

Review Article

Critical review of theory and practice in ethics of social consequences

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Abstract: The article deals with ethics of social consequences as a modern ethical theory and proposes some critical remarks based on various elaborations of the theory presented in the newly published edited volume *Ethics of social consequences: Philosophical, applied and professional challenges*. It confronts and challenges several of the presented concepts and ideas and tries to find a solution for the theory to become even more elaborated but still remain within the boundaries of its ontological framework.

Keywords: consequentialism, ethics of social consequences, hybrid ethical theory

Introduction

Ethics of social consequences (hereafter ESC) is a relatively well grounded ethical theory established with the function of serving as an alternative to traditional (utilitarian) consequentialist theories prevailing in philosophical and ethical thinking and perspectives in the second half of the 20th century. According to its author, ESC “tries to exceed a framework of traditional division of topics, principles and values into deontological and consequentialist, because it stresses questions of humanity, human dignity that are being perceived as a domain of deontology” (Gluchman, 1999, p. 61). Its attention is primarily focused on providing a contemporary and more suitable ethical theory that would not be limited to basic utilitarian values but will still remain consequentialism in its nature. ESC is therefore a form of non-utilitarian consequentialism and remains in the position of evaluating the actions of moral agents primarily based on their consequences. This is also stated by its author in the introductory part of the book *Ethics of Social Consequences: Philosophical, Applied and Professional Challenges* published by Cambridge Scholars Publishing in 2018, where he not only brings the reader’s attention to the fact that the source value of the theory are positive social consequences, but also manages to inform him/her about the uneasy process of its establishment and development. But it needs to be added that the theory does not remain on the position of pure consequentialism, but rather exceeds the limits of such theories and becomes a “hybrid ethical theory”.²

The theory itself is rooted in research into modern philosophy and the utilitarian aspects of various authors within traditional utilitarian theories, especially in Jeremy Bentham’s and John Stuart Mill’s versions of utilitarianism and tries to overcome its limits and boundaries through an extension of its values and principles, as firstly outlined by Henry Sidgwick and George Edward Moore. Vasil Gluchman differentiates three phases that ESC has gone through. The first one is identified as the continuous process of its establishment as a modern ethical theory possibly having answers for some crucial issues of traditional utilitarian theories and dates back to the 1990s. He mentions some of his first publications that helped to constitute

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² For more information on the issue, see *Hybridné tendencie v kontexte normatívnych etických koncepcií na príklade etiky sociálnych dôsledkov* (Hybrid tendencies in the context of normative ethical theories on example of ethics of social consequences), (Kalajtšidis, 2017) and *Ethics of social consequences as a contemporary consequentialist theory* (Kalajtšidis, 2013a).

the theory and specify its theoretical background³ as well as influential sources in Erich Fromm, Baruch Spinoza as well as some other personalities of non-utilitarian consequentialism, i.e. Philip Pettit, Amartya Sen and Michael Slote with their respective versions of consequentialist theories. The second phase, according to Gluchman, starts in 2003 when ESC was modified based on many critical remarks presented by other Slovak, Czech and/or Polish ethicists and academics. This phase is characterized “by a return to its originally formulated values and their reformulation and redefinition” (Gluchman, 2018, p. xix). The third phase has been characterized as the contribution of other authors to the development of this theory. Therefore, the theory itself evolves by being discussed, evaluated and analysed by other authors who try to contribute to the overall improvement of its theoretical as well as practical implications. This presented book should serve as proof of its capabilities and consistency in terms of theoretical background – value orientation, principle adherence, theory of right, as well as its practical connotations applied to the numerous (and possibly boundless) ethical challenges that people face in postmodern world.

Part I: Philosophical and ethical issues in ethics of social consequences

The division of the book into three parts reflects the three dominant areas of research and the possible evolution of ESC. *Part I* deals exclusively with the theoretical framework of the theory through both criticism and expansion. Ján Kalajtšidis’ criticism of its insufficiently elaborated concept of responsibility is highly percussive. He noticed that the value of responsibility is only discussed with issues of moral agents (Kalajtšidis, 2018, pp. 7–8). His article not only shows that the secondary values of responsibility and justice are only partially analysed, it also points out certain 'grey areas' that deserve further and more detailed explanation and clarification. ESC is relatively young, which means that some of its parts are still being elaborated upon but this dynamic change might have positive as well as negative consequences for the theory itself. It leaves the theory open to criticism and reformulation. On the other hand, it might lead to inconsistency in its fundamental structure of values and principles.

Oresta Losyk searches for possible means of interaction between ethics of social consequences and postmodern relativism. Her conclusion (based on compelling comparison) is that the postmodernist approach is insufficient and ineffective and might find use of a certain number of theory’s assumptions. Their interrelation might embody the newest form of relativistic understanding of the value of human existence (Losyk, 2018, pp. 42–43). Ethics of social consequences declares itself to be mildly relativistic, i.e. it does not accept the maximization principle, evaluates acts based on the prevalence of positive social consequences and it strictly rejects the principle of impartiality.⁴ Postmodern relativism is pluralistic and thus accepts multiple versions of human life and moral ethos rejecting universal concepts and types of modern rationality. That is common with ESC and thus their mutual interference might be a productive approach. In spite of that, it deserves further theoretical analysis in order to not only identify what is common, but to search for possible discrepancies and conflicts between the two. Postmodern pluralism calls for an ethical theory that would be dynamic, flexible and open to any kind of criticism and modifications. The majority (if not all) of the authors think that ESC has these attributes and therefore is capable of answering and facing the majority (if not all) of the issues in the postmodern world. In

³ Among the most influential works by the author from that era there are: *Etika konzekvencializmu* (Ethics of consequentialism) (1995), *Etika sociálnych dôsledkov a jej kontexty* [Ethics of social consequences and its contexts] (1996), *Človek a morálka* [Man and morality] (1997).

⁴ The principle of impartiality is a traditional principle of classic utilitarianism which refers to the imagined impersonal perspective from which, it is supposed, moral judgments are to be made. It demands that the same moral value is assigned to all moral agents involved in the decision-making process on the level of morality.

times when we search for possible global ethics, it seems a necessary step, i.e. the capability of being applied to any kind of moral situations and conflicts. It must not respect any boundaries (political, ideological, religious, etc.) as era of globalization deserves solutions on global scale.

One of the most contemporary global issues is that of consumption and is analysed by Joanna Mysona Byrska (2018, pp. 49–57). It is a highly practical problem, therefore its position in the first part of the book is rather questionable and I would suggest moving the article about few remarks on the connection of the world of consumption and ESC to the second part of the book devoted to issues of applied ethics. The problem of consumerism is mostly connected with the issue of world poverty and unjust distribution of wealth in a global scope. ESC's primary principle is the principle of positive social consequences and thus its possible application on these issues seems relevant. As Kalajtidis and Komenská (both being authors dealing with various aspects of ESC) point out, moral agents behaving and acting like modern consumers, do not behave or act freely and thus bear little or no responsibility (Kalajtidis & Komenská, 2013, p. 216). This opinion is very simplified and only refers to a more complex problem of the theory itself. Its interpretation of ethical values and principles is (rarely) not clear cut as in this case it is not clear whether the actions of a moral agent determined by a set of phenomena are considered not to be based on his/her free will. What I am not sure of is its rejection of the principle of impartiality, which is very prominent in other (mainly utilitarian) forms of consequentialism. Gluchman in his *Human being and morality in ethics of social consequences* claims that a moral agent can better understand the needs and preferences of his relatives and family members and that we have special obligations towards our relatives and close persons, but we must consider justified the interests of other affected moral agents, as well (Gluchman, 2003, p. 93). I believe that when talking about consumerism and its negative consequences on the world economic situation and poverty in underdeveloped countries, it is necessary to mention another consequentialist's standpoint, i.e. Peter Singer's effective altruism that directly encourages people to donate money to people suffering from poverty while not sacrificing anything morally relevant to the sum donated. Indulgence in luxury is not morally neutral (Singer, 2011, p. 159). Jakub Synowiec further elaborates on the issue of utilitarian roots of effective altruism (Synowiec, 2016, pp. 147–155). To be effectively altruistic in today's world of consumerism, it is necessary to apply the principle of impartiality (*agent-neutral* position). ESC, claiming to be a dynamic and flexible theory, should reconsider its rejection of the principle as there are many situations that require the abandoning of its agent-relative position. We might know the needs and preferences of our relatives better than those of others, but that does not solve the problem of qualitatively different needs and preferences of people on the other side of the planet.⁵ On the other hand, Gluchman writes about some kind of rational partiality, but he does not elaborate this issue further on. If presented, it might serve as a possible way-out of such criticism, but for now, I believe that such remarks are relevant. Mysona Byrska concludes that ESC “can counteract the spread of consumer attitudes” (Mysona Byrska 2018, p. 55) and the whole issue is connected with the axiological dignity of a moral agent that presupposes him/her to be a decent person, thus making taking the welfare of others into account. I may only guess that by decency, the author means morality, but ESC is only one of many theories aiming at establishing and developing morality (decency, vicelessness, virtuousness etc.) in moral agents.

⁵ A practical example: I might know that a member of my family (my son) needs a new pair of shoes as well as I know that people in Africa suffer from starvation and lack drinkable water. Their needs and preferences are therefore diametrically different and does that mean that my agent-relative position forces me to satisfy the needs of my relatives first? Such action would not be right, even from the non-utilitarian consequentialism perspective.

Part II: Values and principles of ethics of social consequences in contexts of applied ethics

In the beginning of *Part II*, Josef Kuře offers a comparative study of ESC and Principlism in the context of bioethics and claims that the latter is not (or does not have) a clear moral theory. He states that “the web of norms and arguments can be regarded as methodological or strategic tools but not as moral theory” (Kuře, 2018, p. 102). According to the author, good social consequences represent a better and employable criterion for normativity than the general rule of doing good and avoiding evil found in Principlism. Such a conclusion is based on the argument that there are many situations in which the content of the good is not clear and in practical biomedical situations it is not clear enough if treatment will offer benefit to the patient. Similarly, I find this uncertainty in the context of the good in positive social consequences as the primary criterion for moral behaviour in ESC. In ESC, “the notion of positive social consequences is filled with different content while abiding the principles of humanity, human dignity and moral rights” (Gluchman, 1995, p. 89). Biomedical situations are diverse and to reach positive social consequences might often mean violating the principle of beneficence as “consequences are seen in a broader context because they are not consequences of only one action or several actions, but of a number of actions which have some factual value concerning the character of a moral agent. It is true that consequences of actions play the most important role in the process of judgement of the moral agent, but, on the other hand, they are not the only determining factor in judgement” (Gluchman, 2003, p. 24).

When it comes to criterion for positive social consequences and the four principles of Principlism, there is relevant note by Kuře that both are difficult to measure (Kuře, 2018, p.104). Therefore, it might seem as a matter of subjective calculation of what is and what is not a positive social consequence and further on it leaves the question of the scale of consequences open. But social consequences (positive or negative) can involve and influence a relatively small group of moral agents and objects (micro-social dimension) as well as maybe influencing a larger group (macro-social dimension). By using *utilitarian calculus*, it would be easy to claim which action is better (moral or right). But ESC strictly avoids using utilitarian calculations, but it tries to “measure” the prevalence of positive social consequences over negative social consequences. It is assumed that consequences affecting more people bring about more good and thus their prevalence is higher than of those affecting fewer people. It is therefore doubtful or at least controversial to say that ESC rejects traditional the utilitarian criterion of maximization at all. Acting and behaving in a way that it brings about more good than another action and behaviour means that ESC clearly prefers a higher level of social good, i.e. positive social consequences. Earlier, Kalajtidis tried to solve the puzzle regarding the criterion of maximization and its place within non-consequentialist theories and he came to the conclusion that ESC (among other similarly oriented ethical theories) overlooks possible arguments for accepting the principle of maximization and by not elaborating on such complex phenomenon we might come to a paradoxical situation in which ESC recommends (or at least gives approval to) any action that does not bring about the best possible consequences even if it could have (Kalajtidis, 2013b, p. 141). Despite mentioning implications of these issues in the biomedical context, this article compares the theoretical and methodological background of two different approaches by elevating the appropriateness of ESC for being a moral theory while rejecting Principlism for its purely formal and strategic character. It would be more logical to place this article within *Part I*.

Another article by Martin Gluchman opens up the question of the principle of humanity applied in bioethics. He mainly compares the principles of Principlism formulated by Tom L.

Beauchamp and James F. Childress (beneficence and non-maleficence) with the principle of humanity in ESC, but the most significant is his comparison in terms of the autonomy of the moral agent in the context of bioethics. Both Principlism and ESC consider a moral agent to be autonomous in terms of his decisions and actions and thus making him responsible for it. He concludes that both theories should benefit from each other and should try to become more situational. The author suggests a shift from the traditional, fully paternalistic, model in medical ethics to trust between physician and patient, thus making the patient more autonomous and responsible for decisions regarding his treatment. There are several parallels and commonalities found between the two theories because they “tend to the mutual right to help of patients, to the improvement of physician-patient relationship to a higher level in the final consequence. Such a relationship shouldn’t doubt mutual trust and should focus on mutual help to moral agents to avoid suffering in order to achieve positive social consequences” (Gluchman, M., 2018, p. 134).

A very inspiring article is written by Júlia Polomská in which she devotes her attention to the value of human dignity belonging to moral objects in ESC (she especially focuses on young people, children and people with learning disabilities). In my opinion, the debate about who is and who is not a moral agent is still not finished within ESC as there are certain preconditions that need to be fulfilled in order to become one, e.g. recognizing the actual valid norms and principles in a society, the ability to create one’s own norms and principles, bearing responsibility for actions, etc. In my previous work (in which I have taken a methodological standpoint regarding ESC) I reflected on the issue of assigning the value of human dignity to various entities based on their actions and behaviour. I claimed that there are shortcomings and ESC does not have any system of such procedures.⁶ In my opinion, despite ESC mentioning a kind of mathematical solution to assigning a degree of human dignity, it does not suggest how to figure it out. It might be the sum of various degrees of human dignity during one’s life as much as it might be the degree of human dignity reached as a consequence of agent’s last action (disregarding previous degrees of the value). The elaboration of this issue is insufficient (Švaňa, 2016, pp. 36–39).

In its earlier stages of development, ESC took a position of strong anthropocentrism as noted by Adela Lešková Blahová (Lešková Blahová, 2018, p. 185), but the position shifted towards weak anthropocentrism during its recent years of progress. We can observe an attempt by Lešková Blahová to shift the theory to moral biocentrism and thus broadening the value of life to all living beings thanks to their competence to be alive. As the name of the theory suggests, it mainly deals with social consequences, i.e. consequences following from actions by a human and having an impact on human society. The title is probably the outcome of the first versions of the theory that were primarily oriented on the social sphere of human life. The problem is that “the theory does not further specify the notion of life and it is a relevant limitation in the field of its theoretical framing” (Lešková Blahová, 2018, p. 186). She suggests adopting a *organicism perspective* which means thinking about life as a specific biological process and not narrowing it to its naturalistic meaning, as a life of concrete entities (Lešková Blahová, 2018, p. 189). This is a relevant remark as ESC’s standpoint towards life and the value of life is limited to axiological subjectivism. Life being a central and primary value from which all other values might be defined and deduced. Therefore, its correct theoretical foundation is necessary for other elements of the theory to be consistent and not restricted to their particular manifestations. Lešková Blahová claims that the axiological orientation of the theory has been moved towards biocentrism. The problem is that such

⁶ As an example, I mentioned a man being a good and loving father and husband, having a university degree and caring about others and social justice while preparing to kill a mass of people in a terrorist attack. There are micro-social consequences of being a good parent, partner and member of society. On the other hand, the consequences of a terrorist attack have an impact on the whole society (macro-social, even global dimension).

assumptions must be further explored and critically reflected as it changes the very nature of the ethical theory.

Similarly, Katarína Komenská comments on the biocentric nature of ESC. Moreover, she tries to expand the category of moral agents and objects and she comes up with the concept of *moral community*. She then compares this concept in ESC with similar concepts by authors such as Peter Singer and Mary Midgley (Komenská, 2018, pp. 196–211). The comparison is well established, but the problem of assigning a place within a particular moral community is connected with the problem mentioned in my analysis before, i.e. the issue of impartiality and *agent-relative* position. Choosing a member (a living entity of any kind) of a particular moral community is affected by the relationship of the moral agent towards it. It is contradictory to claim that ESC is an agent-relative ethical theory but nevertheless, the striving for the highest possible level of neutrality is demanded during the decision making process. How can a theory claiming to be agent-relative simultaneously demand the highest level of neutrality? The agent-relative position has a practical impact on establishing a moral community as well. The establishment of a moral community is influenced by whom we consider to be a moral agent and/or moral object. Komenská explains that ESC focuses on the reflective and rational abilities of the moral agent and this is a precondition attributed exclusively to humans.

Adopting the position of moral biocentrism as presented in two of the articles opens up a new list of problems connected to the coherency and consistency of the theory. As seen in these and many other articles dealing with (theoretical and practical) aspects of ESC, there is a lot of criticism, elaboration and effort to improve it. There is no guarantee that further and modern contributions to the theory are consistent with the initial theoretical framework, or at least with each other. It should be expected that such shifts and modifications of the theory are relevant and in accordance with its basic value structure and principles. The openness of the theory is not only a positive attribute, but it can easily become a very perilous aspect. Petr Jemelka expresses doubts about ESC being a valuable source for reflection on environmental ethics as he raises the complaint of a lack of interest in ontology (Jemelka, 2018, p. 224). In the past ESC took the position of reductionism and claimed that it “focuses only on a range of issues and metaphysical and ontological issues do not play a substantial role in formulating the assumptions of these ethical concepts or in finding and proposing ways of addressing the specific moral challenges to the present” (Gluchman, 1999, pp. 13–14). I believe that such an attitude had one strong and one weak point. Its strength lay in the ability to respond to highly practical issues including the decision making process of moral agents in today’s world in almost any kind of practical situation. The weak point dwelled in the absence of any ontological framework and it indirectly constituted tendencies towards inconsistency of ESC’s further development. As seen above, nowadays, there are authors who concentrate on ontological issues because they realized that, without proper basis in ontology, one cannot make any further comments about consequences concerning human life, etc. There these authors (Lešková Blahová, Polomská, Komenská) try to develop a more consistent and coherent framework for this ethical theory.

Part III: Professional ethics as a challenge for the ethics of social consequences

Part III focuses on possibilities of applying ESC in a particular sphere of applied ethics. Gluchman (the founder of ESC) analyses the extent to which a consequentialist theory might serve as relevant theoretical background for professional ethics. There are certain reservations regarding the issue mentioned by other authors in the article, but he mentions that ESC’s effort is to find intersections between consequentialist and non-consequentialist theories. Based on his analysis, he comes to the conclusion that the ESC model of professional ethics is applicable but primarily for a reflective type of moral agent (Gluchman, 2018, p. 245). One of the drawbacks of such a model (or any consequentialist model) is that it is a lot more

demanding than deontological ethics or virtue ethics. The simplicity of virtues required for a certain profession or imperativeness of commands and prohibitions are drawbacks that have to be dealt with especially when searching for an appropriate theory that will influence practice in the professional life of moral agents. Decades ago, Theo van Willigenburg stressed the importance of a case-oriented approach as it leads to consensus easily while a deontological approach has the tendency to support disagreements (Willigenburg, 1991).

The conclusion made by Marta Gluchmanová is that “ESC, as well as teaching ethics, is aimed at positive social consequences that have to be in accordance with principles and values of moral right of man and justice, as well as with other values and principles of particular ethical conceptions” (Gluchmanová, 2018, p. 277), hence its application in the teaching profession, is smooth. The application of ESC in teaching practice involves moral education based on the principles of the theory, i.e. humanity, human dignity and moral right for life. It respects and honours a student as a moral agent in the process of his moral development as well as creating possibilities for his voluntary decision-making stressing the importance of just evaluation.

An article of an interesting and contemporary nature is written by Lucas E. Misseri in which he applies ESC to the problem of reputation capital in cyberspace. He analyses topics such as the morality of file sharing, the intellectual property debate and/or social network and web controversies (Misseri, 2018, pp. 310–313). It is highly desirable to test the theory in providing relevant answers for such contemporary issues. However, in my opinion, the author does not provide any relationship to particular professions, instead he comments on and analyses interconnections of technological progress in the context of cyber space as an extended reality for mankind. ESC is presented as useful tool for evaluation of the law and the need to reform it. Human activities in cyberspace are still not properly comprehended and taken into account especially when it comes to observing ethical norms and principles. The idea of an ethical theory influencing and, mostly, changing the law seems idealistic and utopian; nevertheless, it is definitely an issue worth further and more complex elaboration.

Conclusion

Ethics of social consequences as a modern and dynamic theory of non-utilitarian consequentialism aims to achieve positive social consequences while following specific values and norms of humanity, human dignity, moral right, justice, responsibility, moral duty and tolerance. It is a contemporary ethical theory and, as presented in the book, a highly viable one. Despite mentioning the drawbacks of the theory, or better to say, concepts and ideas that must be further discussed and elaborated, it seems that ESC has claimed its place in the sun within ethical theories that can possibly have an answer to the many practical issues of the everyday life of man. On the other hand, for the theory to survive, it is necessary to avoid syncretism and eclecticism when modifying older concepts of the theory and/or when elaborating new ideas without being coherent to its theoretical background. All new and (sometimes) purpose-built contributions to the theory in both theory and practice, must be analyzed, discussed, critically reflected on and then confirmed or disproved. Otherwise there is an imminent danger for ESC being a theory for everything, but with little or no coherence (or even contradictions) to previously well established and elaborated issues. The book itself also shows a vast range of topics possibly covered by the theory.

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