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The Ethical Relevance of the Intended/Foreseen Distinction According to Anscombe

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Abstract

In her work on moral psychology and ethics, G. E. M. Anscombe articulates the Intended/Foreseen (I/F) distinction. Briefly, as the name indicates, the distinction contrasts the intended aspects of one's act from those that one foresees, but does not intend. Anscombe insists that this distinction has great moral significance, even when applied to acts having comparable consequences. So, for example, Anscombe proposes that the intentional targeting of civilians (terror bombing) ethically differs from bombing a legitimate military target while concomitantly harming non-combatants with foresight but without intent (tactical bombing). While few deny that intent differs from foresight, some question the ethical relevance of contrasting the two in cases of consequentially comparable acts, such as (some) instances of terror and tactical bombing. This paper presents Anscombe's reasons for regarding this distinction as one of signal ethical import. According to Anscombe, one finds the moral significance of the distinction in its relation to absolute prohibitions, the intrinsic badness of certain acts, the nature of virtue and vice, and, finally, the moral import of moral psychology itself.

Keywords: intention, foresight, double-effect reasoning, Anscombe, ethical relevance

The Ethical Relevance of the Intended/Foreseen Distinction According to Anscombe

In her magisterial *Modern Moral Philosophy* (henceforth, *MMP*), G.E.M. Anscombe writes that:

The denial of any distinction between foreseen and intended consequences, as far as responsibility is concerned, was not made by Sidgwick in developing any one ‘method of ethics’; he made this important move on behalf of everybody and just on its own account; and I think it plausible to suggest that this move on the part of Sidgwick explains the difference between old-fashioned utilitarianism and that consequentialism, as I name it, which marks him and every English academic philosopher since him. By it, the kind of consideration which formerly would have been regarded as a temptation, the kind of considerations urged upon men by wives and flattering friends, was given a status by moral philosophers in their theories. (Anscombe, 1958, p. 12)

In *MMP* and elsewhere, Anscombe proposes the intended/foreseen (or I/F) distinction as crucial to resisting the descent into consequentialism (an ethical theory whose name she coins in the above passage). Speaking most precisely, the I/F distinction contrasts the intentional from what is voluntary but not intentional:

Something is voluntary though not intentional if it is the antecedently known concomitant of one’s intentional action, so that one could have prevented it if one would have given up the action; but it is not intentional: one rejects the question ‘Why?’ in its connexion. (Anscombe, 2000, section 49, p. 89)

In disputes concerning the I/F distinction, one encounters three contested issues. First, how does one go about distinguishing intent from foresight? Second, how does one apply this distinction so as to vindicate the classic parsing of cases such that, for example, terror bombing of civilians counts as intended (and is, thereby, prohibited) while

consequentially comparable tactical bombing that concomitantly kills non-combatants counts as foreseen but not intended (and is not, thereby, prohibited)?¹ Third, and perhaps most

¹In her (presumably first published) treatment of double effect as an undergraduate in 1939 at twenty or so years of age (one notes she included it in her collected papers and acknowledges in her introduction to the same that she wrote this part of a pamphlet co-authored with Norman Daniels), we find:

It has been argued that it is justifiable to attack civilians because their death is an example of “double effect”. But this is no example of double effect, which is exemplified when an action designed to produce one effect produces another as well by accident. If, for example, a military target is being attacked and in the course of the attack civilians are also destroyed, then their destruction is not wicked, for it is accidental. Obviously, before their destruction can be passed over on these grounds, it must also be shown that the action is of sufficient importance to allow such grave incidental effects. No action can be excused whose consequences involve a greater evil than the good of the action itself, whether these consequences are accidental or not [here the text has a footnote citing Aquinas’ founding account of double effect, *Summa theologiae* IIaIIae, q.64, a.7; Anscombe translates the relevant passage as: “The force used must be proportioned to the necessity.”] Double effect therefore only excuses a grave incidental consequence where the balance of the total effects of an action is on the side of the good. (1981a, p., 78)

One notes that by “accidental” Anscombe has “not essential to the morality of the act” not “by accident” in mind; otherwise, the “must also be shown” would be otiose.

importantly, what moral relevance, if any, does this distinction have? That is, even if terror bombing does differ from consequentially comparable tactical bombing as the intended differs from the foreseen, why think that this difference makes for a moral difference between the two types of bombing such that terror bombing is nowise permissible while tactical bombing, further considerations such as necessity being met, is permissible?

In this paper, I address this third question by presenting what I take to be Anscombe's account of the ethical relevance of the I/F distinction. I note at the outset that the bulk of Anscombe's discussion of the I/F distinction does not concern this question. Indeed, to call her suggestions an account (might) go a little too far – particularly when one considers her work as it bears on the first two questions. For, concerning those issues Anscombe has extensive answers, found particularly in *Intention*, her insuperable treatment of action.² However, as she insists, the

²In *Intention*, Anscombe understands herself to be addressing questions that have ethical import, but that precede ethics. So, for example, we find: “As for the importance of considering the motives of an action, as opposed to considering the intention, I am very glad not to be writing either ethics or literary criticism, to which this question belongs.” (Anscombe, 1958, section 12, p. 19) Elsewhere, she writes, “Now if intention is all important – as it is – in determining the goodness or badness of an action...” (Anscombe, 1981b, p. 59) Clearly, as she herself indicates in *MMP*, the fruit of work in moral psychology will largely be found in its bearing on ethics properly. That is, in the moral evaluation of acts and agents. One must look closely in her work to discern precisely why she regards intent as having the moral import she clearly ascribes to it. In *Intention*, for example, one tends to find only intimations of ethical import, such as: “Of course we have a special interest in human actions; but *what* is it that we have a special interest

distinction is critical. Thus, what she does have to say about its moral import, albeit less extensive and somewhat piecemeal, merits our consideration.

In Anscombe's work, the most pressing reason for recourse to the I/F distinction depends upon the absolute prohibition of certain acts, no matter the consequences of not so acting ("do justice, even if the heavens fall" or *fiat justitia, ruat coelum*). In Anscombe's account, these exceptionless prohibitions give us reasons for granting the I/F distinction ethical significance. Thus, I will first look at the relationship she sees as obtaining between absolute prohibitions and the distinction.

The I/F Distinction and the Absolutely Prohibited: Refusals and Doings

We find Anscombe locating the moral import of the I/F distinction (partially) in its support of absolute prohibitions:

The distinction between the intended, and the merely foreseen, effects of a voluntary action is indeed absolutely essential to Christian ethics. For Christianity forbids a number of things as being bad in themselves. But if I am answerable for the foreseen consequences of an action or refusal, as much as for the action itself, then these prohibitions will break down. If someone innocent will die unless I do a wicked thing, then on this view I am his murderer in refusing: so that all that is left to me is to weigh up evils. Here the theologian steps in with the principle of double effect and says: "No, you are no murderer, if the man's death was neither your aim nor your chosen means, and if you had to act in the way that led to it or else do something absolutely forbidden."

in here?" (original emphasis, 1958, section 46, p.83) Ethics constitutes the special interest; moral psychology defines the noted *what* or subject matter, namely, action.

Without understanding of this principle, anything can be – and is wont to be – justified, and the Christian teaching that in no circumstances may one commit murder, adultery, apostasy (to give a few examples) goes by the board. ... the prohibitions are bedrock, and without them the Christian ethic goes to pieces. Hence the necessity of the notion of double effect. (Anscombe, 1981b, p. 58)

Anscombe proposes to employ the I/F distinction to prevent absolute prohibitions from breaking down, under their own weight, as it were.³ She considers two paths by which they might break down *via* foreseen consequences associated with either what one refuses to do or with what one does. Since she herself first considers the case of foreseen consequences associated with what one refuses to do, let us do so, too. We will then consider the second case of foreseen consequences associated with what one does. (One notes that historically⁴ and to this day

³In *Intention*, Anscombe notes that only negative, prohibitive practical (in the sense of governing what we seek and avoid) principles can be universal. She notes that the premise, “Do everything conducive to not having a car crash,” is, “an insane,” premise:

For there are usually a hundred different and incompatible things conducive to not having a car crash; such as, perhaps, driving into the private gateway immediately on your left and abandoning your car there, and driving into the private gateway immediately on your right and abandoning the car there.

She goes on to note that, “Only negative general premises can hope to avoid insanity of this sort.” (1958, section 33, pp. 58-61)

⁴The *locus classicus* of double effect is St. Thomas Aquinas’ discussion of a private individual’s act of self-defense that results in the death of his assailant. One finds this in *Summa theologiae*,

typically, while the I/F distinction does apply to what we allow, one finds it principally employed in cases of what one causes.)⁵

IIaIIae, q.64, a.7 (Aquinas, 1962). One must note that Aquinas has a very complex account of licit killing in general and licit self-defense in particular that grants great import to distinctions (and their interaction amongst one another) between: legitimately authorized (public) killing/not legitimately authorized killing, self-defense/defense-of-others, private individual/public official, and *intentionem/praeter intentionem*. Absent public authorities granting private individuals the authority to kill in self-defense (as, for example, our authorities appear to have done throughout the U.S.), the natural law does not grant private individuals the authority to kill intentionally, even in self-defense. Public officials, however, may intend to kill in self-defense *qua* public officials. With respect to self and other-defense, Aquinas inherits an account that understands St. Augustine to hold (correctly) that one may kill in defense of others but not in defense of self. For the former instantiates proper love of neighbor while the latter instances inordinate love of self over neighbor. St. Thomas proposes that, properly understood, St. Augustine (and the true account) hold that one may defend oneself with the, “moderation of a blameless defense,” as long as one does not intend to kill the assailant. If the assailant dies, the defensive act is licit. For one has a greater responsibility to preserve one’s own life than that of another. Needless to say, Aquinas’ account requires (and merits and repays) much study. For a consideration of Thomas’ account, see, e.g., T. A. Cavanaugh (2006, pp. 1-37).

⁵The standard use of the distinction in association with double effect concerns cases such as tactical bombing that concomitantly kills civilians, hysterectomy of a cancerous gravid uterus that concomitantly kills the baby, and palliative terminal sedation that concomitantly kills the

Refusals

Let's flesh out the example a little by borrowing a famous case from Bernard Williams: Jim finds himself in the central square of a small South American town. Tied up against the wall are a row of twenty Indians, most terrified, a few defiant, in front of them several armed men in uniform. A heavy man in a sweat-stained khaki shirt turns out to be the captain in charge and, after a good deal of questioning of Jim which establishes that he got there by accident while on a botanical expedition, explains that the Indians are a random group of the inhabitants who, after recent acts of protest against the government, are just about to be killed to remind other possible protestors of the advantages of not protesting. However, since Jim is an honoured visitor from another land, the captain is happy to offer him a guest's privilege of killing one of the Indians himself. If Jim accepts, then as a special mark of the occasion, the other Indians will be let off. Of course, if Jim refuses, then there is no special occasion, and Pedro here will do what he was about to do when Jim arrived, and kill them all. Jim, with some desperate recollection of schoolboy fiction, wonders whether if he got hold of a gun, he could hold the captain, Pedro and the rest of the soldiers to threat, but it is quite clear from the set-up that nothing of the sort is going to work: any attempt at that sort of thing will mean that all the Indians will be killed, and himself. The men against the wall, and the other villagers understand the situation, and are obviously begging him to accept. What should he do? (Williams, 1982, pp. 98-99)

patient whose pain is relieved. For a consideration of double effect and allowing, see Cavanaugh (2006, pp., 166-177)

Anscombe holds that Jim should obey the absolute prohibition not intentionally to kill the innocent. He should not accept the, “guest’s privilege,” of killing one of the Indians. Rather, he should refuse to kill the one Indian. Thereby, he will obey the absolute prohibition of not murdering. If he does refuse, however, he might appear to bear responsibility for Pedro’s murdering of all twenty. Does he, in effect, murder nineteen by not murdering one? If this were the case, it would seem that all that is left for him is the weighing up of the evil of his one murder *versus* Pedro’s twenty. Thus, it would seem that Jim ought to murder one in order to spare nineteen.

The accusation that Jim murders nineteen, however, fails. For while he foresees their deaths as inevitably resulting from his refusal, he does not intend the deaths of the nineteen either as an end or as a means. Anscombe’s response illustrates both the exculpatory and the justificatory character of the I/F distinction. Consider what Anscombe would say to Jim: “No, you are no murderer, if the man’s death was neither your aim nor your chosen means, and if you had to act in the way that led to it or else do something absolutely forbidden.” (Anscombe, 1981b, p. 58)

In his refusal, Jim does not murder. For, as Anscombe (2005b, p. 262) notes:

We cannot offer a sharp and simple definition of murder. But there is a central part of its extension which can be reasonably well-defined, namely, the intentional killing of the innocent. Whenever this is done by rulers, soldiers, terrorists or other violent men, reference is made, in reporting it, to the murder of innocent victims. This gives us one of our paradigms of the murderer, and constitutes the hard core of the concept of murder.⁶

⁶Also, “murder is the deliberate killing of the innocent, whether for its own sake or as a

Moreover, as Anscombe remarks, if saving the nineteen requires his deliberately killing the one innocent, then in addition to being excused from the accusation of murder, he is justified in his refusal. For the only alternative is to murder. Thus, the distinction between what one has responsibility for as intended as an end or means and what one has responsibility for as foreseen but not intended proves crucial in sustaining exceptionless prohibitions.

Now, in order to distinguish this kind of case from other salient cases having to do with the need for the I/F distinction, I will call it the *challenge of retortion*. More customarily, one might hear it referred to as the *moral blackmail* case. I prefer ‘retortion’ as it shows the almost logical need for the I/F distinction. As Anscombe puts it, without the distinction, the “prohibitions will break down.” I would add, under their own weight. Of course, the I/F distinction addresses the problem of moral blackmail; I do not deny its relevance. A response to the challenge of retortion addresses something much more basic, however. That is a logical question; namely, when employed on themselves (and, I would

means to some further end.” (Anscombe, 1981b, p. 53) Thus, the hard core is the intentional killing of the innocent (not simply intentional killing). Anscombe notes (and I concur) that public officers may legitimately intend to kill:

The idea that they [rulers and their subordinates] may lawfully do what they do, but should not *intend* the death of those they attack, has been put forward and, when suitably expressed, may seem high-minded. But someone who can fool himself into this twist of thought will fool himself into justifying anything, however atrocious, by means of it.

(1981b, p. 54, note 2)

add, on one another, to address cases in which one pits, e.g., adultery over against murder), do the absolute prohibitions continue to make sense? For example, the claim that “nothing is true” breaks down when applied to itself. Thus, the I/F distinction plays a crucial role in addressing the very first challenge that absolute prohibitions face, their logical tenability when turned on themselves.

The second scenario that Anscombe suggests concerns not what we refuse to do, but what we do. As noted, historically and in the contemporary debate, this is actually the topography from which double effect first arose. That is, Aquinas first muted the issue of double effect and, in his terms the intended/besides intention (*intentionem/praeter intentionem*) distinction as it bears on one’s doing or causing that produces two effects, one intended and one besides one’s intention. Let us consider such cases.

Causings

The issue of deaths that one actually causes leads Anscombe to introduce what she calls her, “principle of side effects.”⁷ The role the I/F distinction plays in refusals

⁷She does so because certain salient abuses of double effect (attributable on the one hand to Cartesianism and, on the other, to Proportionalism) make her shy of endorsing double effect. For the most salient forms of it she encounters are corrupt. Indeed, Anscombe says, “Now, to make an epigram, the corruption of non-Catholic moral thought has consisted in the denial of this doctrine, and the corruption of Catholic thought in the abuse of it.” (Anscombe, 2005a, p. 247) Also, we read: “we are touching on the principle of “double effect”. The denial of this has been the corruption of non-Catholic thought, and its abuse the corruption of Catholic thought.” (Anscombe, 1981b, p. 54) For an

differs from that it plays in doings. For in retortion we face a logical, conceptual challenge, as it were. In causings we face what we may call material or practical implications. That is, do common causings violate the exceptionless prohibition?

With this question in mind, let us turn to Anscombe. On the occasion of her receipt of the Aquinas Medal, Anscombe proposes her, “principle of side-effects”:
I will call it the ‘principle of side-effects’ that the prohibition on murder does not cover *all* bringing about of deaths which are not intended. Not that such deaths aren’t often murder. But the quite clear and certain prohibition on intentional killing (with the relevant ‘public’ exceptions) does not catch you when your action brings about an unintended death. (original emphasis, Anscombe, 1982, p. 21)

Given the sensibility of an absolute prohibition against murder, the principle of side-effects (or something like it) becomes necessary. For, otherwise, as Anscombe (1982, p., 20) illustrates the point, “you can’t build roads and fast vehicles, you can’t have various sports and races, you can’t have ships voyaging over the seas, without its being predictable that there will be deaths resulting.” So, the principle of side effects defines the set of cases that are not necessarily wrong (as intentional killings of the innocent). As she notes, “the principle is modest: it says ‘where you must not aim at someone’s death, causing it does not *necessarily* incur guilt’.” (original emphasis, Anscombe, 1982, p., 20) She elaborates, saying:

The principle is unexceptionably illustrated by some examples of dangerous surgery, by some closings of doors to contain fire or water; or by having ships and airlines. In these

extensive discussion of the relation between her “Principle of Side Effects” and double effect, see Cavanaugh, (forthcoming).

we are helped by thinking of the deaths as either remote or uncertain. (1982, p., 21)

Anscombe notes that the principle of side effects, “does not say *when* you may foreseeably cause death.” (original emphasis, 1982, p., 22) However, the above-mentioned unexceptionable cases with reference to the remoteness or uncertainty of the outcomes suggest that we have two features to focus upon: the remoteness of the foreseen bad outcome or its uncertainty.

Take remoteness first.⁸ Consider flood doors in a submarine. When closed to prevent the deaths of the entire crew (and the submarine’s sinking), the deaths of the submariners in the flooded section (although certain) are remote. For one closes the doors and at some remove (causally and temporally, subsequent to the compartment’s filling with water), the submariners die. The submariners die with certainty, but at some remove from the closing of the doors.

Now, take uncertainty. To consider examples Anscombe herself proposes, we legitimately fly airplanes, launch ships, build roads and manufacture cars although we know that doing so will result in the deaths of innocents. For while those deaths are foreseen with statistical certitude they are not individually foreseen as certain. For example, we know with (statistical) certitude that given a certain number of flights, a certain number of deaths due to crashes will occur. This certitude does not make flying planes a violation of the absolute prohibition against murder. Were we, however, to fly a specific plane knowing with certitude that its flying would result in the deaths of innocents, we would be culpable of murder, regardless of our not intending that result.

From the above, it appears as if the principle of side effects complemented by the remoteness (not a, “near consequence,”) or lack of certainty of the foreseen outcome secures

⁸This and the following paragraph rely on Cavanaugh, forthcoming.

permissibility of the contemplated action. This appears to me to be the import of Professor Anscombe's principle of side effects whereby the I/F distinction has ethical import insofar as it delimits unobjectionable foreseeable causings of the deaths of the innocent.⁹ We can drive cars, close flood and fire doors, fly planes, launch ships, build bridges, perform surgery, and so on. For while we foresee deaths concomitant upon such acts as either remote or uncertain, we do not intend them either as a means or end. Thereby, we do not violate the prohibition against murder in such (otherwise unobjectionable) doings.

Thus, along with Anscombe, we see that absolute prohibitions rely on the I/F distinction to address questions associated with both acts of refusal and causation. Thereby, we discern grounds for granting the I/F distinction moral import. Now, in Anscombe's work, a third and allied basis for the ethical relevance of the I/F distinction can be found in the idea of what I will call intrinsic badness. Certainly, the absolute prohibitions concern acts whose badness is found in the acts themselves and not, for example, in a weighing up of their consequences. Nonetheless, we might distinguish the use of the I/F distinction as it bears on absolute prohibitions (both refusals and doings) on the one hand, and the intrinsically bad, on the other, and this for at least two reasons.

First, even if all and only intrinsically bad acts are absolutely forbidden, the denomination differs. That is, we have thus far focused on the absolute nature of the prohibition, not the intrinsic badness of the act. Even if materially or referentially the same, conceptually, or in terms of sense, this is a distinct item. Simply put, it differs in definition. Second, one might

⁹For a more extensive consideration of her principle of side effects and how it differs from an account of double effect, see Cavanaugh, forthcoming.

think that the category of the intrinsically bad is larger than that of the absolutely forbidden. For example, it may be the case that breaking a promise is intrinsically bad yet does not rise to the level of being absolutely forbidden. Note that this does not mean that it is ethically in the clear to break the relevant promise. It only means that the category of absolutely prohibited is a limited one meant to capture the most egregious ethical violations. In any case, the category of the intrinsically bad instances a third basis for Anscombe's recourse to the I/F distinction.

Intrinsic Badness

In *MMP*, Anscombe offers an example illustrative of the import of the I/F distinction as it bears on intrinsic badness. I will follow her example in the main, fleshing it out with roles and some narrative context. So, on to the example. A grandfather provides money for the care of his granddaughter whose father ought to provide money, but does not. The grandfather does this due to the death-bed request of his (now-deceased) daughter whose lack of confidence in her husband (the girl's father) as a provider led her to seek such a promise. The granddaughter lives with her decent, albeit Micawberish, father. The grandfather pays her tuition at a private all girl's highschool and incidental expenses associated with her extra-curricular activities, including a club swim team also requiring monthly payments. The granddaughter, a freshman, thrives at the (expensive) school and as a swimmer on her club team.

Anscombe stipulates (correctly, I think) that it would be wrong for the grandfather to deliberately, purposefully, intentionally withdraw support for either of two reasons. First, as an end, simply because he no longer wanted to support her. Second, as a means to the good end of compelling her father to support her. Thus, we have the position that the grandfather has a serious obligation to support his granddaughter. This remains so even in the case in which by not

supporting her he could force her father to do the right thing. The girl's father, availing himself of the grandfather's promise, neglects to support his daughter financially.

Now, to complicate matters, we have a third act to contemplate that implicates support of the child. Namely, the grandfather's doing something disgraceful and continuing to support the girl or not doing that disgraceful act and going to jail, and thereby foreseeably but not intentionally (either as an end or as a means) withdrawing support. The disgraceful act is not as bad as selfishly withdrawing support. So, let us say that the grandfather is an investigative journalist who faces the prospect of revealing the identity of his source of information at the insistence of a court or contempt of that court and some time in jail during which he cannot support his granddaughter. Let us say (and I realize that this claim might be controverted, but I do not think it outrageous) that revealing this person's identity, while disgraceful as a violation of his professional ethic and of the trust placed in him, would not be as bad as withdrawing support simply because he has tired of the expense and would like to spend money on himself. Note that this judgment of the relative badness of the two acts will particularly hold if we assess the violation of the journalistic ethic not in terms of its intrinsic badness, but in terms of its reasonably expected consequences. (Of course, this is part of Anscombe's point.) Now, with this case in place, what happens if we lack the I/F distinction? Here is Anscombe:

By Sidgwick's doctrine, there is no difference in his responsibility for ceasing to maintain the child, between the case where he does it for its own sake or as a means to some other purpose, and when it happens as a foreseen but unavoidable consequence of his going to prison rather than do something disgraceful. It follows that he must weigh up the relative badness of withdrawing support from the child and of doing the disgraceful thing; and it

may easily be that the disgraceful thing is a less vicious action than intentionally withdrawing support from the child would be; if then the fact that withdrawing support from the child is a side effect of his going to prison does not make any difference to his responsibility, this consideration will incline him to do the disgraceful thing, which can still be pretty bad. And, of course, once he has started to look at the matter in this light, the only reasonable thing for him to consider will be the consequences and not the intrinsic badness of this or that action. So that, given that he judges reasonably that no *great* harm will come of it, he can do a much more disgraceful thing than deliberately withdrawing support from the child. (original emphasis, 1958, p., 12)

For our purposes, the crucial passage comes where Anscombe notes that, “the only reasonable thing for him to consider will be the consequences and not the intrinsic badness of this or that action.” Absent a focus upon intent contrasted from foresight, the intrinsic badness of this or that act plays little to no role in the grandfather’s consideration of what to do. For, intent constitutes the intrinsic character of an act – the act itself – in contrast to its reasonably expected consequences. Intent being put to the side, we lose the very idea of the intrinsic badness of this or that action. (Presumably, the same holds concerning an act’s intrinsic goodness.) What we will have left over is broadly voluntarily effected reasonably expected consequences. Thus, our agent is left to calculate expected consequences.

When he does set about with his calculations, if our illustration holds, he will arrive at the decision to reveal his source. But Anscombe suggests that this is not where his consequentialist deliberations will end. For, as she says, if the intrinsic badness (at least partially – if not entirely – established by intent) of breaking a father’s promise to a dying daughter or violating a

profession's ethic does not matter while only reasonably expected consequences do, then will not this grandfather-*cum*-journalist come to judge that he should simply perjure himself before the court? For, thereby, he avoids many reasonably expected bad outcomes (being charged with contempt of court, sentenced to some time in jail, no longer being able to pay his granddaughter's expenses, and all the bad effects upon his granddaughter). Conversely, what are the reasonably expected consequences of perjuring himself in court? Perjury is rarely found out, even more rarely prosecuted, and whom does it harm? Of course, perjury in a court of law on a serious matter (such as the contemplated case – courts not pressing their claims against journalists lightly) would be a, “much more disgraceful thing,” than deliberately withdrawing support from the child.

Importantly, Anscombe by means of the distinction between intent and foresight introduces a complexity into her example that matches the world (at least as I have come to know it), but for which consequentialism has little patience or sensitivity. Indeed, the intricateness of the example can be a little vexing (even for a sympathetic reader). For she asks us to consider four scenarios, or acts when it comes to our agent. First, one in which he stops supporting his granddaughter simply because he tires of doing so. Second, one in which he stops supporting her in order to compel her father to do the right thing and support her. Third, one in which his abiding by his profession's ethic and not revealing his journalistic source earns him contempt of court and jail time in which he can no longer offer support. Fourth, his act of perjuring himself under oath in court. I take it that part of the point of the numerous acts is to contrast their intrinsic badness, which can only be got at by means of intent.

Consider the different ways in which these four acts are intrinsically bad in contrast to

bad in terms of their reasonably expected results. The first act breaks the promise of a father to his dying daughter in her role as mother and originates from a callous selfish motive (“I’m done writing these endless checks”). In terms of its (reasonably expected) consequences, it distresses an adolescent and has a certain probability of getting a father to do the right thing by his daughter. The second act breaks the same promise while embodying an admirable intent (“He needs to grow up and support his daughter; I am simply enabling him to neglect his financial responsibilities towards her”). It also distresses an adolescent and has a similar probability of getting a father to do the right thing. The third act of honoring a professional ethic is intrinsically admirable; it involves as a foreseen but not intended consequence distressing an adolescent. The fourth act involves perjury (more explicitly defined as speaking a falsehood with the intent of deceiving) in a serious matter before a court of law while having numerous concrete good consequences (avoiding jail time, not revealing a journalistic source, not distressing a young girl) and speculative bad ones (the harm that comes from countenancing perjury in court).

Absent the I/F distinction and in light of the reasonably expected consequences outlined above, we do descend, as Anscombe proposes, into consequentialism. Of course, the consequentialist will not regard this as an argument on behalf of the moral import of the distinction. Anscombe, however, does. Moreover, she rightly does so insofar as we clearly can and readily do assess, respectively, the above four acts in themselves, as selfish, understandable but misguided, admirable but costly, and shamefully unjust. Indeed, the I/F distinction captures these very aspects of our judgements concerning the above four acts. Consider them in order.

First, for our agent to break his promise to his deceased daughter simply because he tires of it is selfish, callous, pusillanimous, and greedy. The intent of having more for one’s self at the

cost of a needy other defines (and thereby condemns) it. Second, for him to break his promise in order to get his former son-in-law to do the right thing – while verging on the honorable – is understandable, but misguided. Certainly, the improvident father should support his daughter. Moreover, his former father-in-law should try to get him to do so. However, he ought not to use the breaking of his promise as a (bad) means to that good end. Third, for a journalist to refuse to reveal his source to the court is admirable, heroic, civilized, the kind of liberty on account of which men willingly risk their lives and for which songs are written and sung. It is regrettable that he and his granddaughter shall suffer for it, but mature decisions come at the expense of those who make them. We admire those who make such decisions for what they intentionally do while foreseeing the associated costs. Fourth, and finally, to perjure oneself is to say what one knows is false with the intent of deceiving. Inherently unjust, it further miscarries and obstructs justice. For this reason, the decent consider it disgraceful.

The distinction between what we intend as an end or as a means and what we foresee as associated with what we intend structures the above act-evaluations. Yet, if we do not contrast intent from foresight, we must cast aside the very idea of the intrinsic badness of an act. This leaves us bereft of all but consequentialism's banal approach. In contrast to that gross weighing up of consequences, Anscombe proposes a refined moral vocabulary referencing virtue and vice. Virtue and vice and their relationship to intent serve as a further basis for the moral import of the I/F distinction, as we will now see.

Intent, Virtue, and Vice

At the end of *MMP* (1958, pp., 8-9), Anscombe proposes that:

It would be a great improvement if, instead of “morally wrong,” one always names a

genus such as “untruthful,” “unchaste,” “unjust.” We should no longer ask whether doing something was “wrong,” passing directly from some description of an action to this notion; we should ask whether, e.g., it was unjust; and the answer would sometimes be clear at once.

In this memorable passage, Anscombe exhorts us to recover richer act-descriptions than the overly general right or wrong, moral/immoral, permissible/impermissible categories. (Not to speak of the even more superficial consequentialist, “overall more productive of good than of bad”/“overall more productive of bad than of good.”) Rather, she admonishes us to use categories such as virtuous/vicious – the actual categories we find ourselves and others employing when we speak of acts and agents as honest or deceitful, thoughtful or obtuse, considerate or manipulative, generous or selfish, and so on. Earlier in *MMP* she had noted that consequentialism is inevitably a “shallow” philosophy. It is so, in part, because it evaluates acts in these very general terms, as right or wrong, or, as all things considered beneficent or maleficent. Yet, absent a focus on intent, one has only the voluntary (in Aristotle’s sense of what one knows and wills) to determine what is subject to moral evaluation. Now, as Aristotle says, decision best instances virtue (and vice). Indeed, as the very definition of virtue indicates, deliberate decision exemplifies the essence of virtue (and vice).¹⁰ What is deliberate decision? Well, another word for it is intent. The intended is what we have deliberately decided upon. It concerns our ends and our means to our ends. Hence, intent instances virtue and vice.

For example, to consider a few vicious acts, to utter a falsehood with the intention of

¹⁰Aristotle, *Nicomachean Ethics*, “virtue is a habit of deciding,” “ἡ ἀρετὴ ἐξίς προαιρετικῆ” (1106b36).

misleading is deceitful. To treat another solely as a means of venereal pleasure is lustful. To speak in order to embarrass is spiteful. To harm another for one's own delight is sadistic. To consider a few virtues, to give with the intent of relieving suffering is tender-hearted or merciful (*misericordiae*). To overcome fear in order to preserve a threatened good is courageous. To tell a joke in order to delight is humorous. And so on. Intent captures the virtue or vice of our acts. For the deliberately decided upon, the intended, exemplifies virtue and vice. We may find here, too, that the opponent parts ways with us and with Anscombe. So be it. Absent the ethical import of intent (and, thereby, when relevant, how it differs ethically from foresight), act-evaluations must remain shallow, general, and, ultimately, not very informative. In not acknowledging the moral import of intent, the consequentialist can speak of acts only as, all things considered, beneficent or, all things considered, maleficent. That is, the consequentialist can only say, net, the act produced good or, net, the act produced bad. Needless to say, this is a highly impoverished moral vocabulary.

In the above four reasons for acknowledging the moral import of the I/F distinction (to recount them they are: 1) absolute prohibitions: refusals and 2) doings; 3) intrinsic badness; and, 4) virtue and vice), the consequentialist will probably not find one convincing argument. This does not impute the quality of Miss Anscombe's arguments. Indeed, she would probably take it to recommend them, distinctly. Nonetheless, one would like to have some argument to offer based on ground shared with the consequentialist. This brings me to the fifth and final Anscombian reason for granting the I/F distinction's moral relevance. I myself believe it is the most important reason, but perhaps the least developed in her account, although it remains implicit in large portions of her impressive *oeuvre*.

The Presumptive Moral Import of Moral Psychology

The final basis for the ethical import of the I/F distinction is not explicitly stated by Anscombe. Rather, it is the overall significance of her insistence in *MMP* that we get a sound moral psychology before we do ethics.¹¹ Moral psychology (action theory) investigates the ontology of actions and the distinctions of which they admit. In *Intention* Anscombe speaks of our, “special interest in human actions.” (Anscombe, 2000, section 46, p., 83) That special interest is called ethics. Ethics evaluates the very actions that moral psychology defines and differentiates. Simply put, distinctions of which actions admit (action-theory distinctions) presumptively make for differences within act-evaluation (ethics) because, as action-relevant distinctions, generally and thereby, they mark morally important differences. Just as distinctions amongst living things make for biologically important differences (such as the difference between those living things that produce sexually and those that produce a-sexually), and distinctions amongst health systems (such as that between respiration and circulation) make for important differences amongst physicians (such as that between pulmonologists and

¹¹A reader familiar with the ponds of ink devoted to the topic of switching trolleys cannot but be struck in reading *Intention* to find: “Switching (on, off)” as exemplifying a description *not* dependent on the, “form of description ‘intentional actions’” (Anscombe, 2000, section 47, p. 85). The point is not that switching is not an action, nor even that it is not at times an intentional action. Anscombe, of course, holds that such a description could apply to an intentional action. The point is, rather, that a paradigmatic action in contemporary ethics is one that liminally counts as an act. The ethics that preoccupies itself with discussing such impoverished threshold instances of action is unlikely to escape a similar poverty in its own act-assessments.

cardiologists), so, too, differences amongst acts such as that between the intended and the voluntary *prima facie* make for ethically important differences such as that between consequentially comparable terror and tactical bombing.

In effect, the consequentialist grants moral import principally to one and only one action-theory distinction. That is the distinction between the voluntary and the not voluntary. Indeed, ethics is about the voluntary; roughly, what we may refer to along Aristotelian lines as knowing-willing. Indubitably, morality assesses what we knowingly and willingly cause or allow. This is true, as far as it goes. The problem is that it does not go far enough. For, as Anscombe repeatedly shows us, within the voluntary there are important differences. In particular, there is the difference between what we might refer to as the intended, on the one hand, and the simply voluntary, on the other. Of course, the intended is simply voluntary, so the difference is not one of what is present in the voluntary being absent in the intended. Rather, in the intended we find ourselves knowing willing our knowing willing. That is, we deliberate concerning what we want; upon the completion of deliberation we intend our end and the means to it. Intending is one of those acts that we take concerning our own action. It exemplifies the properly human act of rising above our own acts and taking them as our object. It resembles the way in which we not only know, but we know that we know; we not only want, but we have wants concerning our wants (e.g. that they be good). It is in intention that we find the properly ethical. By that I mean we are no longer contrasting what is subject to moral appraisal from what is not (as we do with the distinction that establishes morality, that between the voluntary and the not voluntary.) Rather, we here find distinctions within the voluntary. In this sense, they are properly ethical distinctions, occurring entirely within morality.

The mind boggles to think that these distinctions would lack ethical relevance, considering that they are simply articulations or ramifications of one side of the first morally relevant distinction. Namely, that between what is voluntary and is, accordingly, subject to moral appraisal and that which is not and is, accordingly, not subject to ethical evaluation. While not explicitly stated by Miss Anscombe, this is the point and purpose of her insuperable (and countless) contributions to moral psychology and, in turn, to any sound morality. In other words, moral psychology is morally important psychology. That this (dare we call it analytic?) point has entirely been lost indicates our desperate need for her profound insights. Deeply in her debt we remain.

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