

## Anscombe, “Modern Moral Philosophy” (excerpts)

From her (1958) article in *Philosophy* 33: 1-19.

I will begin by stating three theses which I present in this paper. The first is that it is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking. The second is that the concepts of obligation, and duty—*moral* obligation and *moral* duty, that is to say—and of what is *morally* right and wrong, and of the *moral* sense of “ought,” ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. My third thesis is that the differences between the well-known English writers on moral philosophy from Sidgwick to the present day are of little importance.

Anyone who has read Aristotle’s *Ethics* and has also read modern moral philosophy must have been struck by the great contrasts between them. The concepts which are prominent among the moderns seem to be lacking, or at any rate buried or far in the background, in Aristotle. Most noticeably, the term “moral” itself, which we have by direct inheritance Aristotle, just doesn’t seem to fit, in its modern sense, into an account of Aristotelian ethics. Aristotle distinguishes virtues as moral and intellectual. Have some of what he calls “intellectual” virtues what we should call a “moral” aspect? It would seem so; the criterion is presumably that a failure in an “intellectual” virtue—like that of having good judgment in calculating how to bring about something useful, say in municipal government—may be blameworthy. But—it may reasonably be asked—cannot any failure be made a matter of blame or reproach? Any derogatory criticism, say of the workmanship of a product or the design of a machine, can be called blame or reproach. So we want to put in the word “morally” again: sometimes such a failure may be morally blameworthy, sometimes not. Now has Aristotle got this idea of moral blame, as opposed to any other? If he has, why isn’t it more central? ...

The terms “should” or “ought” or “needs” relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil. According to this conception, of course, “should” and “ought” are not used in a special “moral” sense when one says that a man<sup>1</sup> should not bilk. (In Aristotle’s sense of the term “moral” (ἠθικός), they are being used in connection with a moral subject-matter: namely that of human passions and (non-technical) actions.) But they have now acquired a special so-called “moral” sense—i.e. a sense in which they imply some absolute verdict (like one of guilty/not guilty on a man) on what is described in the “ought” sentences used in certain types of context: not merely the contexts that Aristotle would call “moral”—passions and actions—but also some of the contexts that he would call “intellectual.”

The ordinary (and quite indispensable) terms “should,” “needs,” “ought,” “must”—acquired this special sense by being equated in the relevant contexts with “is obliged,” or “is bound,” or “is

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<sup>1</sup>[Anscombe usually uses masculine terms to refer to people in general; that a woman would adopt this convention is rather suggestive about the times she lived in.]

required to,” in the sense in which one can be obliged or bound by law, or something can be required by law.

How did this come about? The answer is in history: between Aristotle and us came Christianity, with its law conception of ethics. For Christianity derived its ethical notions from the Torah. (One might be inclined to think that a law conception of ethics could arise only among people who accepted an allegedly divine positive law; that this is not so is shown by the example of the Stoics, who also thought that whatever was involved in conformity to human virtues was required by divine law.)

In consequence of the dominance of Christianity for many centuries, the concepts of being bound, permitted, or excused became deeply embedded in our language and thought. The Greek word “ἁμαρτάνειν,” the aptest to be turned to that use, acquired the sense “sin,” from having meant “mistake,” “missing the mark,” “going wrong.” The Latin *peccatum* which roughly corresponded to ἁμαρτημα was even apter for the sense “sin,” because it was already associated with “culpa”—“guilt”—a juridical notion. The blanket term “illicit,” “unlawful,” meaning much the same as our blanket term “wrong,” explains itself. It is interesting that Aristotle did not have such a blanket term. He has blanket terms for wickedness—“villain,” “scoundrel”; but of course a man is not a villain or a scoundrel by the performance of one bad action, or a few bad actions. And he has terms like “disgraceful,” “impious”; and specific terms signifying defect of the relevant virtue, like “unjust”; but no term corresponding to “illicit.” The extension of this term (i.e. the range of its application) could be indicated in his terminology only by a quite lengthy sentence: that is “illicit” which, whether it is a thought or a consented-to passion or an action or an omission in thought or action, is something contrary to one of the virtues the lack of which shows a man to be bad *qua* man. That formulation would yield a concept co-extensive with the concept “illicit.”

To have a *law* conception of ethics is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man (and not merely, say, *qua* craftsman or logician)—that what is needed for *this*, is required by divine law. Naturally it is not possible to have such a conception unless you believe in God as a law-giver; like Jews, Stoics, and Christians. But if such a conception is dominant for many centuries, and then is given up,<sup>2</sup> it is a natural result that the concepts of “obligation,” of being bound or required as by a law, should remain though they had lost their root; and if the word “ought” has become invested in certain contexts with the sense of “obligation,” it too will remain to be spoken with a special emphasis and special feeling in these contexts.

It is as if the notion “criminal” were to remain when criminal law and criminal courts had been abolished and forgotten...Hume [17<sup>th</sup> c. Scottish philosopher] discovering this situation might conclude that there was a special sentiment, expressed by “criminal,” which alone gave the word its sense. So Hume discovered the situation which the notion “obligation” survived, and the notion “ought” was invested with that peculiar for having which it is said to be used in a “moral” sense, but in which the belief in divine law had long since been abandoned: for it was

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<sup>2</sup> [Take heed: Anscombe was a Catholic, so “giving up” a divine-command ethics is not due to atheism or the like. Rather, she is convinced by the *Euthyphro* problem, as she indicates elsewhere in the article.]

substantially given up among Protestants at the time of the Reformation.<sup>3</sup> The situation, if I am right, was the interesting one of the survival of a concept outside the framework of thought that made it a really intelligible one.

When Hume produced his famous remarks about the transition from “is” to “ought” [i.e., about the naturalistic fallacy (roughly)] he was, then, bringing together several quite different points. ... It would be possible to bring out a different point by enquiring about the transition from “is” to “needs”; from the characteristics of an organism to the environment that it needs, for example. To say that it needs that environment is not to say, e.g., that you want it to have that environment, but that it won’t flourish unless it has it. Certainly, it all depends whether you *want* it to flourish! as Hume would say. But what “all depends” on whether you want it to flourish is whether the fact that it needs that environment, or won’t flourish without it, has the slightest influence on your actions, Now *that* such-and-such “ought” to be or “is needed” is supposed to have an influence on your actions: from which it seemed natural to infer that to judge that it “ought to be” was in fact to grant what you judged “ought to be” influence on your actions. And no amount of truth as to what is the case could possibly have a logical claim to have influence on your actions. (It is not judgment as such that sets us in motion; but our judgment on how to get or do something we *want*.) Hence it *must* be impossible to infer “needs” or “ought to be” from “is.” But in the case of a plant, let us say, the inference from “is” to “needs” is certainly not in the least dubious. It is interesting and worth examining; but not at all fishy...

Certainly in the case of what the plant needs, the thought of a need will only affect action if you want the plant to flourish. Here, then, there is no necessary connection between what you can judge the plant “needs” and what you want...[In reply to this], following Hume, someone might say: Perhaps you have made out your point about a transition from “is” to “owes” and from “is” to “needs”: but only at the cost of showing “owes” and “needs” sentences to express a *kind* of truths, a *kind* of facts. And it remains impossible to infer “*morally ought*” from “is” sentences.

This comment, it seems to me, would be correct. This word “ought,” having become a word of mere mesmeric force, could not, in the character of having that force, be inferred from anything whatever...For its suggestion is one of a *verdict* on my action, according as it agrees or disagrees with the description in the “ought” sentence. And where one does not think there is a judge or a law, the notion of a verdict may retain its psychological effect, but not its meaning. Now imagine that just this word “verdict” *were* so used—with a characteristically solemn emphasis—as to retain its atmosphere but not its meaning, and someone were to say: “For a *verdict*, after all, you need a law and a judge.” The reply might be made: “Not at all, for if there were a law and a judge who gave a verdict, the question for us would be whether accepting that verdict is something that there is a *Verdict* on.” This is an analogue of an argument which is so frequently referred to as decisive: If someone does have a divine law conception of ethics, all the same, he has to agree that he has to have a judgment that he *ought* (morally ought) to obey

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<sup>3</sup> [Note 2 in the original:] They did not deny the existence of divine law; but their most characteristic doctrine was that it was given, not to be obeyed, but to show man's incapacity to obey it, even by grace; and this applied not merely to the ramified prescriptions of the Torah, but to the requirements of "natural divine law." Cf. in this connection the decree of Trent against the teaching that Christ was only to be trusted in as mediator, not obeyed as legislator.

the divine law; so his ethic is in exactly the same position as any other: he merely has a “practical major premise.”<sup>4</sup> “Divine law ought to be obeyed” where someone else has, e.g., “The greatest happiness principle ought to be employed in all decisions.”

I should judge that Hume and our present-day ethicists had done a considerable service by showing that no content could be found in the notion “morally ought”; if it were not that the latter philosophers try to find an alternative (very fishy) content and to retain the psychological force of the term. It would be most reasonable to drop it. It has no reasonable sense outside a law conception of ethics; they are not going to maintain such a conception; and you can do ethics without it, as is shown by the example of Aristotle. It would be a great improvement if, instead of “morally wrong,” one always named 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...

[C]onsider that every one of the best known English academic moral philosophers has put out a philosophy according to which, e.g., 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... Now this is a significant thing: for it means that all these philosophies are 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 (by which I mean obtaining a man’s confidence in a grave matter by promises of trustworthy friendship and then betraying him to his enemies); idolatry; sodomy; adultery; making a false profession of faith. 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; but it is a noteworthy feature of it; and if every academic philosopher since Sidgwick has written in such a way as to exclude this ethic, it would argue a certain provinciality of mind not to see this incompatibility as the most important fact about these philosophers, and the differences between them as somewhat trifling by comparison.

It is noticeable that none of these philosophers displays any consciousness that there is such an ethic, which he is contradicting: it is pretty well taken for obvious among them all that a prohibition such as that on murder does not operate in face of some consequences. But of course the strictness of the prohibition has as its point *that you are not to be tempted by fear or hope of consequences...*

It is a necessary feature of consequentialism that it is a shallow philosophy. For there are always borderline cases in ethics. Now if you are either an Aristotelian, or a believer in divine law, you will deal with a borderline case by considering whether doing such-and-such in such-and-such circumstances is, say, murder, or is an act of injustice; and according as you decide it is or it isn’t, you judge it to be a thing to do or not. This would be the method of casuistry [sophistry]; and while it may lead you to stretch a point on the circumference, it will not permit you to

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<sup>4</sup> [Note 3 in the original:] As it is absurdly called. Since major premise = premise containing the term which is predicate in the conclusion, it is a solecism to speak of it in the connection with practical reasoning.

destroy the center. But if you are a consequentialist, the question “What is it right to do in such-and-such circumstances?” is a stupid one to raise. The casuist raises such a question only to ask “Would it be *permissible* to do so-and-so?” or “Would it be permissible *not* to do so-and-so?” Only if it would *not* be permissible *not* to do so-and-so could he say “This would be *the* thing to do.”<sup>5</sup> Otherwise, though he may speak *against* some action, he cannot prescribe any—for in an *actual* case, the circumstances (beyond the ones imagined) might suggest all sorts of possibilities, and you can’t know in advance what the possibilities are going to be. Now the consequentialist has no footing on which to say “This would be permissible, this not”; because by his own hypothesis, it is the consequences that are to decide, and he has no business to pretend that he can lay it down what possible twists a man could give doing this or that; the most he can say is: a man must not *bring about* this or that; he has no right to say he will, in an actual case, bring about such-and-such unless he does so-and-so. Further, the consequentialist, in order to be imagining borderline cases at all, has of course to assume some sort of law or standard according to which this is a borderline case. Where then does he get the standard from? In practice the answer invariably is: from the standards current in his society or his circle. And it has in fact been the mark of all these philosophers that they have been extremely conventional; they have nothing in them by which to revolt against the conventional standards of their sort of people; it is impossible that they should be profound. But the chance that a whole range of conventional standards will be decent is small...

Those who recognize the origins of the notions of “obligation” and of the emphatic, “moral,” *ought*, in the divine law conception of ethics, but who reject the notion of a divine legislator, sometimes look about for the possibility of retaining a law conception without a divine legislator. This search, I think, has some interest in it. Perhaps the first thing that suggests itself is the “norms” of a society. But ... one cannot be impressed by this idea if one reflects what the “norms” of a society can be like. That legislation can be “for oneself” [in the manner of Kant] I reject as absurd; whatever you do “for yourself” may be admirable; but is not legislating. Once one sees this, one may say: I have to frame my own rules, and these are the best I can frame, and I shall go by them until I know something better: as a man might say “I shall go by the customs of my ancestors.” Whether this leads to good or evil will depend on the *content* of the rules or of the customs of one’s ancestors. If one is lucky it will lead to good. Such an attitude would be hopeful in this at any rate: it seems to have in it some Socratic doubt where, from having to fall back on such expedients, it should be clear that Socratic doubt is good; in fact rather generally it must be good for anyone to think “Perhaps in some way I can’t see, I may be on a bad path, perhaps I am hopelessly wrong in some essential way.”—The search for “norms” might lead someone to look for laws of nature, as if the universe were a legislator; but in the present day this is not likely to lead to good results; it might lead one to eat the weaker according to the laws of nature, but would hardly lead anyone nowadays to notions of justice the pre-Socratic feeling about justice as comparable to the balance or harmony which kept things going is very remote to us.

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<sup>5</sup> [Note 6 in the original] Necessarily a rare case: for the positive precepts, e.g. “Honor your parents,” hardly ever prescribe, and seldom even necessitate, any particular action.

There is another possibility here: “obligation” may be contractual. Just as we look at the law to find out what a man subject to it is required by it to do, so we look at a contract to find out what the man who has made it is required by it to do. Thinkers, admittedly remote from us, might have the idea of a *foedus rerum*, of the universe not as a legislator but as the embodiment of a contract. Then if you could find out what the contract was, you would learn your obligations under it. Now, you cannot be under a law unless it has been promulgated to you; and the thinkers who believed in “natural divine law” held that it was promulgated to every grown man in his knowledge of good and evil. Similarly you cannot be in a contract without having contracted, i.e. given signs of entering upon the contract. Just possibly, it might be argued that the use of language which one makes in the ordinary conduct of life amounts in some sense to giving the signs of entering into various contracts. If anyone had this theory, we should want to see it worked out...Also, while it is clear that you can be subject to a law that you do not acknowledge and have not thought of as law, it does not seem reasonable to say that you can enter upon a contract without knowing that you are doing so; such ignorance is usually held to be destructive of the nature of a contract.

It might remain to look for “norms” in human virtues: just as *man* has so many teeth, which is certainly not the average number of teeth men have, but is the number of teeth for the species, so perhaps the species *man*, regarded not just biologically, but from the point of view of the activity of thought and choice in regard to the various departments of life—powers and faculties and use of things needed—“has” such-and-such virtues: and this “man” with the complete set of virtues is the “norm,” as “man” with, e.g., a complete set of teeth is a norm. But in *this* sense “norm” has ceased to be roughly equivalent to “law.” In this sense the notion of a “norm” brings us nearer to an Aristotelian than a law conception of ethics. There is, I think, no harm in that; but if someone looked in this direction to give “norm” a sense, then he ought to recognize what has happened to the notion “norm,” which he wanted to mean “law—without bringing God in”—it has ceased to mean “law” at all; and so the notions of “moral obligation,” “the moral ought,” and “duty” are best put on the Index, if he can manage it.

But meanwhile—is it not clear that there are several concepts that need investigating simply as part of the philosophy of psychology and, as I should recommend—banishing *ethics totally* from our minds? Namely—to begin with: “action,” “intention,” “pleasure,” “wanting.” More will probably turn up if we start with these. Eventually it might be possible to advance to considering the concept “virtue”; with which, I suppose, we should be beginning some sort of a study of ethics.

I will end by describing the advantages of using the word “ought” in a non-emphatic fashion, and not in a special “moral” sense; of discarding the term “wrong” in a “moral” sense, and using such notions as “unjust.”

It is possible, if one is allowed to proceed just by giving examples, to distinguish between the intrinsically unjust, and what is unjust given the circumstances. To arrange to get a man judicially punished for something which it can be clearly seen he has not done is intrinsically unjust. This might be done, of course, and often has been done, in all sorts of ways; by suborning false witnesses, by a rule of law by which something is “deemed” to be the case which is admittedly not the case as a matter of fact, and by open insolence on the part of the

judges and powerful people when they more or less openly say: “A fig for the fact that you did not do it; we mean to sentence you for it all the same.” What is unjust given, e.g., normal circumstances is to deprive people of their ostensible property without legal procedure, not to pay debts, not to keep contracts, and a host of other things of the kind. Now, the circumstances can clearly make a great deal of difference in estimating the justice or injustice of such procedures as these; and these circumstances may *sometimes* include expected consequences; for example, a man’s claim to a bit of property can become a nullity when its seizure and use can avert some obvious disaster: as, e.g., if you could use a machine of his to produce an explosion in which it would be destroyed, but by means of which you could divert a flood or make a gap which a fire could not jump. Now this certainly does not mean that what would ordinarily be an act of injustice, but is not intrinsically unjust, can always be rendered just by a reasonable calculation of better consequences; far from it; but the problems that would be raised in an attempt to draw a boundary line (or boundary area) here are obviously complicated. And while there are certainly some general remarks which ought to be made here, and some boundaries that can be drawn, the decision on particular cases would for the most part be determined κατόν ὀρθόν λόγον “according to what’s reasonable.”—E.g. that *such-and-such* a delay of payment of a *such-and-such* debt to a person so circumstanced, on the part of a person so circumstanced, would or would not be unjust, is really only to be decided “according to what’s reasonable”; and for this there can *in principle* be no canon other than giving a few examples. That is to say, while it is because of a big gap in philosophy that we can give no general account of the concept of virtue and of the concept of justice, but have to proceed using the concepts, only by giving examples; still there is an area where it is not because of any gap, but is in principle the case, that there is no account except by way of examples: and that is where the canon is “what’s reasonable”: which of course is *not* a canon.

That is all I wish to say about what is just in some circumstances, unjust in others; and about the way in which expected consequences can play a part in determining what is just. Returning to my example of the intrinsically unjust: if a procedure is one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust. No circumstances, and no expected consequences, which do *not* modify the description of the procedure as one of judicially punishing a man for what he is known not to have done can modify the description of it as unjust. Someone who attempted to dispute this would only be pretending not to know what “unjust” means: for this is a paradigm case of injustice.

And here we see the superiority of the term “unjust” over the terms “morally right” and “morally wrong.” For in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it *might* be “morally right” in some circumstances to adopt that procedure; but it cannot be argued that that the procedure would in any circumstances be just...

[I]f someone really thinks, *in advance*,<sup>6</sup> that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration—I do not want to argue with him; he shows a corrupt mind.

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<sup>6</sup> [Note 7 in the original] If he thinks it in the concrete situation, he is of course merely a normally tempted human being. In discussion when this paper was read, as was perhaps to be expected, this case was produced: a government is required to have an innocent man tried, sentenced and executed under threat of a “hydrogen bomb war.” It would

In such cases our moral philosophers seek to impose a dilemma upon us. “If we have a case where the term ‘unjust’ applies purely in virtue of a factual description, can’t one raise the question whether one sometimes conceivably ought to do injustice? If ‘what is unjust’ is determined by consideration of whether it is *right* to do so-and-so in such-and-such circumstances, then the question whether it is ‘right’ to commit injustice can’t arise, just because ‘wrong’ has been built into the definition of injustice. But if we have a case where the description ‘unjust’ applies purely in virtue of the facts, without bringing ‘wrong’ in, then the question can arise whether one ‘ought’ perhaps to commit an injustice, whether it might not be ‘right’ to? And of course ‘ought’ and ‘right’ are being used in their *moral* senses here. Now either you must decide what is ‘morally right’ in the light of certain *other* ‘principles,’ or you make a ‘principle’ about *this* and decide that an injustice is never ‘right’; but even if you do the latter you are going beyond the facts; you are making a decision that you will not, or that it is wrong to, commit injustice. But in either case, if the term ‘unjust’ is determined simply by the facts, it is not the term ‘unjust’ that determines that the term ‘wrong’ applies, but a decision that injustice *is wrong*, together with the diagnosis of the ‘factual’ description as entailing injustice. But the man who makes an absolute decision that injustice is ‘wrong’ has no footing on which to criticize someone who does *not* make that decision as judging falsely.”

In this argument “wrong” of course is explained as meaning “morally wrong,” and all the atmosphere of the term is retained while its substance is guaranteed quite null. Now let us remember that “morally wrong” is the term which is the heir of the notion “illicit,” or “what there is an obligation *not* to do”; which belongs in a divine law theory or ethics. Here it really does add something to the description “unjust” to say there is an obligation not to do it; for what obliges is the divine law—as rules oblige in a game. So if the divine law obliges not to commit injustice by forbidding injustice, it really does add something to the description “unjust” to say there is an obligation not to do it. And it is because “morally wrong” is the heir of this concept, but an heir that is cut off from the family of concepts from which it sprang, that “morally wrong” *both goes* beyond the mere factual description “unjust” *and* seems to have no discernible content except a certain compelling force, which I should call purely psychological. And such is the force of the term that philosophers actually suppose that the divine law notion can be dismissed as making no essential difference even if it is held—because they think that a “practical principle” running “I *ought* (i.e. am morally obliged) to obey divine laws” is required for the man who believes in divine laws. But actually this notion of obligation is a notion which only operates in the context of law. And I should be inclined to congratulate the present-day moral philosophers on depriving “morally ought” of its now delusive appearance of content, if only they did not manifest a detestable desire to retain the atmosphere of the term.

It may be possible, if we are resolute, to discard the notion “morally ought,” and simply return to the ordinary “ought,” which, we ought to notice, is such an extremely frequent term of human language that it is difficult to imagine getting on without it. Now if we do return to it, can’t it reasonably be asked whether one might ever need to commit injustice, or whether it won’t be the

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seem strange to me to have much hope of so averting a war threatened by such men as made this demand. But the most important thing about the way in which cases like this are invented in discussions, is the assumption that only two courses are open: here, compliance and open defiance. No one can say in advance of such a situation what the possibilities are going to be—e.g. that there is none of stalling by a feigned willingness to comply. Accompanied by a skillfully arranged “escape” of the victim.



best thing to do? Of course it can. And the answers will be various. One man—a philosopher—may say that since justice is a virtue, and injustice a vice, and virtues and vices are built up by the performances of the action in which they are instanced, an act of injustice will tend to make a man bad; and essentially the flourishing of a man qua man consists in his being good (e.g. in virtues); but for any X to which such terms apply, X needs what makes it flourish, so a man needs, or ought to perform, only virtuous actions; and even if, as it must be admitted may happen, he flourishes less, or not at all, in inessentials, by avoiding injustice, his life is spoiled in essentials by not avoiding injustice—so he still needs to perform only just actions. That is roughly how Plato and Aristotle talk; but it can be seen that philosophically there is a huge gap, at present unfillable as far as we are concerned, which needs to be filled by an account of human nature, human action, the type of characteristic a virtue is, and above all of human “flourishing.” And it is the last concept that appears the most doubtful. For it is a bit much to swallow that a man in pain and hunger and poor and friendless is “flourishing,” as Aristotle himself admitted. Further, someone might say that one at least needed to stay alive to “flourish.” Another man unimpressed by all that will say in a hard case “What we need is such-and-such, which we won’t get without doing this (which is unjust)—so this is what we ought to do.” Another man, who does not follow the rather elaborate reasoning of the philosophers, simply says “I know it is in any case a disgraceful thing to say that one had better commit this unjust action.” The man who believes in divine laws will say perhaps “It is forbidden, and however it looks, it cannot be to anyone’s profit to commit injustice”; he like the Greek philosophers can think in terms of “flourishing.” If he is a Stoic, he is apt to have a decidedly strained notion of what “flourishing consists” in; if he is a Jew or Christian, he need not have any very distinct notion: the way it will profit him to abstain from injustice is something that he leaves it to God to determine, himself only saying “It can’t do me any good to go against his law.” (But he also hopes for a great reward in a new life later on, e.g. at the coming of Messiah; but in this he is relying on special promises.)

It is left to modern moral philosophy—the moral philosophy of all the well-known English ethicists since Sidgwick—to construct 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...[so that] 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...