perhaps the most central part, is the claim that rational nature has a special and incomparably high value. And it is natural to think that this inevitably leads to a moral requirement to maximally promote that value. But this thought, though natural, is mistaken. Cummiskey is misled because he takes for granted a concept of value that is more consequentialist than Kantian. When Kant's claim that rational nature has incomparable value is understood in light of a Kantian, rather than a consequentialist, concept of value, it does not naturally generate consequentialist normative principles.

In this paper, I will first explain more exactly how Cummiskey's 'Kantian consequentialism' differs from non-consequentialist versions of Kantian ethics, and will describe the main argument Cummiskey offers for favouring Kantian consequentialism. Then I will explain how I think this argument goes astray because it relies on a concept of value that is not Kant's. Finally, I will look at two additional, subsidiary arguments Cummiskey offers for his interpretation, and I will show how they also fail, if the main argument does.

I. HOW KANTIAN CONSEQUENTIALISM DIFFERS FROM STANDARD KANTIAN ETHICS

The difference between Kantian consequentialism and standard non-consequentialist interpretations of Kant's ethics is a difference at the level of mid-level normative principles. Cummiskey accepts Kant's basic approach to ethics and the fundamental moral principles expressed in the different formulations of the Categorical Imperative.⁴ But Cummiskey thinks the more specific action-guiding principles that follow from Kant's approach, and especially from the humanity formulation, are (as Kant failed to see) consequentialist. 'Consistent Kantian Internalism entails normative consequentialism (if it entails anything at all),' Cummiskey states a little more than halfway through his book (p. 101).

The 'Kantian consequentialism' that Cummiskey thinks follows from Kant's moral theory is 'a requirement to maximally promote two

⁴ Cummiskey does disagree with some of what Kant says at this level (for instance, Cummiskey, like some other commentators, thinks that the universalizability formulation of the Categorical Imperative does not provide substantial moral guidance by itself), but the main disagreement lies elsewhere.

tiers of value: rational nature and happiness, where rational nature is lexically prior to happiness' (p. 99). A little more specifically:

The first part of this principle does not require us to maximize rational being or our rational capacities. Rational nature is not something we are to maximize in that sense. It does, however, require the maximal promotion of the conditions that are necessary for the flourishing of rational agency. The second part of this principle may require something like the maximization of rational-desire-satisfaction or corrected-preference-satisfaction. (p. 89)

The sense in which these principles are consequentialist is that they require maximization with regard to that which is taken to have value for every agent, namely rational nature itself and the ends set by beings with rational nature.⁵

The difference between Kantian consequentialism and Kantian non-consequentialism is that non-consequentialist Kantian ethics does not include these principles requiring maximization. But even on standard, non-consequentialist interpretations, there are similar Kantian principles that demand special treatment of beings with rational nature, and some consideration of their ends. It is just that these duties regarding rational beings and their ends do not include maximization.

Cummiskey mentions several demands that Kantian consequentialism places on agents, some of which coincide with non-consequentialist Kantian duties and some of which do not. The three relevant categories of duties are duties of respecting one's own rational nature, duties of respecting others' rational natures, and duties of promoting others' ends.⁶

The Kantian consequentialist and the standard Kantian most obviously diverge in their accounts of the duty to promote others' ends. The Kantian non-consequentialist thinks we have a duty only to give

⁵ As a referee for *Utilitas* has pointed out to me, there may be room to question whether Cummiskey's Kantian consequentialism is really a form of consequentialism at all. After all, it is unlike most consequentialist theories in several ways. It does not require maximization of the object with the greatest value (rational agency), but rather of the necessary conditions for rational agency, and it requires maximization not just of necessary conditions, but of equal necessary conditions. It also includes asymmetries in one's duties to oneself and others. It may be that the duties Cummiskey describes are not properly called consequentialist, and if Cummiskey only succeeds in showing that Kant's ethics generates particular kinds of non-consequentialist duties, that is not such dramatic news. However, the focus of this paper will be a different objection to Cummiskey – namely that the principles comprising Kantian 'consequentialism' (whether that is truly a form of consequentialism or not) do not really follow from the ideas of value in Kant's humanity formulation.

⁶ These categories of duties are not the same as Kant's categories of perfect and imperfect duties to one's self and to others. That is no surprise, since I am reconstructing Cummiskey's argument here and he actually thinks the perfect/imperfect duty distinction is philosophically unjustified for Kant (see pp. 105–23).

some consideration to others' ends and to promote these ends at least sometimes.

Cummiskey thinks each rational being has a more demanding duty, to maximize the satisfaction of rational beings' ends overall, regardless of whether these ends are her own or some other rational beings'. This is because Cummiskey takes the argument for humanity as an end in itself to show that, since the value of my rational nature and ends has the same 'rational ground' as the value of others' rational natures and ends, 'I must recognize others and their ends as having the same value' as mine (p. 54). This leads to a duty to maximally promote the satisfaction of others' ends, because everyone's ends, as it were, go into the same pot, and I have no more reason to satisfy any one person's ends (including my own) than I do to satisfy another's. The maximization involved is straightforward, and so is the contrast with the Kantian non-consequentialist's more limited version of the duty to give some weight to others' ends and help promote their ends sometimes.

On the other hand, Cummiskey and a conventional Kantian apparently would agree about the sorts of duties one has with regard to respecting one's own rational nature. To respect rational nature in oneself, Cummiskey thinks one should choose actions that one believes are rationally justified, seek out justifications for actions, and develop one's capacity for evaluating actions and ends (p. 98). Another way he puts this is that '[i]f I value my rational nature, then I must develop and exercise my rational capacities, then follow my best judgement'. The conventional Kantian would agree that we have this sort of duty, and it does not appear to involve any real maximization. One should act rationally whenever appropriate, of course, but Cummiskey seems wise to deny that we are obligated to try to maximize our rational capacities or the use of rational capacities (p. 91). To do so might involve becoming so self-absorbed that one fails to satisfy one's other important ends. Making it one's goal to maximize the rationality of one's particular choices, if this means maximizing the extent to which one's actions will achieve a consistent set of ends, will not be rational.

Although there is no maximization involved in respecting one's own rational nature, Kantian consequentialism does demand maximization in duties of respecting others' rational natures. So Cummiskey and standard Kantians would disagree about the sort of duties we have regarding others' rational natures. The Kantian non-consequentialist would think there are duties to avoid destroying other beings with rational natures, and to refrain from tempting them to act irrationally. She would also think that, since we have a duty to give some weight to others' rationality, choices, and ends, we should at least sometimes act in ways that tend to increase others' liberty, security

and subsistence – the conditions needed for them to develop and exercise their rationality.

But Cummiskey's Kantian consequentialist would go further in each case, demanding not only that each person must refrain from destroying other rational agents or causing them to behave irrationally, but also that each person see to it that others are free, to the maximum extent possible, from being destroyed or tempted (pp. 86 f.). And not only must each person sometimes take some steps to ensure others' welfare and liberty, but also each must seek to ensure these maximally.⁷

It is clear, in this last sort of duty, where Cummiskey takes a step beyond what the standard Kantian thinks is required. Cummiskey first says, uncontroversially, that we should 'promote the conditions necessary for forming, revising, and effectively pursuing a conception of the good', and 'each agent should adjust his or her ends in light of the equal status of all other agents' (p. 98). But then he adds that these two requirements 'generate moral claims to liberty, to security, and to subsistence'. I take it that liberty, security and subsistence are what Cummiskey thinks are the necessary conditions of forming and pursuing a conception of the good, and the maximization enters during the move from a duty to 'promote' these necessary conditions to the idea that each agent has a claim to actually being assured of them. If we have only an obligation to promote *to some extent* the conditions for forming and pursuing a conception of the good, this might not be enough to ensure that others have any right to expect that they should be provided with these conditions. Each person in a society could reasonably expect to be assured of liberty, security and subsistence only if we should maximally promote these conditions. Without maximization, each person's liberty, security and subsistence would be recognized as ends that should receive some weight, but there would be no guarantees.

Of course, even if everyone maximally promotes the necessary conditions for each other's formation and pursuit of ends, we still might not have enough, if we face a situation of extreme scarcity or other calamity. But Cummiskey seems to mean that each person has a right to expect subsistence, liberty and well-being under reasonably favourable circumstances. He says that when we must choose between differ-

⁷ Onora O'Neill is a non-consequentialist Kantian whose views could arguably lead to the conclusion that each of us has a duty to maximally promote the conditions for rational agency. In *Constructions of Reason*, Cambridge, 1989, pp. 228–33, she argues for an imperfect duty to provide others with the conditions of rational agency. Although she calls the duty imperfect (inasmuch as it is not a duty owed to any specific person), and although O'Neill is not mainly concerned here with exegesis of Kant's texts, the rationale she provides for this duty could be taken as a broadly Kantian rationale for a duty of maximization.

ent individuals, or 'between rights to subsistence, liberty, security, and well-being' (because it is impossible to provide everyone with all of these?) we must 'adjudicate in light of the equal status of each person' (p. 99). Overall, it seems that Cummiskey means the duty to provide others with subsistence, security and liberty to be a duty to provide them with these goods to the maximum extent possible.

In sum, then, Kantian consequentialism differs from standard Kantian ethical theory in the following ways: it requires impartially and maximally promoting rationally set ends, regardless of whether these ends are one's own or someone else's, as opposed to standard Kantian ethics which demands only some consideration of others' ends; it demands maximally promoting the level of liberty, security and subsistence in a society rather than just demanding that one take some steps to ensure these for other agents under some circumstances; and it requires one not only to refrain from destroying other rational beings or from tempting them to irrationality, but also to maximize the extent to which they are free from destruction or temptation.⁸

II. THE ARGUMENT FOR A CONSEQUENTIALIST RECONSTRUCTION OF KANT

Cummiskey's argument for Kantian consequentialism contains two main strategic steps. First he argues that the humanity formulation of the Categorical Imperative establishes that every rational nature has equal and incomparable value. Then he argues that Kantian consequentialism provides the only normative principles that take seriously this equal and incomparable value.

Cummiskey begins by offering a 'reconstruction and defense of Kant's own derivation of the formula of humanity' (p. 69). He does this because the derivation is 'the central argument of (Kant's) moral theory', and 'it justifies a distinctly Kantian form of normative consequentialism' (p. 62). He adds that, '[t]he consequentialist interpretation of the conclusion is a deviation from the otherwise standard derivation' (p. 69).

I will argue that Cummiskey misreads the derivation in a fundamental way, but because the mistake (or alleged mistake) lies more in broad strategy rather than the details, I will not dwell on the details of Cummiskey's reconstruction.⁹ So, briefly, Cummiskey first argues

⁸ The duty to see that rational agents are free from destruction might also fall under the category of providing others with as much security as possible.

⁹ Although I think there is a problem with the fundamental strategy of Cummiskey's reconstruction, I do think he is right that some of the details are fairly 'standard', inasmuch as Cummiskey adopts roughly the strategy that one prominent commentator, Christine Korsgaard, follows. See Korsgaard, pp. 119-24.

that to take one's own rational nature as supremely valuable is a 'subjective principle' to which every rational person must adhere (pp. 69-73). As a reconstruction of this, the first step in the derivation, Cummiskey offers a 'regress argument', that says rational nature must have an incomparable value for an agent because all of her other ends have value only in virtue of being adopted through her rational nature; rational nature has incomparable value for a person because it is the necessary 'condition' of the value of all her other ends. But not only does the value of her own rational nature provide a 'subjective principle' for each agent. Every agent must also recognize as an 'objective principle' the value of rational nature wherever it exists (pp. 73 f.). This is because an agent must recognize that every other rational being must also conceive of her rational nature as having incomparable value, and 'for the exact same reason' as she conceives of her own rational nature in this way (p. 73). So it is 'rational nature as such' that every agent should take to be incomparably valuable.

Cummiskey recognizes that a 'rational egoist response' is possible. This response would admit that 'each rational agent must treat her own rational nature as an end in itself', but would deny 'that each rational agent must conceive of rational agency as such as an end in itself' (p. 73). Cummiskey replies that '[t]he response that all Kantians must take in determining the weight and significance of others and their ends, however, should be clear'.¹⁰ The position all Kantians must take is expressed in what Cummiskey calls the 'equal-value principle': If the values of X and Y are based on the same rational ground, then they have the same value. He adds that '[a]n argument for consequentialism, based on this principle, will be developed in the next chapter' (p. 74).

Cummiskey calls his main argument for Kantian consequentialism, which is based on the equal-value principle, the 'equivalence argument'. He thinks that 'if one accepts the Kantian argument for the end in itself, one is committed to the equal practical significance of all rational beings and their happiness (interpreted as the satisfaction of an ordered set of rational desires)' (p. 87). This is because 'the actions of any person, in the final analysis, have the exact same rational basis and justification as any of my justified actions'. What justifies the actions and makes the ends of the actions valuable is that they are the product of rational choice. Since it is rationally required for each agent to regard her own rational nature as valuable, it is also true that each

¹⁰ Cummiskey, p. 74. I am simplifying Cummiskey's argument here, leaving out four paragraphs about Thomas Nagel that intervene between the rational egoist response and the quotation just cited. This simplification does not unfairly misrepresent Cummiskey's main point.

rational agent has the same rational ground for valuing her own rational nature. Then the equal value principle would say that since the value of other agents and their ends are based on the same rational ground as the value of myself and my ends, the same 'value I attribute to myself and my ends, I thus must also attribute to each other agent and her ends' (p. 88).

Cummiskey continues the equivalence argument, saying that if 'all rational beings are equally significant in deciding what to do', then 'I must choose courses of action that reflect this equal value' (p. 89). Furthermore:

Clearly, the most straightforward way to do this is to treat the value of all such beings equally. And the most straightforward way to do that involves striving as far as I can to promote the necessary conditions for, first, reflective rational choice, and, second, the effective realization of rationally chosen ends. (p. 89)

This is the key move in the equivalence argument.

Cummiskey in effect asserts that the only way to treat each rational nature as equally valuable is to put all the rational natures into the same pool and try as far as possible to treat them identically. This must be the point of the claim that treating the value of all rational beings 'equally' is the 'most straightforward way' to 'choose actions that reflect this equal value' of all rational natures. Otherwise 'treating the value of all such beings equally' is just a repetition of the claim that one must choose actions that reflect equal value, rather than a consequence of it.

The way Cummiskey reaches the conclusion that the conditions of rational choice should be maximized is to apply a 'put them all in one pot' view of rational nature. He looks at rational natures and wonders what it would take to come closest to ensuring that all these equally and supremely valuable rational natures are kept intact. The natural answer, on this approach, is to see to it that the conditions for their flourishing are maximally promoted. And since that is what it would take to see that they are all preserved, that is what each agent has an obligation to try to bring about.

Similarly, once we have assured the maximal preservation and flourishing of rational natures, the 'one pot' view tells us then to impartially maximize the satisfaction of rational agents' ends. These ends all go into one pool, and the question to ask is what to do with them. The natural answer, given that there is no reason to favour one being's ends rather than another's, is to consider the importance of each end to some rational being, and the number of ends one can satisfy, and to satisfy as many of the most important ends as possible. This is straightforward consequentialism.

If Cummiskey is right that the humanity formulation is primarily meant to show that every rational nature has an equal and incom-

parable value, and that the only way to acknowledge this equal value is by following consequentialist principles, then he has shown that Kant should have been a consequentialist. But I will argue that neither of these claims is correct in quite the sense required for Cummiskey's argument to succeed.

III. THE (BETTER) NON-CONSEQUENTIALIST READING OF EQUAL VALUE

Cummiskey is of course right, in one sense, to say that Kant's ethics implies that each rational nature has an equal and incomparable value. But there are different ways to think of value. I will argue that Cummiskey's argument for Kantian consequentialism implicitly assumes a concept of value that is more at home in a consequentialist ethical theory than in a non-consequentialist Kantian ethical theory. The humanity formulation does tell us that every rational nature has an equal and incomparable value, but when seen in light of a Kantian concept of value, this does not lead to the 'one-pot' view of rational natures' value, and so does not support Kantian consequentialism.

Cummiskey distances himself from one non-Kantian view of value, which he calls the 'stuff' view. In order to avoid a possible *reductio* objection to Kantian consequentialism, Cummiskey explicitly renounces the view that value is some 'stuff' out in the world.

The stuff view of value is a familiar view, but it does not capture the Kantian conception of value ... The idea [of the Kantian view] is that each existing person in virtue of his rational nature (or humanity) has a claim to equal consideration. The idea is not that rational nature is an intrinsic value from the point of view of the universe, so the more of it the better. The idea is that all persons, in virtue of the value they place on their own rational nature, are committed to the equal value of other persons. (p. 92)

Cummiskey disavows the stuff view of value because he believes that if he accepted that value is some stuff, and that rational nature has the highest sort of value, he would be saddled with the implausible conclusion that we have a duty to maximize the number of rational beings in the world.

While Cummiskey does not quite grant a dubious ontological status to value as some stuff out in the world, he does rely on a non-Kantian way of thinking about value. He does this when he takes the claim that rational nature has a special value as conceptually prior to the question of how rational agents should act with regard to rational nature. He says that the humanity formulation first establishes the 'subjective principle' that each agent's rational nature is incomparably valuable for her, then that it establishes the 'objective principle' that every rational nature also has the same kind of incomparable value.

Only after concluding that each rational nature has special and equal value does Cummiskey turn to the question of what choices (duties) are rationally required in light of this equal and special value, and he concludes that all the rational natures must be made to flourish and the satisfaction of their ends must be maximized. In a straightforward sense, his argument treats value as primary and the choices of rational agents as derivative.

This approach embodies, in a broad sense, a typically consequentialist way of thinking about value. It takes value to be conceptually prior to questions about right actions. But this is not the only way to think about value. The alternative, Kantian approach to value is to think of talk about value as a shorthand for talk about what rational agents would choose. This is the idea Kant is expressing when he maintains that all value is determined by practical laws, or by the choices that rational agents would make.¹¹ What makes something valuable is that a rational being chooses it, not vice versa. In a straightforward sense, rational beings' choices are conceptually prior to any attributions of value.

Cummiskey does not adequately consider the possibility of thinking of value in this way when he offers his reconstruction of Kant's argument for, or 'derivation' of, the humanity formulation in *Groundwork* 428 f. Employing this alternative concept of value leads one to wonder first what the derivation tells us about how to treat rational nature, and only then to summarize these principles in value terms. This contrasts with Cummiskey's approach, of taking the humanity formulation's main purpose as telling us that each rational nature has a special and equal value, and leaving us to figure out how to treat rational nature in light of its value.

And a look at the language of the derivation suggests, not surprisingly, that Kant did in fact mean it primarily to be establishing principles of action, principles which we can summarize by saying rational nature should be treated as an end in itself, rather than its primary task being the Cummiskeyan one of establishing a value claim. The derivation of the humanity formulation is the search for an imperative, a 'practical law', that describes how any rational agent must treat rational nature.¹² First a 'subjective principle' is sought, and it is not a claim about value but rather a principle 'of human action' which describes the choices that each rational agent must make regarding

her own rational nature. Then the derivation gives a reason for thinking there is also an 'objective principle' that requires an agent, in so far as she is rational, to make certain kinds of choices regarding others' rational natures. The conclusion of the derivation, which is Kant's statement of the humanity formulation itself, then, is telling us to treat rational nature ('humanity') in certain ways, namely as an end in itself.

My claim so far is that Cummiskey is mistaken in thinking that the humanity formulation presents value claims that can be accommodated only by consequentialist normative principles. His mistake is that he assumes that the humanity formulation is meant primarily to establish that each rational nature possesses value, which gives rise to the question of how agents should react to the pool of all valuable rational natures. This is what I have called the 'one-pot' view of rational natures' value. When the question is framed in this way, the natural answer is that all the supremely valuable rational natures should be maximally protected, and treated identically as far as possible. But this question does not arise if the derivation of the humanity formulation is read in light of a Kantian concept of value. Seen in that light, the humanity formulation and its derivation are meant more directly to provide action-guiding principles. Then the requirement to treat rational nature in certain ways can be translated into value terms such as 'incomparable value' ('dignity'), or 'equal value', or 'absolute value'. But the question of how to react to the objects that possess this value does not arise at this point, because it has already been settled; the value claims are just ways of abbreviating the action-guiding principles that tell us how to treat rational nature.

Cummiskey might reasonably lodge a protest to the argument as presented so far. I have emphasized that Kant's discussion of the humanity formulation is meant to provide normative requirements that are conceptually prior to claims about the value of rational nature. But for all that has been said so far, these normative requirements, although conceptually prior to claims about value, might include Kantian consequentialist requirements of maximizing the conditions for rational natures' flourishing or maximizing the satisfaction of rational beings' ends.

To address this worry, a brief examination is required of the normative principles that Kant thinks constitute treating rational nature as an end in itself. And it must be admitted that Kant probably does not say enough. Kant speaks of principles of action, but says remarkably little about the content of those principles. If he just means the 'subjective principle' to be something like 'treat your own rational nature as an end in itself' and the 'objective principle' to be 'treat

¹¹ Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. H. J. Paton, New York, 1964, p. 103 [Akademie p. 436], and Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck, New York, 1993, p. 60 [Akademie p. 58], pp. 62 f. [60], and pp. 64-7 [62-4].

¹² The quotations in this paragraph are from Kant, *Groundwork*, p. 96 [428 f.].

others' rational natures as ends in themselves too', this is not very informative.

Kant does give some clues about the content of the principles, in the wording of the humanity formulation itself and in the paragraphs immediately before and after the 'derivation'. He emphasizes the distinction between ends and means, and seemingly identifies treating something as an end in itself with treating it as an end, as opposed to a mere means.¹³ This is not wholly uninformative, since it forbids us to think of or use rational nature in certain ways. But the standard means/ends distinction does not seem to capture all the normative requirements Kant wants the humanity formulation to embody. This can be seen by noticing the more complex uses of the humanity formulation in *Metaphysics of Morals*, or even in two of the four examples that immediately follow the statement of the formulation in *Groundwork*.¹⁴ Kant seems to have adopted the distinction, which was familiar in the history of ethics, between being good as a means and good as an end, as if it captured what he meant in the humanity formulation. But if so, he is asking the distinction to do too much work, for which it is not fully suited.

But Kant does have the resources at this point in *Groundwork* to say more about how an agent ought to treat rational nature. Regarding her own rational nature, an agent should choose never to destroy her rational nature in order to achieve the satisfaction of her desires or inclinations.¹⁵ This is because her inclination-based ends have value only if they are set by her rational nature – that is, her rational nature is the necessary 'condition' of the value of her other ends.¹⁶ This is the 'subjective principle' that dictates some choices she must make regarding her own rational nature, namely that she should not destroy herself or render herself permanently irrational, and that she should act rationally rather than irrationally.

And we know we are not searching for only an egoistic principle, since chapter 2 of *Groundwork* is an attempt to analyse common moral thought in order to discover the principles that must underlie it. An egoistic principle will not serve. So, by hypothesis, agents must give some sort of consideration to others' rational natures, as well as to their own. In light of this, and of the special role she is rationally required to give to her own rational nature, an agent can reasonably

¹³ Kant, *Groundwork*, pp. 95–7 [428–30].

¹⁴ See Immanuel Kant, *Metaphysics of Morals*, trans. Mary Gregor, Cambridge, 1996, pp. 145–232 [379–491], and Kant, *Groundwork*, pp. 97 f. [430].

¹⁵ This is not the same as saying that she cannot destroy her rational nature for any reason, so it leaves open the possibility that self-sacrifice may be morally permissible.

¹⁶ Like Cummiskey, I am borrowing something like Korsgaard's 'regress argument' here. See Korsgaard, pp. 119–24.

demand or expect that others should not destroy her rational nature, which means they should neither destroy her nor tempt her to act irrationally. And not only can she expect others to refrain from destroying her rational nature outright, she should also expect to receive some aid from others in maintaining her existence as a rational being, at least when she is in dire straits and they can aid her without too great a sacrifice. And she could expect others also to acknowledge her rational nature by not completely ignoring the ends she sets, and in some circumstances helping her to achieve those ends.

But if we know we are not searching for an egoistic principle, but rather one that underlies our common ideas about morality, then we know that the rational agent must also recognize that others have the same sort of rational nature as she does. It is rational nature as such that must be given special treatment, not just her own. The way for her to acknowledge this is by treating other rational beings in the same way that she expects to be treated herself. So she should not destroy them or tempt them to irrationality, and she should give some weight in her deliberations to others' welfare, survival, and personal ends. This is a natural way for an agent to acknowledge that others possess the same kind of rational nature as she does, and that they deserve the same kind of treatment as she does.¹⁷

These normative principles are available to Kant, and to judge from his uses of the humanity formulation in *Groundwork* and *Metaphysics of Morals*, they capture reasonably well the intended content of the requirement to treat rational nature as an end in itself. Furthermore, they allow one to say all that a Kantian would want to say about the value of rational nature. Once it is clear that rational nature deserves special treatment wherever it occurs, and once the kind of special treatment is specified, one might express the idea by saying that rational nature has various kinds of special value. Since you must treat it in the specific ways that are rationally required, regardless of the self-interested incentives you have for treating it otherwise, one could say that rational nature has an incomparably higher value than the satisfaction of self-interested incentives, or more simply, that it is incomparably valuable. And since you should give every other rational being the same kind of consideration in your deliberations that you can demand in their deliberations, one could say that all rational nature is equally valuable.

The principles that Kant wishes to convey in the imperative to treat rational nature as an end in itself do not include maximization. And there is no apparent reason to think Kant is mistaken in his beliefs

¹⁷ This reading of the requirements imposed by the humanity formulation is consistent with, and influenced by, Hill, pp. 144 f.

about the kinds of specific normative principles involved in this imperative. The reason Cummiskey presses is that only consequentialist principles can acknowledge the special and equal value of rational nature. But I have argued that, when we see what value-talk amounts to for Kant, the value claims can be accommodated perfectly well by non-consequentialist action-guiding principles. In fact, the value claims are simply a way to capture the kinds of treatment required by these principles.

If Cummiskey wishes to show that Kant should have espoused consequentialist normative principles, Cummiskey must show that the Kantian concept of value is inferior to the consequentialist concept of value, which identifies some objects or states of affairs that have value, and then says we must act in a way that reflects that value.¹⁸ In the absence of such a demonstration, Cummiskey's argument constitutes something like a begging of the question, since Kant takes value terms to be merely a way to describe the ways that rational agents would choose to act. The more typically consequentialist view of value may turn out to be correct, but it is not the only possibility. Until it is shown to be superior to the Kantian account of value, Cummiskey's 'equivalence argument' for Kantian consequentialism is incomplete.

IV. TWO SUBSIDIARY ARGUMENTS FOR KANTIAN CONSEQUENTIALISM

Cummiskey offers two additional arguments for a consequentialist reconstruction of Kant's ethics, but the failure of the equivalence argument also undermines these further arguments.

One of these arguments is what Cummiskey calls 'An Indirect Proof of Consequentialism'.¹⁹ He clarifies that it is, more precisely, 'an indirect proof that rational nature must be an agent-neutral, not agent-relative, reason for action' (p. 95). He begins by assuming toward a contradiction that an agent's rational nature has absolute and incomparable value only for the agent herself, not for anyone else. Then no one else's rational nature would have this value for the agent in question – her own rational nature would be incomparably more valuable than theirs. So in order to preserve the only thing with absolute and incomparable value for her, she would be required to do everything necessary to preserve her own rational nature. He rightly says: 'Although this move may avoid the Kantian consequentialist conclusion, it surely does not generate the desired deontological

¹⁸ For more on this consequentialist concept of value, see, for example, Shelly Kagan, *The Limits of Morality*, Oxford, 1989, pp. 59–62.

¹⁹ This is the title of section III of ch. 5 of the book, pp. 95–7.

alternative' (p. 96). The initial assumption of the indirect proof must be false, so we must accept that every 'every other rational agent is also an objective end', rather than one's own agency being the only thing of supreme value to oneself.

The indirect proof succeeds in showing that (according to Kant) each agent must regard others' rational natures as having the same special value as her own. But, contrary to Cummiskey's title for the section, this does not establish that Kant's line of thought leads to consequentialism. It is true that Kant says each rational nature must be regarded as having a value equal to one's own (although this is only a shorthand way of expressing the idea that all rational nature deserves special treatment). But I have argued above that this does not lead to consequentialism, because one can acknowledge equal value while still maintaining some asymmetry between oneself and others in one's deliberations. Treating others in the way that one demands to be treated by them is a non-consequentialist way to acknowledge that others are as important as oneself.

Cummiskey offers another argument for the claim that the 'flourishing of rational nature' must be maximally promoted, rather than just promoted to some extent. This argument is based on the Hypothetical Imperative's requirement to take the means to one's ends or else drop the ends (p. 91). Cummiskey points out that rational nature is different from inclination-based ends; rational nature is an end in itself or 'objective end', which means it cannot be dropped rationally.

Since the ends required by the categorical imperatives are necessary, and thus cannot simply be abandoned, one must take the necessary and available means to these ends ... But this is simply to say that insofar as one is determined by reason, one must do all that one can to promote the ends of morality. But 'to do all that one can do' is to do the maximum that one can do; so I am rationally required to maximally promote the objectively valid ends of morality. (p. 91)

This argument fails because it relies on a confusion about what kind of end rational nature is and what kind of value it has. In the case of ends that depend on the agent's inclinations, which Kant calls 'relative ends', to choose an end is to will to bring some state of affairs into existence.²⁰ To make it my end to get a private jet is to will a state of affairs in which I have the jet. If I choose to acquire not just a jet, but all jets everywhere, then (unless I drop this silly end) the Hypothetical Imperative requires me to do all I can to get jets, or in other words to maximally seek jets. But rational nature is a different kind of end. To say rational nature is a necessary end, or 'objective end', is to say that fully rational agents would choose to act in certain ways toward it.

²⁰ Kant's most thorough discussion of relative ends is in *Groundwork*, pp. 95 f. [27 f.].

Rational agents would choose not to destroy it for inclinations' sake, and would choose to act rationally instead of irrationally, and do all the other things listed above as ways to treat rational nature as having special value.

Once we have settled on how rational agents would choose to treat rational nature, it makes sense to say that they should do all they can do to treat it in these ways. But that is just to say that it is rationally required to try to fulfil the moral demands that are imposed by one's own rationality. One is, by definition, rationally required to do what one's rationality demands. One could put this point by saying that we are required to maximally promote the objective ends of morality, or, more naturally, that we are required to follow moral requirements fully and without exception. But that is not to say that we are required to maximize anything. We are required to adhere fully (or 'maximally') to moral requirements about how to treat rational nature. This leaves open which ways of treating rational nature are morally required. I have argued above for non-consequentialist requirements. If Cummiskey wishes to say we must maximize the conditions for the flourishing of rational nature, he must offer a separate argument for that claim.

So my criticism of Cummiskey's equivalence argument, if it is correct, suggests that his subsidiary arguments also fail. What undermined each argument is Cummiskey's failure to recognize that it is possible to acknowledge the equal value of rational nature by treating others in the way that you demand to be treated yourself, even if this treatment does not involve maximization. This idea is supported by the Kantian concept of value, which makes value claims serve as an abbreviated expression of the sort of choices that rational agents would make. Given this concept of value, there is no reason to see Kant's main ideas about ethics as leading necessarily, or even naturally, to consequentialist normative principles. A non-consequentialist reconstruction of Kant's ethics is more justified than a consequentialist one.

This is not to say that something like Kantian consequentialism is an obviously flawed or inconsistent theory. It is possible that compelling arguments can be offered in favour of Cummiskey's two-tiered consequentialism. But Kant's own ethical theory does not provide such arguments.