

ANSCOMBE ON CONSEQUENTIALISM AND ABSOLUTE PROHIBITIONS

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Abstract

I discuss the third of Anscombe's theses from "Modern Moral Philosophy", namely that post-Sidgwickian consequentialism makes the worst action acceptable. I scrutinize her comprehension of "consequentialism", her reconstruction of Sidgwick's view of intention, her defence of casuistry, her reformulation of the double-effect doctrine, and her view of morality as based on Divine commands. I argue that her characterization of consequentialism suffers from lack of understanding of the history of utilitarianism and its self-transformation through the Intuitionism-Utilitarianism controversy; that she uncritically accepted an impoverished image of Kantian ethics and intuitionism, which was, ironically, an unaware bequest from her consequentialist opponents; that her action theory, yet, is a decisive contribution that may prove useful in formulating answers to questions that have been left open in both utilitarian and Kantian or intuitionist theories; that, to make the best of her actions theory, it is as well to drop her divine law view of ethics, which is incompatible with the former; and that the rather obscure traditional theological doctrine of absolute prohibitions is unnecessary to her project that could fare well with the more sober distinction between perfect and imperfect duties.

I. Anscombe's third thesis

As Roger Crisp recently noted, albeit "Modern Moral Philosophy" as a whole has been widely discussed, its third thesis, that post-Sidgwickian consequentialism makes the most disgraceful action morally right, has not received much serious consideration¹. The questions I will ask in connection with the third thesis are: (i) What is properly 'modern moral philosophy'? (ii) What is wrong with it? (iii) What is properly 'consequentialism'?; (iv) Why is it post-Sidgwickian?; (v) Who precisely claimed that the most disgraceful action may be the morally right action?; and (vi) Is Anscombe justified in contending that consequentialism is incompatible with one noteworthy

feature of the Hebrew-Christian ethic?

The answers I will give are: Anscombe's characterization of consequentialism is far from univocal; her ascription of this doctrine to Sidgwick is inaccurate; the claim of its ubiquity in late nineteenth- and twentieth-century British philosophy needs to be qualified; the role ascribed to absolute prohibitions in the Hebrew and Christian moral traditions is questionable; the opposition she draws between a religious *tradition* and a philosophical *school* is illegitimate, or at least uncritically carried out; and the doctrine of absolute prohibitions is incompatible with her own action theory².

II. Mr. Truman's fountain pen and intention

In 1956, at the beginning of her career, Anscombe published a pamphlet challenging the decision to award an honorary degree to Harry Truman, the US President who had decided use of the atom bomb against Japan. The pamphlet rescues the 16th century just war doctrine, and in more detail the *jus in bello*, that is, the theory of just warfare. Such a return to casuistry sounded as a shocking novelty in 1956, at a time when, in the Anglo-Saxon world, rational argument in ethics was generally assumed to be confined to metaethics. In the conclusions she suggested that the kind of moral philosophy taught at Oxford was such as to make academics and their pupils colour-blind to the morally relevant characteristics of action, to the point of thinking that Truman had stained his hands not with blood but at most with ink and what he had done was not *killing* women and children but just *putting his signature* on a sheet.

The short book *Intention*, published one year after *Mr. Truman's Degree*, provided a sustained discussion of the reasons why what Truman had done could not be described as «sprinkling ink over paper» but rather as «killing innocents». The action theory developed here started with a few ideas from Wittgenstein and developed them into an attempt to dismantle the Cartesian view of the mind-body relationship while reconstructing an account of human action as something different from a series of events in the physical world bearing a mysterious causal relationship with another series of events located in the mind. Thus, what Truman had done could be described in a number of different ways, ranging from «depositing a few drops of ink on a sheet» to «affixing a signature to a document», reaching «killing two hundred thousand innocent victims», but only some of these descriptions were relevant ones, while others were fallacies made possible by a defective account of action. This account is the one implied by the modern philosophical tradition starting with Descartes and Locke on the basis of one peculiar and implausible view of the mind-body

relationship. This amounts to taking separation between the two elements for granted, considering thoughts or ideas as *contents* in a container (the mind), and volitions and intentions as *mental events*, and asking the wrong question of the way in which the mind could *steer* the body's *behaviour*³.

"Modern Moral Philosophy", of 1958, is an expanded version of the conclusions announced in the 1956 pamphlet. It is based on a somewhat hasty reading of classics in ethics occasioned by Philippa Foot's leave and consequent need to substitute her in Somerville College's tutorials⁴. It consists of a critique of what she describes as "modern moral philosophy", the tradition of thought starting with Joseph Butler and reaching Richard Hare, through which she «wanted to reveal the state of moral philosophy to be thoroughly unsatisfactory, dependent on incoherent concepts and unrecognized assumptions; and she argued that, in the form in which it was then practised, it should be given up»⁵. Her contention is that, behind apparent differences, there is *one* approach that characterizes this tradition, that this is not the only approach available since there is an alternative one centred on dispositions or virtues, precisely what had been left out of the picture by modern moral philosophy. Other shared traits in modern moral philosophy are the primacy of rules and obligation instead of dispositions, and the denial of the existence of absolute prohibitions. The essay is organized around three theses.

The first is that «moral philosophy should be laid aside at any rate until we have an adequate philosophy of psychology»⁶, understood in terms of «an account at least of what a human action is at all, and how its description as "doing such-and-such" is affected by its motive and by the intention or intentions in it»⁷.

The second is that «the force of moral obligation arises out of forgetfulness of its origin»⁸, and thus the «concepts of obligation, and duty [...] and of what is morally right and wrong, and of the moral sense of "ought" [...] are survivals [...] from an earlier conception of ethics which no longer generally survives, and are only harmful without it»⁹. Modern moral philosophy focuses on norms and obligatory action but, in order to justify such notions, it would need the theological premise that it has instead eliminated. The consequence is that it is a highly unstable building.

The third thesis – which I examine in the present paper – is that «English ethicists since Sidgwick» have been constructing «systems according to which the man who says "We need such-and-such, and will only get it this way" may be a virtuous character: that is to say, it is left open to debate whether such a procedure as the judicial punishment of the innocent may not in some circumstances be the "right" one to adopt»¹⁰, and such a doctrine is «quite incompatible with the Hebrew-Christian ethic. For it has been characteristic of that ethic to teach that there are certain things forbidden whatever consequences threaten, such as choosing to kill the innocent for any

purpose, however good; vicarious punishment; treachery [...]; idolatry; sodomy; adultery; making a false profession of faith»¹¹.

III. What is properly modern moral philosophy?

In the conclusion to *Mr. Truman's degree*, Anscombe alleged that Oxford philosophy was suffering from the vice of describing human actions in such a way as to miss moral responsibility, missing the existence of "intention" in actions¹², and besides from another, deriving from the strange doctrine according to which «it is impossible to have any quite general moral laws; such laws as “It is wrong to lie” or “Never commit sodomy” are rules of thumb which an experienced person knows when to break »¹³. And this is why the kind of philosophy taught at Oxford contains «a repudiation of the idea that any class of action, such as murder, may be absolutely excluded»¹⁴. This is her famous “complaint”¹⁵, first expressed in the concluding page of “Mr. Truman's Degree” about the devastating effects of current ethical theories, and repeated in more detail in a talk given on BBC, “Does Oxford Philosophy Corrupt Youth?”¹⁶.

The contents of this talk are also worth describing. Here she starts with the report in «a review in the periodical called *Mind*» – in fact, a review by Richard Braithwaite of Richard Hare's book, *The Language of Morals*¹⁷ – of a complaint by some who, according to the reviewer's opinion, «ought to have known better», that contemporary linguistic philosophy corrupts youth. What Braithwaite had actually written was that many people «who ought to have known better have accused proponents of an “ethics without propositions” of corrupting the youth [...] This accusation [...] would be utterly fantastic in the case of Mr. Hare, whose book shows a high earnestness reminiscent of Kant»¹⁸. Anscombe, after first mocking at Braithwaite's remonstrance, proceeds to apparently side with him, but just in order to turn then his defence of non-cognitivism into a self-defeating claim. In fact, what she sets out to prove is that «Oxford moral philosophy is at tune with the highest and best ideals in the country at large» and no special blame should reflect on Oxford philosophers. For, is the whole of currently shared moral values which is corrupted and philosophers such as Hare do nothing worse than to follow suit. She does not miss the occasion, *en passant*, to spout some poison at the Church of England too, by suggesting that Archbishop William Temple had been a more effective corruptor of the youth than any Oxford philosopher, thanks to the «moral earnestness»¹⁹ he lavished in teaching such doctrines as that Christian business men must “compromise” with their ideals in order to be able effectively to promote those very ideals – that is,

they must “sin”, in so far as «all is sin that falls short of the glory of God»²⁰, and this heads to the paradox that persons with Christian ideals should accept to compromise with their ideals «because otherwise they would be driven out of their fields which would be left to people who had no ideals»²¹. What Anscombe ascribes to Temple is acceptance of an unqualified principle of the lesser evil such as the one generally ascribed to act-utilitarianism. To be fair, one should note, first, that Temple was far from a right-wing apologist of free-market, and was instead a committed supporter of (what was meant in Britain at the time as) “Socialism”; secondly, that in the very same essay, Temple draws a distinction between two distinct levels of justice, namely a contractarian doctrine that views society as «a tissue of competing selfishnesses» and a Platonic view of justice as co-operation based on «the principle of mutual need and help» among individuals who may mutually complement each other, a view culminating in the Christian ideal of love for one’s neighbour²², and his talk of “compromising” amounts to justifying adhesion, in some aspect and in some sector of one’s whole existence, to standards less demanding than love for one’s neighbour, but never going below those of justice as fair co-operation among self-interested individuals; thirdly, that his reasons were not limited to the businessman’s preoccupation not to be driven out of his field but, first of all, were inspired by consideration of the constraints arising from multiple allegiances under whose constraints he is bound to act, among them those deriving from the circumstance of acting most of the time as an administrator of somebody else’s investment. This could hardly lead Temple as far as justifying doing the worst action for its consequences’ sake. More substantive reasons of dissent from Archbishop Temple could have been the latter’s unconditional anti-pacifism, incompatible with Anscombe’s own just-war anti-pacifism, and his identification of acting on less than absolute standards with “sin”, which sounded a bit Calvinist. But the temptation was too strong of killing two birds, such as an Anglican Archbishop and a Quaker linguistic philosopher, with one stone.

The point Anscombe wanted to make – besides pinpricks meted out with impartiality to both bishops and academics – is that Oxford philosophy simply teaches the youths a rationalised version «of the ideas which are specially characteristic of our society»²³ or of the «highest and best ideals of the country at large»²⁴, which include: (i) an anti-Platonic view of justice according to which a just society need not be a society where people are just; (ii) a high conception of responsibility, such that, if «something seems in itself a bad sort of action, but you calculate that if you do not do it then the total situation [...] will be worse than if you do it – then you must do it»²⁵; (iii) a gentle idea of responsibility for things once they have been done, based on reduction of responsibility to causality, with the implication that «to hold someone responsible for what he did is to ascribe the whole causality of it as an event to him»²⁶; (iv) intense feeling for cruelty with such implications as that «if

anyone should try saying that some kind of action was bad, a case [...] is at once imagined in which a consequence of doing that action is that some horrible suffering is averted, and that settles the question»²⁷; (v) the assumption that «what you have to do is to choose your way of life and act the way that fits in with this»²⁸; (vi) an idea of the upbringing of children implying that we should avoid imposing the parents' own standards but, on the contrary, we should «equip our children as thinking human beings, capable of forming and indefinitely improving their own standards of action»²⁹. The sarcastic conclusion is that the imputation of corrupting the youth «is underserved. This philosophy is conceived perfectly in the spirit of the time and might be called the philosophy of the flattery of that spirit»³⁰.

In other words, the «things these people had in common, which had made Truman drop the bomb and the dons defend him, was a belief which Anscombe labelled 'consequentialism'»³¹, a felicitous neologism to be found now in any philosophical encyclopaedia but first introduced by Anscombe not so much in order to characterize a conceptual distinction within utilitarian philosophy as a widespread mentality she was trying to diagnose.

In "Modern Moral Philosophy" she traces Oxford philosophy's corruption back to "modern" moral philosophy. Let me carry out first a rough survey of her reconstruction. The list of philosophers mentioned includes Joseph Butler, David Hume, Jeremy Bentham, Immanuel Kant, John Stuart Mill, Henry Sidgwick, George Edward Moore, David Ross, Ludwig Wittgenstein, Gilbert Ryle, Richard Hare and Patrick Nowell-Smith, and besides John Locke, and Aristotle. The remarks are in order here that Locke, Wittgenstein, and Ryle are referred to with reference to themes different from ethical ones, that Aristotle's ethics is discussed as an alternative to modern moral philosophy. What we are left with is a heap of nine Britons with one German on top, roughly overlapping with Oxford reading lists in ethics, and her target seems to be rather modern and contemporary *British* moral philosophy, from Butler to Hare. In more detail, she distinguishes between two different phases, the first from Butler to Mill and the second from Sidgwick to Hare, with a break taking place between Mill and Sidgwick. Let us see what she has to say about individual thinkers.

1. *Butler*. He «exalts conscience, but appears ignorant that a man's conscience may tell him to do the vilest things»³²; this was already well known and Butler has written simply disregarding this, and for this reason he «does not open up any new topics for us»³³.

2. *Hume*. His considerations – the sophisticated character of his argument notwithstanding – constantly open up important problems. What he does is, first, to define truth in such a way as to exclude ethical judgment from it. Secondly, «he implicitly defines 'passion' in such a way that aiming at anything is having a passion»³⁴. As a consequence, as truth consists for him in *either* relations of ideas *or* matters of fact, he may account for the fact that I ordered potatoes from my

grocer, he supplied them, he sent me a bill, but not for such a proposition as that I *owe* him such-and-such a sum. There is an interesting transition from *is* to *owes*, and its problematic character «comes to light as a result of reflecting on Hume's arguments»³⁵. Or also, the passage from *is* to *needs* is unaccountable on Hume's account, as his analysis of the is-ought relationship tends to suggest that we consider just matters of fact or relations of ideas³⁶. But, again, we face something with a rather mysterious nature on Hume's account, and reflecting on his argument suggest the idea that "brute" facts are such just in a relative way, that they may be "brute" in relation to facts of a more complex level, which in turn may be "brute" facts in relation with even more complex ones. On balance, he has done a considerable service by showing that no content could be found in the notion 'morally ought', that it has «no reasonable sense outside a law conception of ethics»³⁷.

3. *Kant*. He tried to provide a justification for the moral law in the idea of legislating for oneself, which is an absurd idea in so far as «legislation requires superior power in the legislator»³⁸, but the worst is that his idea of universalisable maxims proves useless «without stipulation as to what shall count as a relevant description of an action with a view to constructing a maxim about it»³⁹; this is why, concerning lying, his rigorism made so that it never occurred to him that «a lie could be relevantly described as anything but just a lie (e.g. as 'a lie in such-and-such circumstances')»⁴⁰.

4. *Bentham*. He is mentioned in connection with the concept "pleasure" that he, like generations of modern philosophers, took as quite «unperplexing», for, «since Locke, pleasure was taken to be some sort of internal impression»⁴¹. On the contrary, it cannot be an internal impression, for – as remarked by Wittgenstein with regard to meaning – «no internal impression could have the consequences of pleasure»⁴².

5. *Mill*. He «holds that where a proposed action is of such a kind as to fall under some one principle established on grounds of utility, one must go by that; where it falls under none or several, the several suggesting contrary views of the action, the thing to do is to calculate particular consequences. But pretty well any action can be so described as to make it fall under a variety of principles of utility»⁴³. The problem with Mill is that, not unlike Kant, he «fails to realize the necessity for stipulation as to relevant descriptions, if his theory is to have content. It did not occur to him that acts of murder and theft could be otherwise described», which is a «stupid» position, «because it is not at all clear how an action can fall under just one principle of utility»⁴⁴.

6. *Sidgwick*. He marks the turning point. Differences between the English moral philosophers after Sidgwick «are of little importance»⁴⁵. Indeed, a «startling change»⁴⁶ took place between Mill and Moore, for, while for the former there is no question of calculating the particular consequences of an action such as murder or theft, for the latter it is obvious that the right action is the one which produces the best consequences. Mill is the last proponent of a not-yet-fully corrupted moral

philosophy, still hesitating before drawing the full consequences of accepted assumptions. Such consequences are drawn instead by Sidgwick, and this was made possible by his views on intention, namely the «denial of any distinction between foreseen and intended consequences»⁴⁷. There are cases, such as the judicial punishment of an innocent, where there can be «absolutely no argument about the description of this as unjust. No circumstances, and no expected consequences [...] can modify the description of it as unjust»⁴⁸. Nonetheless, after Sidgwick «it is left open to debate whether such a procedure [...] may not in some circumstances be the ‘right’ one to adopt»⁴⁹.

7. *Moore*. He assumes as being pretty obvious that the right action is «the action which produces the best possible consequences»⁵⁰, with the marginal difference of including among them also “intrinsic values” ascribed to certain kinds of act. And «it follows from this that a man does well, subjectively speaking, if he acts for the best in the particular circumstances according to his judgment of the total consequences of this particular action»⁵¹. Moore also was the inventor of the notion of “naturalistic fallacy”, about which Anscombe remarks that she does «not find accounts of it coherent»⁵². The reasons for this remark may be found in two papers by Philippa Foot and Peter Geach arguing, first, that there are a number of terms, such as “rude” and “courageous”, being both evaluative and subject to factual constraints⁵³, second, that “good” is neither vague nor indefinable but perfectly well-defined in a given context, no less than those expression that are now called “indicals”, such as “I”, “now”, and “here”⁵⁴. Moore is – according to Geach – the father of the «Oxford objectivists»⁵⁵, a group of thinkers who distinguish between consequences and intrinsic values, who «allege that there is an essentially different, predicative use of the terms in such utterances as pleasure is good and preferring inclination to duty is bad, and that this use alone is of philosophical importance»⁵⁶, and that «good in the selected uses they leave to the word does not supply an ordinary, natural, description of things, but ascribes to them a simple and indefinable *non-natural* attribute. But nobody has ever given a coherent and understandable account of what it is for an attribute to be non-natural»⁵⁷.

8. *Ross*. He explicitly denies «that the gravity of, e.g., procuring the condemnation of the innocent is such that it cannot be outweighed by, e.g., national interest»⁵⁸ and this is why his admission of the existence of intrinsic values does not make any important difference.

9. *Nowell-Smith*. He is mentioned as being the author of a formula, alternative to Hare’s, summarizing non-cognitivism: the particular consequences of such an action as the judicial punishment of the innocent «*could* ‘morally’ be taken into account by a man who was debating what to do; and if they were such as to accord with his ends, it might be a step in his moral education to frame a moral principle under which he ‘managed’ [...] to bring the action»⁵⁹.

10. Hare. He is presented as the typical Oxford philosopher, the target of the accusation of corrupting the youth that was the subject of mentioned talk on BBC. His “ethics without propositions” makes room for a decision to procure the judicial condemnation of the innocent as a «new ‘decision of principle’, making which was an advance in the formation of his moral thinking [...] to decide: in such-and-such circumstances one ought» to act so⁶⁰. It is true that one is given permission not do so, for «while teaching a philosophy which would encourage a person to judge that killing the innocent would be what he ought to choose for over-riding purposes would also teach [...] that if a man chooses to make avoiding killing the innocent for any purpose his ‘supreme practical principle’, he cannot be impugned for error: that just is his ‘principle’”⁶¹. Keeping this in mind, Hare teaches that a virtuous character may find that he ought to do such a disgraceful action. The above reconstruction calls for a number of comments. Let me mention just a few, chosen because of their relevance to the issue discussed in this paper. The first is that Butler stands as an erratic boulder in wasteland. Anscombe is apparently unaware of his place as one more proponent of a third way between Calvinist voluntarism and moral scepticism (where also ‘Hobbism’ belongs) along with the Cambridge Platonists and Richard Cumberland. Besides, the core of Butler’s teaching seems to amount for Anscombe to the primacy of Conscience, forgetting that he just asserts that a well-bred even though philosophically naïve conscience is able to find the correct answer to moral questions, even though there is room for moral theory, and the latter is indeed required as an antidote to the effects of erroneous moral doctrines.

The second is that Kant might seem to offer unusable universalisable maxims only to the reader who contents himself with the *Groundwork of the Metaphysics of Morals*. What Kant had added, among other things, in the *Critique of Practical Reason* is precisely a theory of “judgment” as the missing link between theory and practice, by which the morally relevant description of one given action, such as a lie under such and such conditions, is singled out⁶², and in the *Metaphysics of Morals* an account of casuistry is given in terms of an unwritten doctrine or an exercise through the pupil’s judgment is refined so that he can single out relevant description⁶³.

The third remark is that Bentham is mentioned accidentally with reference to the definition of pleasure, but nothing is said of his act-utilitarianism, and Anscombe does not seem to have any awareness of early criticism, among others by William Whewell, pointing precisely at Bentham’s justification of the most disgraceful action in the name of desirable consequences⁶⁴. Besides, she does not seem to have the slightest suspicion of the circumstance that Mill was the author of a counter-attack on Whewell to which the latter responded. And thus she does not realize that chapters 2 and 5 of Mill’s *Utilitarianism* are an exercise in appropriation of one’s opponent’s arguments and that the claim that utilitarianism is just the only rational justification of current

moral rules both contradicts Bentham and implies unconditional surrender to Whewell⁶⁵. Thus, Anscombe's 'discovery' of a dramatic change between respectable, albeit stupid, Mill and satanic Sidgwick is just a piece of fiction.

The fourth is that the picture of Ross as some kind of devilish creature who finally dares to spell out what others had just implied is based too on tendentious reading of a four-lines excerpt. In fact, the passage Anscombe seems to refer to – since she refrained from the boring Continental practice of providing references – is the following:

There may be cases in which the *prima facie* duty of punishing the guilty, and even that of not punishing the innocent, may have to give way to that of promoting the public interest. But these are not cases of a wider expediency overriding a narrower, but of one *prima facie* duty being more obligatory than two others different in kind from it and from one another⁶⁶.

For any charitable reader it seems clear enough that Ross is careful in denying that punishment of the innocent might be admissible as a *means* to some desirable *end*, that he just describes the well-known paradox that the only absolutely safe way of ruling out the possibility of the judicial error would be abolishing the judicial system itself, and that he argues that granting law and order is «one *prima facie* duty being more obligatory» than others. A causal explanation – not a rational justification – for Anscombe's allegation may be that she was repeating what had been written by her husband, namely, that

Sir David Ross explicitly tells us that on occasion *the* right act may be the judicial punishment of an innocent man that the whole nation perish not; for in this case the *prima facie* duty of consulting the general interest has proven more obligatory than the perfectly distinct *prima facie* duty of respecting the rights of those who have respected the rights of others. (We must charitably hope that for him the words of Caiaphas that he quotes just had the vaguely hallowed associations of a Bible text, and that he did not remember whose judicial murder was being counselled)⁶⁷.

Geach had gone so far as to ascribe to Ross a quotation of Caiaphas's infamous dictum, but this appears to be the fruit of the former's own imagination. The fact is that "the words of Caiaphas" are simply not there in Ross' passage, and Anscombe may have just relied on her husband's paraphrase without bothering to read Ross in the original.

IV. What is properly consequentialism

The third thesis summarizes the reasons for Anscombe's complaint regarding the harmful effects of current ethical theories expressed in "Mr. Truman's Degree" and in the BBC talk. "Modern Moral Philosophy" illustrates how the roots of such effects might be traced back to Butler, Hume and Kant, eventually leading to post-Sidgwickian consequentialism. The term was introduced here by Anscombe as a name for «the view that there is no kind of act so bad that it might on occasion be justified by its consequences, or by the likely consequences of not performing it. One might hold this without thinking that right action is always that which produces the best consequences»⁶⁸. The term had a remarkable success and is now used as the name for one of the two elements of utilitarianism, namely the theory of the *right* according to which the right action is the one whose consequences carry the greatest amount of *good*. This is distinguished from the other element, that is, the view of the good as pleasure, well-being, or happiness.

Let us take a closer look at the definition. Consequentialism is the theory according to which the right action is «that which produces the best consequences»⁶⁹, shared, with differences «of little importance» by all British moral philosophers «from Sidgwick to the present day»⁷⁰. As a consequence, present-day moral philosophers agree that «it is not possible to hold that it cannot be right to kill the innocent as a means to any end whatsoever and that someone who thinks otherwise is in error»⁷¹ or, in other words, it has become conceivable to discuss whether the injustice should be committed, since it is accepted as obvious that he acts well who acts «in view of the best in the particular circumstances based on his assessment of the overall impact of this particular action»⁷².

This theory is «quite incompatible with the Hebrew-Christian ethic. For, it has been characteristic of that ethic to teach that there are certain things forbidden whatever consequences threaten, such as choosing to kill the innocent for any purpose, however good; vicarious punishment; treachery [...]; idolatry; sodomy; adultery; making a false profession of faith»⁷³. It is true – she admits – that the «prohibition of certain things simply in virtue of their description as such-and-such identifiable kinds of action, regardless of any further consequences, is certainly not the whole of the Hebrew-Christian ethic», and yet – she contends – this is «a noteworthy feature of it»⁷⁴. There are two claims worth comment here, to be discussed in following sections, namely that consequentialism has become generally accepted and that it is quite incompatible with the Hebrew-Christian ethic.

V. Consequentialism and the distinction between motives and intentions

The turning point in Anscombe's reconstruction is provided by Sidgwick, the philosopher who nerved to spell out the unspoken implication that the most disgraceful action is "right" when its expected consequences are desirable. The turn depends on his views on intention. Sidgwick defines intention «in such a way that one must be said to intend any foreseen consequences of one's voluntary action»⁷⁵, or he «denies any distinction between foreseen and intended consequences»⁷⁶. Anscombe says that old-fashioned utilitarianism was slightly better than Sidgwickian consequentialism because of the latter's dropping of distinctions between foreseen and intended consequences. Why this should be Sidgwick's rather than Bentham's fault is left to the reader's guess-work. It is true that in *The Methods* there is a passage on the distinction between "act" and "intention" and this could be what Anscombe had in mind. The passage, in the seventh edition, reads:

It is best to include under the term 'intention' all the consequences of an act that are foreseen as certain or probable: you'll agree that we can't evade responsibility for any foreseen bad consequences of our acts by the plea that we didn't want them for themselves or as means to some further end; such undesired accompaniments of the desired results of our volitions are clearly chosen or willed by us. So the intention of an act can be judged to be wrong though the motive is recognised as good; as when a man tells a lie to save a parent's or a benefactor's life⁷⁷.

And Sidgwick adds the conclusions:

(1) that while many actions are commonly judged to be made *better* or *worse* by the presence or absence of certain motives, our judgments of *right* and *wrong* strictly speaking relate to intentions, as distinguished from motives; and (2) that while intentions affecting the agent's own feelings and character are morally prescribed no less than intentions to produce certain external effects, still, the latter form the primary – though not the sole – content of the main prescriptions of duty⁷⁸.

The above passage may leave the reader puzzled about the appropriateness of Anscombe's criticism. In the first edition, in fact, Sidgwick had made his point in a different way, proposing precisely to blur the distinction between *motive* and *intention* and declaring that by

action we mean not the actual effects of the agent's volition [...] but the effects as he foresaw

them in the act of willing, the intended effects, or briefly the *intention*. By “motive” we mean the conscious impulse to action [...] the *prevailing* desire or aversion⁷⁹.

And he had added that the proper subject of moral intuition appears to common sense to include both Motive and Intended Action, but «the judgement on actions is, in the view of most men, primary and paramount»⁸⁰ or, «generally speaking, it seems more natural to most men to judge of an action in its external aspects»⁸¹. In the seventh edition Sidgwick concludes instead that «intentions to produce certain external effects [...] form the *primary* – though not the *sole* – content of the main prescriptions of duty»⁸². To sum up, in this edition the main prescriptions of duty have as their primary content not just the action’s external effects but rather the *intention* to produce such effects. This modified position does not seem to be the appropriate target for Anscombe’s attack, and the most readily available explanation is that she may have had one of the previous versions at hand and ignored the existence of modifications in the seventh edition.

VI. Consequentialism and casuistry

Let us examine what is perhaps the most shocking assertion in Anscombe’s essay. She boldly declares that Sidgwick is responsible for having made it possible to discuss whether injustice ought to be committed by making it pretty obvious that «a man does well, subjectively speaking, if he acts for the best in the particular circumstances according to his judgement of the total consequences of this particular action»⁸³ and that this statement marks *the* turning point in modern moral philosophy since it amounts to drawing those consequences that Mill still did not dare to draw, namely that there is indeed a point in «calculating particular consequences of actions such as murder or theft»⁸⁴. I mentioned that Anscombe had but recently read *The Methods of Ethics* and *Utilitarianism*. It would be unfair to blame her for defective knowledge of nineteenth-century British philosophy as a whole and for having never heard of Whewell’s contribution and his controversy with Mill, for, before Schneewind’s rediscovery, nobody had the faintest idea of its importance in establishing the agenda for later British discussion⁸⁵. It is obvious, now, for anybody familiar enough with the history of utilitarianism, that Sidgwick’s admission had been instead Bentham’s admission, and that Mill’s position was, rather than an expression of reluctance to take a step forward, precisely a tactical step back taken under the opponent’s attack. Besides, Sidgwick was adding one more step to the process of utilitarianism’s self-transformation started by Mill. He was trying to work out a

new formulation of the doctrine, based on peaceful coexistence between two versions of the former, namely a kind of real-rule utilitarianism, a doctrine justifiable in “normal” circumstances and compatible with so-called common-sense morality that should be taught as a popular doctrine, and act-utilitarianism as an esoteric doctrine for the elite⁸⁶. Note that the latter is no more shocking than Bentham’s original doctrine, which was meant, besides, to be spread among ordinary people.

Apart from the question of Anscombe’s accuracy in her reading of Sidgwick and Mill (not to mention Bentham), it is clear enough where their alleged mistake lies. As I have illustrated above, the notion of intention and its role in defining human action are the crucial points, and the mistake consists in dropping Aquinas’s distinction between a desired goal and some collateral effect being a part of a casual chain that our action aimed at the desired goal contributes in bringing about⁸⁷. By Bentham’s time, such kind of distinctions had fallen into disrepute as a result of one and a half century contempt for casuistry, starting with Blaise Pascal⁸⁸. This was the reason why they seemed to be strange ruminations to Bentham and Mill, who resorted to outright consideration of consequences of individual actions or, at most, classes of actions.

To sum up, the difference between casuistry and “modern moral philosophy”, or “consequentialism” is, according to Anscombe, that for casuistry there are paradigmatic cases of actions which are wicked as such, and then there are mixed or uncertain cases where lines need to be drawn between admissible and non-admissible behaviour, while for the latter nothing is ruled out on principle and any course of action is at least something we may consider. As mentioned, she believed Sidgwick to be responsible for drawing those consequences that Mill had allegedly been reluctant to draw, namely, that even «an action such as murder or theft»⁸⁹ is one whose consequences may be calculated, and the turn depends on the way in which intention is understood, namely in dropping any distinction between a desired goal and side effects. It is on this distinction that the casuistic doctrine of double effect had been based⁹⁰.

In a paper from 1961 Anscombe traces misinterpretation – which was in turn a reason for refusal of the principle itself by critics of casuistry – of the principle of double effect to developments in the history of philosophy, namely the Cartesian view of the mind-body relationship and accordingly of intention⁹¹. The reason is that, from

the seventeenth century till now what may be called Cartesian psychology has dominated the thought of philosophers and theologians [...] an intention was an interior act of the mind which could be produced at will. Now if intention is at all important – as it is – in determining the goodness or badness of an action, then, on this theory of what intention is, a marvellous way offered itself of making any action lawful. You only had to ‘direct your intention’ in a suitable way⁹².

At this stage she does not go farther than admitting that the double effect doctrine had been made too rigid by reducing intention to a mental event by Catholic moral theology and that that denial of this doctrine had «been the corruption of non-Catholic thought»⁹³. What she means is the effect of reduction of intention to a mental event with the paradox of possibly making whatsoever kind of action permissible just by «directing your intention» in a suitable way, what amounts in practice, to «making a little speech to yourself: ‘What I mean to be doing is...’»⁹⁴. I would add that that such abuse of the double effect doctrine depends not only on a simplified notion of intention, but also on a rigid distinction between two, and just two, effects as well as on a no less rigid distinction between the immanent goal of a class of actions and the self-aware goals of the agent, the *finis operis* and the *finis operantis*. This was not Aquinas’s own doctrine but just a simplified version repeated in handbooks, and it is also incompatible with Anscombe’s own action theory, as developed in *Intention*.

In the Eighties Anscombe realizes that she had been wrong, that the blunders she had been denouncing in consequentialism had been also the dead spots of casuistry, and the principle of double effect as such, far from having the virtues she ascribed to it in 1958, was just a hopeless mess. The main point, one she was well-aware of when writing *Mr. Truman’s Degree*, is that moral dilemmas are the result of a rhetorical device, namely, of a reduction of plurality and complexity to some *either-or*.

In a former paper from the Eighties she proposes to substitute the misleading phrase “double effect” with the clearer one “side effect”. The principle of the side effect merely states a possibility: «where you may not aim at someone’s death, causing it does not necessarily incur guilt»⁹⁵. The principle is not enough, yet, to justify positively any action, and there will be several circumstances where somebody’s death, when clearly foreseeable as a rather direct effect of one’s action, even though clearly enough not intended, should be a sufficient reason to rule out one possible course of action, but «to do that is introducing a new principle to use in judging killings which are not intended as end or as means»⁹⁶.

In a paper written shortly after she introduces a neat distinction between the principle of double effect and that of side-effects. The latter implies «that the prohibition on murder does not cover *all* bringing about of deaths which are not intended»⁹⁷. She adds that the principle «is modest: it says ‘where you must not aim at someone’s death, causing it does not *necessarily* incur guilt’»⁹⁸. At this stage she seems to admit that the principle of double effect as such implies use of an «absurd device, of choosing a description under which the action is intentional, and giving the action under

that description as *the intentional act*»⁹⁹. The absurdity arises because of the circumstance she had highlighted in Mr. Truman's Degree, namely that an act

does not merely have many descriptions, under some of which it is indeed not intentional: it has several under which it is intentional. So you cannot choose just one of these, and claim to have excluded others by that. Nor can you simply bring it about that you intend this and not that by an inner act of 'directing your intention'. Circumstances, and the immediate facts about the means you are choosing to your ends, dictate what descriptions of your intention you must admit¹⁰⁰.

Thus, she now contends that a properly understood Doctrine of Double Effect would comprise several things, merely including the 'principle of side effects' according to which something may necessarily make one action evil if pursued as either end or mean, but does not make the action evil if caused as a side effect, and «some further principle or principles»¹⁰¹, including «several other conditions» besides the minimal ones¹⁰².

Basically what Anscombe does at this stage is just accepting a conclusion that had become in the meanwhile the received view within Aquinas scholarship, namely that it is true that Aquinas had formulated something similar to what was later called principle of "double effect" as a means of identifying cases when one action that produces an effect which is bad in itself is nonetheless permissible, but this is found in his treatment of the virtues in special cases, in the *Iia Iiae*, and in more detail in the framework of discussion of legitimate defence¹⁰³. This is in his view no more than the discussion of one specific case, where the assumption of existence – or better, relevance – of just two different effects may be justified by the nature of the case. His more general doctrine, on which the mentioned particular application depends, is the doctrine of "subsequent events" that contends that subsequent events occurring «most of the time» have a bearing on the act's goodness, regardless of the fact of being sought or just foreseen¹⁰⁴. Goodness and badness in acts depend on a cluster of factors: what the act is about, the agent's subjective end or purpose, the relevant circumstances, and the further ends pursued while pursuing the immediate end¹⁰⁵.

According to Anscombe, post-Sidgwickian consequentialism would condone the fact of performing disgraceful actions on occasions when refusing to perform them would have unintended but foreseen undesirable effects. It is far from clear where Sidgwick had advanced the claims ascribed to him by Anscombe, since she does not provide, once more, any reference, but we may look for what Sidgwick wrote about casuistry as well as for what he wrote when making casuistry on his own. Sidgwick has it clear in mind that casuistry is *not* philosophy. He admits that it is a part of Ethics, but not of «Moral or Ethical *Philosophy*»¹⁰⁶, for the latter's task is establishing general

principles, and an attempt to work out a complete system of duties would inevitably lead us out of Philosophy into Casuistry. Whether the latter «is a good thing or a bad thing», he leaves as an open question, but it is clear enough that he is repeating a distinction made precisely by Whewell, his main critical target¹⁰⁷. Sidgwick is aware of widespread contempt for Casuistry as such, but, far from endorsing it, he traces it back to the kind of naïve hyper-intuitionism of the popular view that believes Conscience to be «a faculty of judging morally»¹⁰⁸ each particular case without reference to general rules. On such a view of Conscience, «‘Casuistry’, which consists in the application of general rules to particular cases, is at best superfluous»¹⁰⁹, and conscientious persons may easily tend to manifest hostility to such a doctrine, out of fear that «its cultivation may place the mind in a wrong attitude in relation to practice»¹¹⁰ with the additional consideration that «in this way the aversion of the unphilosophical conscientious man to ‘Casuistry’ may be justified»¹¹¹.

What Sidgwick does endorse is, instead, the received version of the history of casuistry according to which Jesuit Casuistry was tantamount to *Laxism*. He reports that their doctrine was *Probabilism*, a doctrine according to which a person «could not fairly be blamed for following any opinion that rested on the authority of even a single doctor»¹¹². In fact, this a fairy tale divulged by Pascal in his *Lettres Provinciales*, a work that Sidgwick qualifies as «immortal», and *Probabilism* was a doctrine asserting that the condition required in dubious cases for exemption from blame is the existence of authorities, if not as many and as influential as those supporting the opposite line, at least not too few and not too questionable ones, supporting the line of conduct one wants to adopt¹¹³.

Sidgwick has been revered or execrated as the alleged discoverer of the truth (or the false doctrine) that there is no prescription unconditionally valid. Whether this is true, and whether this is Sidgwick’s novelty or just an implication of Bentham’s reduction of all moral general principles to one, are both questions going beyond the boundaries of the present discussion. The doubt may be raised whether the point Sidgwick makes in *The Methods* concerning such prescription as telling the truth or keeping promises is just that common sense is unable to find any agreement about how far such prescriptions should be taken as valid in dubious cases, and the consideration is in order here that in this work Sidgwick wants to develop «ethical philosophy» and wants to avoid going into detailed treatment of particular duties¹¹⁴. This does not prevent him from entering into such treatment in other works. He argues elsewhere that – existing disagreement on important points notwithstanding, this «is at any rate not sufficient to prevent a broad, substantial agreement as to the practical ideal of a good life»¹¹⁵. An example may be detailed discussion of *jus in bello* in chapter 16 of his *Elements of Politics*. Here he discusses what rules may be assumed to be either explicitly or tacitly accepted by international law concerning the conduct of warfare and argues that additional

rules are both desirable and viable. He contends that such rules should rule out «any mischief which does not tend materially to that end [military victory], nor any mischief of which the conduciveness to the end is slight in comparison to the amount of mischief»¹¹⁶. This chapter would have horrified Anscombe in case she had read it before writing *Mr. Truman's Degree*, for it provides an example of the attitude she attacks in the pamphlet, leaving any option for action open to discussion, not ruling out any option absolutely, and assessing the comparative degree of acceptability by “comparison” between different amounts of “mischief”. This would open the way – at least this is what Anscombe contends – to discussion of such options as dropping atom bombs on non-combatants. The trouble we are left with is that the rules advocated by Sidgwick – even though justified on such “consequentialist” grounds, tend to grant no less immunity to civilians than such natural law theorists as Francisco de Vitoria did and Anscombe herself vindicated in her 1956 pamphlet¹¹⁷.

The point that may have provoked Anscombe's reaction is the idea of adopting “comparison” between different amounts of “mischief” as a way of justifying rules. This may be the reason why Anscombe singled out Sidgwick as the author of the fatal turn in modern moral philosophy and the typical proponent of the doctrine she named consequentialism. The latter is – as I mentioned in the beginning – a name that she introduced in order to indicate something wider than utilitarianism, namely a widespread tendency in modern ethics whose roots may allegedly be traced back to the Medieval controversy between Intellectualism and Voluntarism. In a few words, there were alternative answers given by Aquinas on the one hand and John Scotus and William of Ockham on the other to the question of the foundation of the moral law, either God's intellect perceiving intrinsic good and evil or God's will establishing what is good and evil. Such alternative answers gave birth to two competing schools of thought, claiming respectively that there are a number of precepts verging on what is intrinsically good or evil and therefore commanding or forbidding something in all cases and forever (*semper et pro semper*), and others verging on what is established by some authority and accordingly commanding or forbidding something in all cases (*semper*) but not forever. Thus, Sidgwick appeared to Anscombe to have been the most typical proponent of this somewhat elusive doctrine – which she named “consequentialism” but others had called “proportionalism” – which Dominicans and other Thomists have ascribed to their opponents. Proportionalism was allegedly alternative to Intellectualism and to its apparent correlate, the doctrine of “intrinsic evil” or of absolute prohibitions.

VII. Consequentialism and the rejection of absolute prohibitions

Anscombe contends that “consequentialism” is incompatible with what she connotes as “the Hebrew-Christian ethic” because, even though «the prohibition of certain things in virtue of their description as such-and-such identifiable kinds of action, regardless of any further consequences, is certainly not the whole of the Hebrew-Christian ethics»¹¹⁸, yet one of its «noteworthy features» is the teaching of the existence of «certain things forbidden whatever *consequences* threaten»¹¹⁹.

An historical remark is in order here. A distinction between a few precepts that imply in a sense absolute prohibition is a key idea of rabbinic *halakha*, i.e, the “way”, which is the guide for the application of the Torah in relation to the unique and changing conditions of existence in which the Jewish communities have been living. Among these there are prohibition of: (i) of murder; (ii) "incest" (which includes sexual intercourse between a man and a woman married to another and, according to authoritative opinions, also “sodomy”, that is sexual intercourse between two males, but not between two females); (iii) idolatry, which – needless to say – is *not* tantamount to Anscombe’s somewhat odd «false profession of faith». These precepts are codified as follows in the Babylonian Talmud, *Sanhedrin Masechet*:

it was agreed by majority concerning every law of the Torah, that if it would be commanded to a man “disobey and you will not suffer death”, he can transgress and not suffer death except for idolatry, incest and murder¹²⁰

with the further clarification that this applies in case the offense is imposed by someone who seeks his own advantage, but not in the case in which the transgression is imposed only with «the intention to force him to violate his religion»¹²¹, as it would happen to «a Jew who were forced to cut down grass on Saturday not in order to give the grass to livestock but to throw it into the river»¹²². The three precepts correspond to three commandments from the Decalogue, which are also among the seven commandments given to the sons of Noah and applying – according to Rabbinic tradition – not just for the children of Israel but for all human beings because they «must observe seven precepts [...] these, and all that they imply»¹²³.

Moshe ben Maimon, or Maimonides, confirms the opinion that infringement of other precepts is permissible if the person who wants to force the violation is driven by desire for personal gain, not by a wish to provoke some violation of *Torah* as an end in itself. He also argued such an interpretation of the prohibition of idolatry as to make conversion to Islam under threat of death acceptable, for it did not represent “idolatry”, and it was on this interpretation that a large part of

Spanish Jewry later accepted forced conversion to Christianity while maintaining secret loyalty to the Jewish faith. It is clear enough that the three precepts are valid for humankind as a whole, but what is less obvious is that these, as well as all other *mitzvot* or precepts from the *Torah*, are *moral* precepts tout court. The problem is that the *Torah* includes precepts concerning worship as well as external everyday-life behaviour that do not fall within the domain of “morality” as defined by both modern philosophy and Anscombe herself, but rather within those of law, hygiene, or etiquette. In Jewish thought there was a tendency to stress the existence of a number of duties relating to “inner” conduct, named "Duties of the Heart" by the Spanish mystic Bahaya Ibn Paquda and duties regarding *deòt*, i.e., "mental dispositions" by Maimonides, coming closer to what started being called “morality” in modern times.

To sum up, first, Anscombe’s list of absolute prohibitions has but a vague resemblance with the rabbinic list¹²⁴. For example, «making a false profession of faith»¹²⁵ is her own formulation, and the vaguely resembling item discussed by the Talmudic rabbis would not be included in the list, at least by Maimonides; secondly, the problem discussed by them is of a different nature, and Anscombe identifies it with the one discussed by the Scholastics just as a result of second-hand knowledge.

Another question is whether the idea of absolute prohibitions as such is really a «noteworthy feature» of the *Christian* moral tradition¹²⁶. One reason for caution is the existence of a strong current in the New Testament pointing at subordination of moral teaching to eschatology, a current for which the *what* gives way to the *why*, that is, the actual content of precepts becomes a matter of course and what is important is motivation – see the sayings on divorce in the Gospels for an example.

Another reason is that there is, among later interpretations of Christian teachings, a Pauline trend, including such an important figure as Augustine, stressing love for God while underemphasizing all other precepts.

A third reason is that a more sober Christian theologian, Aquinas, accepts both the notion of law and that of virtue, and clearly enough evil is for him “absolutely forbidden” or you “cannot do evil in order to cause good”, but – given his theory of human acts, this results in tautology, and existence of specific absolute prohibitions is not denied, being a revered traditional doctrine, but they do not play any decisive role. The specific issue discussed is rather whether the moral law is immutable, which is a different, albeit vaguely resembling, question. What Aquinas says is that there can be no change in natural law «by way of subtraction, making something that was before natural law cease to be natural law, and thus, with regard to the first principles of natural law, they are entirely immutable, but as regards secondary precepts [...] there can be instead some change in some minor things in particular and because of some special causes that prevent compliance with

these precepts»¹²⁷.

A specification of Aquinas's doctrine giving it more weight and making it more rigid may be found in Francisco Suarez, who introduces the famous distinction between precepts that are in force for the time being, precepts that are always in force, and precepts, namely the negative precepts of natural law, that are in force always and forever. «The negative precepts – Suarez writes – prohibit things that are evil for themselves and intrinsically, and therefore oblige in all cases and forever. Of affirmative precepts instead it can be said that they oblige always, but not always and forever»¹²⁸. This – it is assumed – depends on the fact that something is intrinsically evil while other evil actions – but not all of them as Franciscan voluntarism allegedly implies – are evil because they are forbidden by some authority.

From this, which is apparently a purely theoretical assumption, the further implication has been derived that some prescriptions enjoy a privileged status because they refer to classes of actions that are intrinsically evil ones. This further development has become the trump to play for one of the two opposing camps during the controversy about contraception in Catholic theology from 1968, the year of the Encyclical *Humanae Vitae*, to the present day. I noted that the specific contents of absolute prohibitions mentioned by Anscombe have but a vague resemblance with the Talmudic ones, but they also seem not to be too strictly related with those codified by the Scholastic tradition. The really striking jump she makes is – not by chance – about contraception. What she does here seems to be something like what follows: starting with the claim of the existence of absolute prohibitions, she proceeds to affirm, as if it did not require further proof, that since there may be absolute prohibitions, also the prohibition of contraception is a justified prohibition¹²⁹. The proof is that having marital intercourse while practising contraception is an act *inherently* incorporating an intention not to procreate. She admits that the intention as such is permissible and for this reason having marital intercourse in safe periods is permissible. The difference is that the two kinds of action are intrinsically different actions because any action as a whole is made of an act as a physical event plus an intention (better: a chain of intentions) and the former kind of action incorporates the totally permissible intention while the latter does not incorporate it but another, in itself commendable intention, that of possibly having a child. This makes the difference because an evil act is not permissible even with the intention of causing permissible consequences. But the act of having marital intercourse while practising contraception is not permissible even as a means to a good end (e.g. allowing for procreation of one healthy small sister /brother in three years time while granting adequate care for the first son/daughter and sparing the mother's health) because it is a *different* kind of act in so far as it incorporates a (totally permissible) intention different from the (no less permissible) intention incorporated in the act of having marital intercourse while practising

the rhythm method. So what? Her claim seems accordingly to amount to the *non sequitur* that the mere fact of *inherently* incorporating a wholly permissible intention makes one action *absolutely* prohibited while another, *inherently* incorporating a different wholly permissible intention is permissible¹³⁰. Let me add that to invoke the – in itself strange enough – doctrine of absolute prohibitions precisely here – not with regard to such criminal acts as assassination and rape but to what seems to be an absolutely innocent act as marital intercourse – simply betrays avowal of total lack of arguments *from Scripture*, a desperate attempt to find arguments *from Reason* as a substitute for Scriptural ones, and the triumphant discovery that here we face an absolute prohibition, grossly mistaking the meaning of “absolute” as “with no exceptions” with that of “accepted on authority and without justification”¹³¹, a meaning for obvious reasons not admissible for any argument *from reason*.

VIII. Actions, intentions and perfect duties

Needless to say, the relationship of action and intention was Anscombe’s strong point, the one she had developed at length in *Intention*. O’Neill summarizes it in these terms:

action is propositional [...] although individual acts – act tokens – are events in the world, we both think about action and act under certain descriptions¹³².

In short, Anscombe’s action theory amounts to the discovery, echoing John Austin’s discovery that we do things with words, that *we do actions with act-tokens*, that action is discourse, that it is made too of several intertwined layers where each plays the role of a “brute fact” for the next one. She summarizes her main point by arguing that there is a difference

between “intention” when it means the intentionalness of the thing you’re doing – that you are doing *this* on purpose – and when it means a further or accompanying intention *with* which you do the thing. For example, I make a table: that’s an intentional action because I am doing just *that* on purpose. I have the further intention of, say, earning my living, doing my job *by* making the table [...] It may help you to see that the intentional act itself counts, as well as the further or accompanying intentions, if you think of an obvious example like forging a cheque to steal from somebody in order to get funds for a good purpose¹³³.

Such a thick consideration of human action as a chain of actions-with-intentions is what provides the basis for deeper consideration of action than the one practised by “consequentialism” but also – even though she admits that no sooner than the Eighties – by casuistry. In *Intention* she had rejected the idea of intention as a kind of mental state or event and argued for a view of intentional action in terms of the possibility to ask for the agent’s reason. The main weakness she detects in consequentialism (and in 1982, at last, also in casuistry) is the problem of relevant descriptions, that is, ability to describe one action in the really relevant way. Anscombe believes that this is why not just Utilitarianism but also Kantian theories are bankrupt, for, in so far as «we have no way of determining under which descriptions we should judge action, we cannot judge acts for their intrinsic character – which we cannot know. So we must end up judging acts by their extrinsic features, such as their (expected) consequences»¹³⁴, and all modern moral philosophy tends «to lapse readily into some form of consequentialism»¹³⁵. O’Neill has objected that the point is taken too far, since it may be doubted whether the Hebrew-Christian ethic has managed to avoid the problem, and why should it be «a weakness in Kantian ethics and modern moral philosophy but not fatal for Aristotelian ethics?»¹³⁶. The fact is that describing the world «is only the background for ethical and other practical reasoning. Those who conflate the appraisal of particular situations with practical judgement take a spectator view of the moral life»¹³⁷. The insurmountable difficulty simply does not exist for a first-person ethics. That is, practical judgment (as opposed to judgment concerning past actions) does not consist in judging individual acts or act-tokens, but aims instead at «shaping the world», it «does not encounter the problem of relevant descriptions because it is not directed at individual act-tokens»¹³⁸, and the difficulty of identifying relevant act descriptions is at once an intractable problem for any theory and no problem at all for any philosopher humble enough to admit the trivial fact that we do not need first an ethical theory in order to apply it after. That is, as in life we do not act for *one* end and do not apply *one* rule, first-person ethics consists in «finding some way – at least *one* way – of acting that satisfies *a large number of distinct aims, standards, rules, principles and laws*»¹³⁹.

To give an example, the question Anscombe correctly raised in *Mr. Truman’s Degree* was not whether Truman’s decision to kill civilians was a violation of any absolute prohibition for she was aware that the killing of civilians was clearly forbidden by just war doctrine without including it into the list of actions being some kind intrinsic evil, as well as of the fact that there was not just *one* alternative possibility but a still undefined number of such possibilities. The first among them was negotiations (which implied, first, forgoing unconditional surrender, secondly, giving a primary role to such an unpalatable ally as Soviet Union, and thirdly, giving up the deterrence effect on such

ally carried by dramatic display of the bomb's power). All these were *Realpolitik* considerations, not moral ones and, in so far as no alternative between reasons of duty and reasons of expediency is a dilemma, Truman had no *moral* dilemma to face. Alan Donagan would have put it even more bluntly, claiming that for the virtuous agent moral dilemmas never arise on principle, and they may arise just in two cases, namely when the conflict depends on (i) a mistaken derivation of specific precepts from a general one, or (ii) a previous violation of some duty by the agent himself bringing about a situation such that the agent cannot help wronging either one moral patient or another¹⁴⁰. Examining so strong a claim would go beyond the scope of the present discussion, but even those who would not agree with Donagan and admit of the existence of genuine moral dilemmas would not need any special class of absolutely prohibited actions in order to admit that the purposeful killing of the innocent is immoral. Anscombe mentions this special class of absolute prohibitions two years later, in "Modern Moral Philosophy" as the alleged decisive difference between the Hebrew-Christian ethics and consequentialism. But appeal to such a doctrine was unnecessary in order to defend Anscombe's main claims and what it does is but confusing the issue. There is respectable tradition of thought in ethics dating back to late Stoicism that distinguishes perfect from imperfect duties, ranging negative duties among the former class. The classical expression of this older doctrine is found in Kant¹⁴¹, and its main virtue is avoiding classification of actions on the basis of their external characteristics, those that distinguish – in Aquinas's language – one "act of man", not a "human act", from another. This is tantamount to considering human action in a way consistent with Aristotle's theory of voluntary action, Aquinas's theory of human acts and, last but not least, Anscombe's own theory of intention.

IX. Conclusions

Anscombe's main merit has been – in Teichmann's words – her capacity «of seeing the cant and intellectual nostrums of the time with something of an outsider's objectivity. Ideas that are in reality no more than myths or prejudices are prevalent in every period, and it is vital for a culture that it include people with an honest and sharp eye for those myths and prejudices. Such people may have their blind spots – who does not? – but what they have to say is likely to be more significant and valuable than the contributions of those whose theories are designed to "justify" propositions that already have the status of well-loved slogans»¹⁴². Let me add that her rediscovery of Aristotle and Aquinas, via Wittgenstein, has added a powerful ingredient to twentieth-century ethics; and one

important insight has been the existence of a strong link between 19th-century utilitarianism and 20th century analytic ethics. And yet, (i) her characterization of “consequentialism”, her main target for which she even coined the name, is far from univocal and would have benefited from better knowledge of the history of utilitarianism; (ii) her ascription of the typical version of this doctrine to Sidgwick is still waiting for justification and the claim that all of late nineteenth- and twentieth-century British philosophy is virtually consequentialist needs to be qualified; (iii) her reconstruction of modern moral philosophy suffers from lack of awareness of the existence of intuitionist opponents to utilitarianism such as Whewell; (iv) her attempt to conflate Kantian ethics with consequentialism is devoid of textual support and the fact of accepting the impoverished image of Kantian and intuitionist ethics cherished by her “consequentialist” opponents made her miss the potential contribution to her own program that could have been found in those philosophies; (v) the role ascribed to absolute prohibitions in the Hebrew and Christian moral traditions is based on poor knowledge of the history of Christian theology and, even worse, no knowledge at all of Talmudic discussion; (vi) the idea of incompatibility of modern moral philosophy with the Hebrew-Christian ethic, in so far as oppositions may be drawn only between terms belonging to the same kind, needs to be qualified; (vii) her new research program in ethics was made bottom-heavy by such ballast as the doctrine of absolute prohibitions, a doctrine absent from the Talmudic tradition, obscure in its formulation in Christian theology, and totally incompatible with Anscombe’s own action theory.

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¹ Crisp (2004, 75).

² For discussion of the essay as a whole see Cremaschi (2010).

³ Anscombe (1957a, 52); for comments see Cremaschi (2014).

⁴ Geach (2005, xvii).

⁵ Diamond (2001, 74).

⁶ Anscombe (1958a, 169).

⁷ Anscombe (1958a, 169).

⁸ Anscombe (1958a, 169).

⁹ Anscombe (1958a, 169).

¹⁰ Anscombe (1958a, 194).

¹¹ Anscombe (1958a, 181)

¹² Anscombe (1956, 70-1).

¹³ Anscombe (1956, 71).

¹⁴ Anscombe (1956, 71).

¹⁵ Anscombe (1958a, 194).

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- ¹⁶ Anscombe (1957b).
- ¹⁷ Hare (1952).
- ¹⁸ Braithwaite (1954, 249).
- ¹⁹ Anscombe (1957b,161-2).
- ²⁰ Temple (1938, 60).
- ²¹ Anscombe (1957b,162). The whole passage reads: «It may be that if he follows the principles that would be exemplified by a perfectly Christian form of commerce, he will be under-sold and driven from the market, his employees thrown out of work, and the control of business handed over to men of no ideals. It would be better to face all this than to abandon the ideal itself, or to compromise beyond the point where witness to the ideal becomes ineffectual [...] What the extent of this compromise may be, no other can claim to judge. It could never, of course, be right for the Christian man of business to fall below the conventions established by the business itself and accepted by those who pay no heed to distinctively Christian claims» (Temple 1938, 57-8).
- ²² Temple (1938, 52-3).
- ²³ Anscombe (1957b, 163).
- ²⁴ Anscombe (1957b, 163).
- ²⁵ Anscombe (1957b, 164).
- ²⁶ Anscombe (1957b, 165).
- ²⁷ Anscombe (1957b, 165-6).
- ²⁸ Anscombe (1957b, 166).
- ²⁹ Anscombe (1957b, 167).
- ³⁰ Anscombe (1957b, 167).
- ³¹ Geach (2005, xvii).
- ³² Anscombe (1958a, 170).
- ³³ Anscombe (1958a, 172).
- ³⁴ Anscombe (1958a, 171).
- ³⁵ Anscombe (1958a, 173).
- ³⁶ Anscombe (1958a, 177-9).
- ³⁷ Anscombe (1958a, 179).
- ³⁸ Anscombe (1958a, 171).
- ³⁹ Anscombe (1958a, 171)
- ⁴⁰ Anscombe (1958a, 171).
- ⁴¹ Anscombe (1958a, 171).
- ⁴² Anscombe (1958a,172).
- ⁴³ Anscombe (1958a, 172).
- ⁴⁴ Anscombe (1958a, 180).
- ⁴⁵ Anscombe (1958a, 169).
- ⁴⁶ Anscombe (1958a, 180).
- ⁴⁷ Anscombe (1958a,184).
- ⁴⁸ Anscombe (1958a,190).
- ⁴⁹ Anscombe (1958a, 194).

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- ⁵⁰ Anscombe (1958a, 180).
- ⁵¹ Anscombe (1958a, 180).
- ⁵² Anscombe (1958a, 171).
- ⁵³ Foot (1958).
- ⁵⁴ Geach (1956, 33-6).
- ⁵⁵ Anscombe (1958a, 180).
- ⁵⁶ Geach (1956, 35)
- ⁵⁷ Geach (1956, 35).
- ⁵⁸ Anscombe (1958a, 180 fn.)
- ⁵⁹ Anscombe (1958a, 194); cf. Nowell-Smith (1954, 308).
- ⁶⁰ Anscombe (1958a, 194).
- ⁶¹ Anscombe (1958a, 183).
- ⁶² Kant (1788, 194-8, 268-9).
- ⁶³ Kant (1797, 538-9).
- ⁶⁴ Whewell (1852, 210-16).
- ⁶⁵ Mill (1861, 225-6, 253-9).
- ⁶⁶ Ross (1930, 64).
- ⁶⁷ Geach (1956, 42-3).
- ⁶⁸ Geach (2005, xvii).
- ⁶⁹ Anscombe (1958a, 180).
- ⁷⁰ Anscombe (1958a, 169).
- ⁷¹ Anscombe (1958a, 181).
- ⁷² Anscombe (1958a, 180).
- ⁷³ Anscombe (1958a, 181).
- ⁷⁴ Anscombe (1958a, 182).
- ⁷⁵ Anscombe (1958a, 183).
- ⁷⁶ Anscombe (1958a, 185).
- ⁷⁷ Sidgwick (1907, 202)
- ⁷⁸ Sidgwick (1907, 204).
- ⁷⁹ Sidgwick (1874, 178).
- ⁸⁰ Sidgwick (1874, 179).
- ⁸¹ Sidgwick (1874, 178-9).
- ⁸² Sidgwick (1907, 204, emphasis added).
- ⁸³ Anscombe (1958a, 180).
- ⁸⁴ Anscombe (1958a, 180).
- ⁸⁵ Schneewind (1977); S. Cremaschi (2006).
- ⁸⁶ Cremaschi (2008).
- ⁸⁷ Anscombe (1982b, 220-25).
- ⁸⁸ Jonsen and Tulmin (1988).
- ⁸⁹ Anscombe (1958a, 180).

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- ⁹⁰ Anscombe (1958a, 185).
- ⁹¹ Anscombe (1961, 58-9).
- ⁹² Anscombe (1961, 58-9)
- ⁹³ Anscombe (1961, 54).
- ⁹⁴ Anscombe (1961, 59).
- ⁹⁵ Anscombe (1982a, 274).
- ⁹⁶ Anscombe (1982a, 276).
- ⁹⁷ Anscombe (1982b, 220).
- ⁹⁸ Anscombe (1982b, 220).
- ⁹⁹ Anscombe (1982b, 223).
- ¹⁰⁰ Anscombe (1982b, 223).
- ¹⁰¹ Anscombe (1982b, 225).
- ¹⁰² Anscombe (1982b, 224-5).
- ¹⁰³ Aquinas (*ST*, II-IIae q 64 a 7).
- ¹⁰⁴ Aquinas (*ST*, Ia IIae, q 10-20).
- ¹⁰⁵ Aquinas (*ST*, I-IIae q 1, a 3 ad 3).
- ¹⁰⁶ Sidgwick (1902, 26).
- ¹⁰⁷ Whewell (1845, 1).
- ¹⁰⁸ Sidgwick (1907, 99).
- ¹⁰⁹ Sidgwick (1907, 99).
- ¹¹⁰ Sidgwick (1907, 100).
- ¹¹¹ Sidgwick (1877, 85; withdrawn from the seventh ed.).
- ¹¹² Sidgwick (1931, 154)
- ¹¹³ Cremaschi (2007, 24).
- ¹¹⁴ Sidgwick (1907, 311-8 and 315-9); for comments see Cremaschi (2008, 165-9).
- ¹¹⁵ Sidgwick (1898, 44).
- ¹¹⁶ Sidgwick (1908, 268).
- ¹¹⁷ Sidgwick (1908, 268-71).
- ¹¹⁸ Anscombe (1958a, 182)..
- ¹¹⁹ Anscombe (1958a, 182).
- ¹²⁰ BT (vol. 19, 74a).
- ¹²¹ BT (vol. 19, 74b).
- ¹²² BT (vol. 19, 74b).
- ¹²³ BT (vol. 19, 74b); cf. Moshe ben Maimon (*MT*, 40a).
- ¹²⁴ Anscombe (1958a, 181).
- ¹²⁵ Anscombe (1958a, 181).
- ¹²⁶ On the history of the doctrine in Christian Theology see Pinckaerts (1986).
- ¹²⁷ Aquinas (*ST*, I-IIae, qu. XCIV, a. 5).
- ¹²⁸ Suárez (1612, book I, chap. 13, par. 4).
- ¹²⁹ Anscombe (1968; 1972; 1979)

¹³⁰ Teichmann (1979).

¹³¹ Anscombe's *petitio principii* is repeated step-by-step in the *Veritatis Splendor* (Ioannes Paulus II 1993, pars. 79-82) that includes in the lists as much as "homicide, genocide, abortion, euthanasia and voluntary suicide [...] mutilation, physical and mental torture and attempts to coerce the spirit [...] subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat labourers as mere instruments of profit" (80), which is a rather off list, having virtually nothing to do with the restricted list at the origin of the tradition – and then adds "contraceptive practices whereby the conjugal act is intentionally rendered infertile" (80). The astonishing fact is that, as the only reason for inclusion of the last item, it offers the trivial one that it is unlawful "to intend directly something *which of its very nature contradicts the moral order*" (80). This would be fair enough had it been proved somewhere that it contradicts the moral order, precisely *quod demonstrandum erat*, and apparently will keep waiting for proof for some more time.

¹³² O'Neill (2004, 305).

¹³³ O'Neill (2004, 305).

¹³⁴ O'Neill (2004, 314).

¹³⁵ O'Neill (2004, 314).

¹³⁶ O'Neill (2004, 304).

¹³⁷ O'Neill (2004, 314).

¹³⁸ O'Neill (2004, 313).

¹³⁹ O'Neill (2004, 314).

¹⁴⁰ Donagan (1993).

¹⁴¹ Kant (1997, 538).

¹⁴² Teichmann (2008, 127).

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