Anscombe on the mesmeric force of 'ought' and a spurious kind of moral realism

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ABSTRACT

I discuss the second of the three theses advanced by Anscombe in 'Modern Moral Philosophy'. The focus is the nature of entities to which – if Anscombe's diagnosis is correct – ought and cognate modals are assumed by modern moral philosophers to refer. I reconstruct the alternative account offered by Anscombe of viable and justified 'Aristotelian' modals – as contrasted with mysterious and unjustified 'Kantian' modals; I discuss the nature and status of 'Aristotelian necessity' to which such legitimate modals refer to. I conclude with the claims that Anscombe's account of modern moral philosophy is viciously parochial, reducing it to Oxford philosophy from the Thirties and Forties and its immediate antecedents; that her historical reconstruction is vitiated by lack of awareness of the existence of law-views of morality preceding Christian theology, artful anticipation of secularization in order to fit her picture of modern moral philosophy as the 'day after' of Christianity; that Aquinas's and her own view of natural morality as made of rational moral judgments laws is incompatible with both her predilection for 'divine law' instead of plain down-to-earth 'natural law'; that her strained reconstruction of a Christian-Jewish-Stoic view of morality as law promulgated by God has little to share with any reconstruction of the Biblical moral traditions meeting academic standard and in more detail there is no possible translation of *Torah* as *Law*; and that her criticism hits just targets from the old little British world she was familiar with, while leaving Kantian ethics unaffected.

1. ANSCOMBE'S THREE THESES

Anscombe's work is a crossroad from which various alleys in contemporary ethics and related subjects depart: action theory, moral psychology, neo-naturalism, virtue ethics, so-called divine-command theory (in fact a theory with many critics and virtually no proponent), and yet, the

discussion about precisely what kind of ethical theory Anscombe supported is still yielding a flow of literature. My pre-comprehension, not argued in this chapter, is that Anscombe is not a proponent of virtue ethics, an ethical theory where the most important concept is that of virtue, but instead the discoverer of an astonishingly simple idea, namely that morality is no more a simple phenomenon with its own essence than several other phenomena in human life. Ethics is inherently a theory of the complexity of human action. As O'Brien aptly summarizes, her critique of modern ethics points at an alternative

picture of ethics in which neither virtues, consequences, nor rules serve a more basic explanatory role than the others. She is a pluralist about ethical categories, which implies that virtues, consequences, and rules answer to complementary and mutually implicating explanatory needs. A human action may be bad either if it springs from a vicious disposition, produces certain bad consequences, or violates a rule; it can be good only by avoiding all of these pitfalls[1].

"Modern moral philosophy", her famous 1958 essay, is an attack on ethical theories from Butler up to Ross and Hare[2], claiming that there is a shared approach to moral issues in this tradition and this is not the only possible one, and besides that the disappointing state of the art in moral philosophy depends on a few mistaken assumptions. These are: a) forgetfulness of dispositions or virtues, b) unjustified primacy of rules and obligation, c) denial of the existence of classes of absolutely forbidden actions. Anscombe's essay defends three theses: the first is that a satisfactory "philosophy of psychology" is required before we may start doing ethics in any profitable way; the second claims that the force of "moral obligation and moral duty" arises from oblivion of its origin; the third declares that consequentialism, the claim that the moral value of actions depends on their consequences and accordingly *any* kind of action may be examined as a possibly admissible or dutiful kind of action, is the mark of all contemporary kinds of Anglo-Saxon ethics after Sidgwick[3].

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[1] M.B. O'Brien, "On Obligation and the Virtues of Law" in L. Gormally, D.A. Jones, R. Teichmann, *The Philosophy of Elizabeth Anscombe* (Exeter: Imprint Academic, 2016) 75-97, pp. 75-76.

[2] In fact by "modern" moral philosophy she means no more than early twentieth-century Oxford philosophy with its predecessors. Cf S. Cremaschi, "Elizabeth Anscombe on Consequentialism and Absolute Prohibitions", *Danish Yearbook of Philosophy*, 47 (2012) 7-39, pp. 10-18.

[3] G.E.M. Anscombe, "Modern Moral Philosophy", in *Human Life, Action and Ethics*, ed. by M. Geach and L. Gormally (Exeter: Imprint Academic, 2005) 169-94, p. 169, on the first thesis cf S. Cremaschi, "Anscombe on the philosophy of psychology as propaedeutic to ethics", in M. Galletti (ed.) *La mente morale. Persone, ragioni, virtù* (Rome: Edizioni di Storia e Letteratura, 2014) pp. 17-62; on the third S. Cremaschi, "Elizabeth Anscombe on Consequentialism and Absolute Prohibitions".

2. FORGETFULNESS AND THE GENEALOGY OF MORALS

I discuss here a point related mainly with the second thesis, namely what kind of realm of alleged moral facts lies behind the mysterious moral ought, and what kind of objective reality lies at the basis of ethics understood in an admissible sense. In a word, what kind of moral realism is implied by Anscombe's 'naturalism'.

The thesis claims that the force of ought arises from forgetfulness of its origins and accordingly the moral sense of 'ought' and cognate concepts are "survivals, or derivatives from survivals", from an earlier conception of ethics. To have "a *law* conception of ethics" one should assume that "what is needed for conformity with the virtues" is required by divine law and – she adds – "it is not possible to have such a conception unless you believe in God as a law-giver; like Jews, Stoics and Christians"[4], but, "if such a conception is dominant for many centuries, and then is given up, 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"[5]. Thus, modern moral philosophy is an unstable building. Its basic concepts, such as those of duty and obligation and the moral ought – never occur in Aristotle. They are instead relics left by another conception, centred on the idea of divine law, which "was found among the Stoics, and became generally current through Christianity, whose ethical notions come from the Torah"[6]. Anscombe's proposal is

using 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'[7].

Anscombe's story about forgetfulness may have sounded a bit weird to mid-twentieth century Oxford ears, but would have sounded more familiar to anybody conversant with nineteenth-century German philosophy. There had been in Germany strand of reflection on the role of oblivion in the life of mind, inspired by the Romantic reaction against early-modern cult of mnemo-techniques[8] a strand to which Schopenhauer had given a decisive contribution. He was impressed by Rousseau's remarks about the role of forgetfulness in the process of learning. It is well-known how Èmile was

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[4] G.E.M. Anscombe, "Modern Moral Philosophy", p. 176

[5] *Ibid.*

[6] G.E.M. Anscombe, *Intention* (1957) (Cambridge, MASS: Harvard University Press) 2000, fn 1.

[7] G.E.M. Anscombe, "Modern Moral Philosophy", p. 188.

[8] Cf H. Weinrich, "Vergessen, das", in J. Ritter and K. Gründer (eds.) *Historisches Wörterbuch der Philosophie*, 12 vols. (Basel: Schwabe, 1971-2004) cols. 671-675.

not expected by his tutor to learn anything by hearth. His early medical interests concentrating on mental illness lead him in *The World as Will and Representation*, book III, § 36, to formulate the diagnosis that "madness is a disease affecting particularly memory"[9] creating gaps in the patient's memory, which are filled up in turn with fantastic representations. The disease itself was a reaction to unbearable pain, a means of forgetting what was too painful to the patient. In the Supplements to book I, ch. 14 he adds that in healthy minds too most mental processes are constantly forgotten, that is, the processing of raw materials received from outside takes place "in the darken depth and is carried out as unconsciously as the transformation of food into bodily humours and substance"[10].

In Feuerbach we meet speculations about the history of the European modern mind, suggesting that the values of modern Europe were a Christian legacy somehow secularized though oblivion of the originally religious character of such values, and Nietzsche seems to draw inspiration from both Feuerbach and Schopenhauer when he writes that what makes institutions, norms and values appear to be justified beyond any doubt as a result of a process through which their original justification is forgotten, modern civilization is just secularised Christianity, and humanists and socialists are priests in drag[11]. In *On the Foundation of Morality* Schopehauer had argued, against Kant, that to assume the existence of moral laws is tantamount to a *petitio principii*. The only true meaning of 'law' is that of a human institution based on human arbitrary will, and derived, metaphorical sense is that of natural law. The only law really existing for human will is "the law of motivation, an instance of the law of causality, namely causality mediated by knowledge"[12], and, "for the introduction into ethics of the notions of law, prescription and ought, there is no other origin than one extraneous to philosophy, namely Moses's Decalogue"[13], "there is no doubt that philosophical ethics has been unconsciously moulded by theological ethics"[14] , and Kant "tacitly and stealthily borrowed this imperative kind of ethics from theological Morals"[15].

The young Wittgenstein's ethical views followed closely Schopenhauer's philosophy[16]. Ethics – he

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[9] A. Schopenhauer, *Die Welt als Wille und Vorstellung* (1819) in *Sämtliche Werke*, 7 vols., ed. by A. Hübscher (Leipzig: Brockhaus, 1937-1961) vol. II: 226 (translations are mine).

[10] *Ibid.*, vol. III: 148.

[11] F. Nietzsche, *Menschliches, Allzumenschliches II* (1886) in *Sämtliche Werke*, 15 vols., ed. by G. Colli and M. Montinari (Berlin: de Gruyter, 1980) vol. IV\3: § 40.

[12] A. Schopenhauer, *Über die Grundlage der Moral*, in *Sämtliche Werke*, vol. IV: 121.

[13] *Ibid.*, p. 122

[14] *Ibid.*, p. 122.

[15] *Ibid.*, p. 125.

[16] On Wittgenstein's Schopenhauerism cf A. S. Janik, "Schopenhauer and the early Wittgenstein", *Philosophical Studies*, 15 (1966) 76-95; E.S. Morris, "Schopenhauer's impact on Wittgenstein", *Journal of the History of*

declares – belongs, together with religion and aesthetics, to the 'mystical', a domain outside the 'world' or the 'totality of facts'. Language is able just to describe the world and "*In* it there is no value – and if there were, it would be of no value"[17]. Values "lie outside of the world"[18]. This is the reason why "there can be no ethical proposition"[19]. To give a fuller picture, we should also consider the *Lecture on ethics* of 1930 where changes introduced in those years in his philosophy are reflected. It is well-known that the binary alternative between descriptive use of language and the impossible attempt to use language in order to mention what is outside the world, he admitted a plurality of meanings depending on use we make of linguistic expressions. This carried the possibility of a distinction between relative value judgment and absolute value judgements according to which "every judgment of relative value is a mere statement of facts and can therefore be put in such a form that it loses all the appearance of a judgment of value"[20], while "no statement of fact can ever be, or imply, a judgment of *absolute* value"[21]. What is still true to the philosophy of the *Tractatus* is the idea that ethical propositions, even though propositions of a paradoxical kind, are in a strict sense meaningless. This is their "peculiar essence" in so far as by them we try "to go beyond the world, that is, beyond meaningful language", and ethics "in so far as it springs from the desire to say something about the ultimate meaning of life, the absolute good, the absolute valuable can be no science"[22].

And this is the position in which, for example, someone finds himself when he looks for definitions in ethics or aesthetics that correspond to our concepts.
In this sort of predicament, always ask yourself: How did we learn the meaning of this word ('good' for instance)? From what sort of examples? In what language-games? Then it will be easier for you to see that the word must have a family of meanings[23].

The same holds for the word 'good', Moore's Troy-horse for his final assault on naturalistic and

Philosophy", 7 (1969) 285-302; M. Micheletti, *Lo schopenhauerismo di Ludwig Wittgenstein* (Padova: La Garangola, 1973); B. Magee, *The philosophy of Schopenhauer* (Oxford: Clarendon Press, second edition 1998) pp. 310-40.

[17] L. Wittgenstein, *Tractatus Logico-Philosophicus* (1921) (Routledge: London 1961) 6.41

[18] *Ibid.*

[19] *Ibid*. 6.42, 6.421.

[20] L. Wittgenstein, *Lecture on Ethics*, ed. by E. Zamuner, E.V. Di Lascio, and D.K. Levy (London: Wiley Blackwell, 2014) pp. 44.

[21] *Ibid*., p. 43.

[22] *Ibid*., p. 51.

[23] L. Wittgenstein, *Philosophical Investigations*, ed. by P.M.S. Hacker and J. Schulte (Oxford: Wiley-Blackwell, 2009, 4th ed.) § 77.

metaphysical ethics. His discovery of a unique meaning attached to the word is simply a blunder, for

it could be said that the use of the word 'good' (in an ethical sense) is a combination of a very large number of interrelated games, each of them as it were a facet of the use. What makes a single concept here is precisely the connection, the relationship, between these facets[24].

The only way to 'define' the word 'good' is by providing examples where use is made of the terms. We always find some closeness, contiguity, familiarity among elements of the series, what is not tantamount to any element shared by all its elements. That is, there may be

nothing in common between the two ends of the series. The way in which you use 'good' in particular case is partly defined by the topic you're talking of. Each way in which A can convince B that x is good, fixes a meaning in which 'good' is used – fixes the grammar of the discussion […] Nothing would be more astounding, than if 'good' had the same meaning always, considering the ways we learn it. So it may be very difficult to find anything in common between two uses of 'good', but there will be gradual transitions from one to the other, which take the place of something in common[25].

Thus, at the time of the *Philosophical Investigations*, he still viewed ethics as the adoption of a framework within which we may 'see' that life has a meaning, and thus still as coextensive with religion and aesthetics. In fact he still writes sentences like from his earlier phase, for example: "If anything is good, then it is also godly. My own ethics may summarized in this way, even though in a somewhat queer way"[26]. But he is also aware now that there are a number of ways and sense in which we may discuss issues from a moral point of view, and no essence or definition is needed in order to be able to recognize the ethical dimension at stake.

Coming back to Anscombe, the Wittgensteinian mood in which the second thesis was formulated should be kept in mind in order not to mistake the meaning buried in a rather cryptic formulation. The thesis is one more example of a consistent strategy consisting in trying to deflate a number of philosophical problems by showing how concepts are no more than networks of 'similar' ideas and the point of philosophy as a practice is precisely dissolving non-existent essences and self-contained

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[24] L. Wittgenstein, *Philosophical Grammar*, ed. by R. Rhees and A. Kenny (Oxford: Blackwell, 1974) p. 36.

[25] *Wittgenstein: Lectures, Cambridge 1930-1933. From the Notes of G. E. Moore*, ed. by G. Citron, B. Rogers, and D.G. Stern (Cambridge: Cambridge University Press, 2016) May 5 1933; cf D.G. Stern, "Wittgenstein's Lectures on Ethics, Cambridge 1933", *Wittgenstein Studien* , 4 (2013) 191-206.

[26] L. Wittgenstein, *Bemerkungen uber die Farben; uber Gewissheit; Zettel; Vermischte Bemerkungen* (Frankfurt a. Main: Suhrkamp, 1990, p. 454 (the translation is mine).

concepts from whose use traditional philosophical problems arise; and after that there is no different philosophical solution to be put forth, but we come back to plain ordinary language comprehension of issues depurated from misunderstandings and everybody will see how things are. In other words, what Anscombe had in mind is that Moral Philosophy rests on a mistake.

It is as well to add that, even though the substance of the second thesis comes from Schopenhauer via Wittgenstein, Anscombe might have never read anything by Schopenhauer and just have heard directly from Wittgenstein the story about forgetfulness as the source of the moral law's force[27]. Roger Crisp reports a private communication by Peter Geach, her husband, to the effect that "as far as he knows, Anscombe had little direct knowledge of Schopenhauer's work, but that he and Wittgenstein would certainly have talked to her about Schopenhauer"[28]. It is true that an English translation was available of *On the basis of Morality*[29] but no direct reference is found in Anscombe's writings.

3. ANSCOMBE AND WITTGENSTEIN ON ETHICS AND LANGUAGE

Anscombe was well-aware of both the distance between Wittgenstein and Logical Empiricism as well as of his Schopenhauerism. And in fact, in "Modern Moral Philosophy" she puts to work effectively the lesson from the *Philosophical Investigations* that essences are a delusion and that there "may be nothing in common between the two ends of the series" exemplifying uses of words when dismantling the mysterious emphatic *ought* following the strategy adopted by Wittgenstein for *good*.

One of the first points she makes in ethics, in *Intention*, is that 'should', which may be assumed to render Aristotle's δεῖ, is a "rather light word with an unlimited context of application". The list of examples she gives is that

athletes should keep in training, pregnant women watch their weight, film stars their publicity, that one should brush

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[27] Ch. Pigden, "Anscombe on `Ought'", *The Philosophical Quarterly*, 38, no. 150 (1988) 20-41, pp. 32-33; R. Crisp, "Does Modern Moral Philosophy Rest on a Mistake?", in A. O'Hear (ed.) *Modern Moral Philosophy*. *Royal Institute of Philosophy Supplement n. 54* (Cambridge: Cambridge University Press, 2004) 75-94, pp. 77-78.

[28] R. Crisp, "Does Modern Moral Philosophy Rest on a Mistake?", p. 77 fn 7; P. Geach, *The Virtues* (Cambridge: Cambridge University Press, 1977) discusses Schopenhauer at pp. 28, 30-32, 144, 148-149, more often than other more obvious authorities on the subject.

[29] A. Schopenhauer, *The Basis of Morality*, tr. with intr. and notes by A.B. Bullock (London: Swan Sonnenschein & Co, 1903).

one's teeth, that one should (not) be fastidious about one's pleasures, that one should (not) tell 'necessary' lies, that chairmen in discussion should tactfully suppress irrelevancies, that someone learning arithmetic should practise a certain neatness, that machinery needs lubrification, that meals ought to be punctual, that we should (not) see the methods of 'Linguistic analysis' in Aristotle's philosophy[30].

The point she is making is that there is nothing specifically ethical in such use, as there is nothing necessarily ethical in Aristotle's idea of a practical syllogism. Both have to do with practical knowledge, not ethics. The set of examples introduced by Anscombe is probably understood as one of Wittgenstein's series of terms constituting 'families' bound together just by 'family resemblances', where there is nothing in common between the two ends of the series. Yet "the ordinary (and quite indispensable) terms 'should', 'needs', 'ought', 'must'"[31] are used in meaningful ways in everyday life and might be correctly used also when discussing ethical questions if depurated from a sort of deposit of further unjustified 'meaning'. In order to better grasp the point of Anscombe's account of the meaning of "ought", it is necessary to mention Philippa Foot's account of "good" in "Moral Arguments". Her claim is that descriptive terms such as mendacious, unchaste, unjust might be used instead of "bad" and they would not raise the same troubles[32]. Note that Foot was carrying out a careful criticism of Moore's naturalistic fallacy argument, sharply contrasting with Anscombe's parallel but somewhat expeditious refutation of Hume's law carried out in a few lines of "Modern Moral Philosophy".

Before discussing Anscombe on Hume, let me compare the athletes-and-pregnant women example quoted above with a well-known passage from the *Philosophical Investigations*. Here Wittgenstein declares: "What *we* do is to bring words back from their metaphysical to their everyday use"[33]. What Anscombe wants to do is taking such terms as 'should', 'needs', 'ought', 'must' and doing with them what Wittgenstein recommended for such words as 'knowledge', 'being', 'object', 'I', namely, instead of trying to grasp the essence of the thing as philosophers delude themselves into doing, "always ask oneself: is the word ever actually used in this way in the language which is its original home?"[34]. Following this lead, I would suggest that she was trying here to do for the word 'ought' what Wittgenstein had tried to do for the word 'good'. The latter had Moore in mind – in fact, he had him sitting in flesh and bones in his classroom in the Thirties and was trying to undo his argument for the impossibility to define 'good'. Anscombe, instead, had Hare as an opponent, and

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[30] G.E.M. Anscombe, *Intention*, p. 64.

[31] G.E.M. Anscombe, "Modern Moral Philosophy", p. 175.

[32] Ph. Foot, "Moral Arguments" (1958) in *Virtues and Vices* (Oxford: Clarendon Press, 2002) 96-109.

[33] L. Wittgenstein, *Philosophical Investigations*, §116

[34] *Ibid.*

was trying to pay him the same favour as regards his thesis of the original character of prescription, or the impossibility of any shift from 'is' to 'ought'.

The implication of her argument is that there is no special philosophical problem behind such terms as 'should', 'needs', 'ought', 'must', and that propositions where they occur only formulate ethical questions when they refer to virtues and vices, goodness or wickedness of human actions, passions and dispositions. She writes:

All human action *in concreto* is either good or bad *simpliciter*. There is no need to insert 'morally' and say 'morally good or bad'. The term 'moral' adds no sense to the phrase, because we are talking about human actions, and the 'moral' goodness of an action is nothing but its goodness as a human action. I mean: the goodness with which it is a good action[35].

Thus, the 'mesmeric force' of the word 'ought' in modern moral philosophy is superadded and unnecessary.

While writing the above remarks, Anscombe was aware of Wittgenstein's considerations on ethics as well as of his dependence on Schopenhauer. Indeed one of her books is among the first sources we have on Wittgenstein's Schopenhauerism[36]. In her commentary to the *Tractatus* she recalls Wittgenstein's view according to which, since there is no *logical* connection between the will and the world, such connection must be a purely *accidental* one. She adds that this consideration had a bearing on his ideas about ethics. The point is that the will, as it appears in the world, is a mere phenomenon only of interest to psychology, while if

I were suddenly so paralysed that nothing happened, the will would remain – I should still have willed; but this will in not merely an impotent thought of the thing's happening, but it is good or evil […] But of that we cannot speak because values lies outside the world and can only express what is *in* the world. Now […] had he only been concerned with the fact that 'good' and 'evil' could not fit into the picture theory, he might have done as many positivists did, and debunked value altogether'[37].

And later on, she adds that

'action', in the ethical sense, is something independent of what happens; and this is the bearer of good and evil. Thus the 'will that is the bearer of the ethical' (*Tractatus*, 6.423) belongs among the transcendentals of the Tractatus, along

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[35] G.E.M. Anscombe, "Action, Intention and 'Double Effect'" (1981) in *Human Life, Action and Ethics*, ed. by M. Geach and L. Gormally (Exeter: Imprint Academic, 2005) pp. 207-26, p. 212.

[36] G.E.M. Anscombe, *An Introduction to Wittgenstein's Tractatus* (London: Hutchinson, 1959) 11-12, 169.

[37] *Ibid.*, pp. 80-81.

with the mystical and the meaning of life[38].

Peter Geach had written that the 'most serious misinterpretation' by the first Italian translator of Wittgenstein's *Tractatus* had been that 'the mysticism of the Tractatus is regarded not as anything integral to Wittgenstein's thought but as an illogical reaction against the irrationally self-imposed limits of a narrow positivistic philosophy'[39] while the truth is, instead, that 'the Tractatus is full of Schopenhauerian theses and ideas'[40].

To sum up, Anscombe's second thesis sounds like Nietzsche's genealogy of morals turned upside down. Instead of claiming, like Nietzsche, that modern humanism is a kind of *implicit* theology and that it should take the final step toward true Atheism, she argues, on the contrary, that modern humanism is a kind of *confused* theology. I will illustrate how the main way out of confusion she proposes – which I would call her official moral ontology – is *not* a return to theology but a way back to a *natural morality* that, on principle, can do without theology. There is a second way she proposes at the meantime – which I would call her semi-official moral ontology – and this is theism with a divine law-giver. Occasional rather infelicitous expressions that have been duly used by critics for attacking her as one more proponent of a divine-command morality or of extreme voluntarism. It is fair to remark that, taking it at its best, the contents of such divine-law ethics overlap *completely* with those of what would be a sound secular morality, that is, one dispensing with the emphatic *ought* and focusing instead on the norm as a model, needs, virtues and inbuilt rules of language games. And yet, even such semi-official moral ontology based on a divine law-giver is both irremediably flawed and unnecessary in any *philosophical* discussion of morality.

4. ANSCOMBE ON THE EMPTY MORAL OUGHT

Anscombe admits that Hume did point out some interesting characteristics in the is-ought connection thus doing "a considerable service by showing that no content could be found in the notion 'morally ought'"[41]. Rules in themselves are fully comprehensible within the context of practices and institutions, but this does not mean that they carry the force of moral obligation.

What is *not* a real philosophical problem is the transition from *is* to *ought*. The term ought could be

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[38] *Ibid.*, p. 171.

[39] P. Geach, Review of Colombo's translation of the Tractatus, *The Philosophical Review*, 66\4 (1957) 556-559, p. 558.

[40] *Ibid*.

[41] G.E.M. Anscombe, "Modern Moral Philosophy", p. 179.

a totally harmless term when used within one language game and we would learn how to use it by entering the language game itself. But its necessity in, say, the promising game, depends on considerations of a different kind. She writes:

What is this necessity? The answer is given only by describing the procedure, the language-game, which as far as concerns the 'necessity' expressed in it does not differ from this one: I say ping and have to say pong […] There is clearly no answer to 'Why do I have to?' […] But if the procedure has the role of an instrument in people's attainment of so many of the goods of common life, the necessity that people should both actually adopt the procedure, i.e. often give undertakings; and also go along with the procedure, i.e. tend to accept the necessity expressed in that reaction and treat it as a rule – this necessity is a necessity of a quite different sort: it is the necessity that Aristotle spoke of, by which something is called necessary if without it good cannot be attained[42].

In the light of this example we are expected to be able to 'see' a viable sense of the notion of 'duty' and cognate modals ('should', 'you'd better', 'obligation', 'must' etc.) as opposed to the *law* or *command* sense inadvertently preserved in the received meaning (or better 'force') of these modals, those that Diamond proposes to call 'Kantian modals'[43]. Anscombe's alternative is based instead on 'Aristotelian modals', namely expressions that may be lexically identical but carry a different meaning or force.

In thinking of the word for 'should', 'ought' etc. (δεῖ) as it occurs in Aristotle, we should think of it as it occurs in ordinary language (e.g. as it has occurred in this sentence) and not just as it occurs in the examples of 'moral discourse' given by moral philosophers [...] any fair selection of examples, if we care to summon them up, should convince us that 'should' is a rather light word with unlimited contexts of application, and it can be presumed that it is because of this feature that Aristotle chose a roughly corresponding Greek word as the word to put into the universal premise of his schematic practical syllogism[44].

Let us take now a closer look at the argument. Anscombe asks whether there is any possibility to keep a law conception without a divine law-giver, and she carries out a cursory overview of attempts to this effect. The first she considers is the idea of legislating for oneself, which she assumes to be a fairly bizarre Kantian innovation. She assumes, indeed without argument, that "you cannot be under a law unless it has been promulgate to you", and adds that the ideas that legislation can be "for oneself" is "absurd", for whatever you do for yourself cannot be "legislating"; indeed, it

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[42] G.E.M. Anscombe, "On Promising and its Justice" (1969) in *Ethics, Religion and Politics* 10-21, p. 19.

[43] C. Diamond, "The Dog that Gave Himself the Moral Law", *Midwest Studies in Philosophy* 13\1 (1988) 161-179, pp. 169-171.

[44] G.E.M. Anscombe, *Intention*, p. 64.

would mean "to have to frame one's own rules and to go by them, and if one is lucky it will lead to good", but whether 'this leads to good or evil will depend on the content of the rules' [45]. The objection is in order here that she seems to miss the circumstance that 'self-legislation' is an obvious enough transfer to ethics of a key-idea from Rousseau's political theory and also is an expression of the familiar idea – let us think of later Stoicism, Aquinas and Maimonides – that human reason is the source of both contents and authority of the moral law. Besides, her own image of self-legislation looks more like Hare's prescriptivism[46] than Kantian ethics. To say the least, the latter implies a somewhat richer picture, where the moral subjects are members of a constitutional kingdom, the ill-famed Kingdom of Ends, and thus at once subjects and legislators[47]. Let me add that the distinct meaning of legislating for oneself should turn out much clearer now, a few decades after the revival of Kantian scholarship which Anscombe did not live long enough to take into account. In short, Kantian self-legislation may fairly enough be construed in terms of deliberating about action while taking on oneself the burden of implicit constraints we have built at he very time we engaged in any kind of social practice. This is, amazingly enough, the same point Anscombe herself makes more than once when talking of language games and rules. Let me add that such constraints rest on a ground not altogether different from those of Paul Grice's logic of conversation making rules arise 'spontaneously' from the practice itself[48]. Note that the latter Grice was one more Oxford philosopher, coming from a tradition of linguistic philosophy not too far from the second Wittgenstein, and this may suggest that Anscombe could have easily found an antidote to Oxford philosophy within Oxford philosophy itself. Just a few years after 1958 – apparently without any awareness by Anscombe – John Searle took precisely this step[49]. Besides, a non-consequentialist view of justice and benevolence – Kant's two basic imperatives – has been worked out by Kant himself in the universally neglected *Metaphysics of Morality*[50], and similar views have been advanced in the last decades by Apel, Habermas, Donagan and O'Neill without falling back into mysterious *ought*.

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[45] G.E.M. Anscombe, "Modern Moral Philosophy", p. 186.

[46] R.M. Hare, *The Language and Morals* (1952) (Oxford University Press, Oxford 1999).

[47] I. Kant, *Grundlegung der Metaphysik der Sitten* (1785) in *Kant's gesammelte Schriften*, ed. by the Berlin-Brandenburgischen Akademie der Wissenschaften (Berlin: Meiner - de Gruyter, 1902-) vol. IV: 385-463, p. 433.

[48] H. P. Grice *Studies in the Ways of Words* (Cambridge, MASS: Harvard University Press, 1989) 22-40.

[49] J. Searle, "How to derive 'Ought' from 'Is'" (1964) in *Speech Acts* (Cambridge: Cambridge University Press, 1969) 175-198.

[50] I. Kant, *Metaphysik der Sitten* (1797) in *Kant's gesammelte Schriften*, vol. VI: 203-493, p. 385.

A second source she discusses is the contractual origin of morality. She discards it on the basis of an *actual* contract condition, declaring it meaningless unless the contract is an historical event[51].

A third possible source she takes more seriously is quasi-contractual source based on our use of language as a sign of "entering into various contracts"[52]. Her first objection is that it has never been worked out and its results, if any, would be rather formal. An interesting coincidence is that a paper by Clarence Lewis, published the same year as "Modern Moral Philosophy", first proposed the idea of 'pragmatic contradiction' as a source of constraints in moral judgements. This was ten years before Karl-Otto Apel launched his own theory where contents of moral judgments are derived from a need to avoid the "performative contradiction", a theory that could allegedly reach "such particularities ad the prohibition of murder"[53]. The second objection is that ignorance of your entering into a contract is usually held to be destructive of the nature of a contract. To this, one could object in turn that there are different kinds of ignorance, and ignorance due to fault, or *ignorantia crassa et supine*, is seldom held – and notably it is not by Aquinas – to be destructive of our duty. Theories have been formulated according to which one is not justified in claiming that, while making promises and performing other kinds of speech act, he had not been informed of the circumstance that, by so doing, he was accepting the burden of several commitments. Let me mention, besides Apel's and Searle's discussion, Price, Kant and Whewell[54].

A fourth possibility discussed is that of norms found in human virtues: let us assume that the species *homo sapiens* has such and such virtues, and that a member of the species with the complete set of virtues is the "norm", not unlike "a complete set of teeth is a norm"[55], and for humans not only a given number of teeth but also a number of capacities in various fields such as communication, emotions, and judgement is a norm. The problem with this view would be that norm, thus understood, would lose the proper meaning of norm as a law. This, she believes, is not too bad, but the problem is that such an idea of norm cannot be used in order to express the idea of law without bringing God in, and this would imply that the notion of 'duty' should disappear.

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[51] G.E.M. Anscombe, "Modern Moral Philosophy", p. 186.

[52] *Ibid.*, p. 186.

[53] K.-O. Apel, "Das Apriori der Kommunikationsgemeinschaft und die Grudlagen der Ethik" (1969) in *Transformation der Philosophie*, 2 vols. (Suhrkamp, Frankfurt a.M., 1973) 220-263.

[54] R. Price, *Review of the Principal Questions of Morals* (1758) ed. by D.D. Raphael (Oxford: Clarendon, 1974) ch. 7; I. Kant, *Grundlegung der Metaphysik der Sitten* (1785) in *Kant's gesammelte Schriften*, vol. IV: 402-40, *The Collected Philosophical Papers of G.E.M. Anscombe*, vol. III (Oxford: Blackwell, 1981)3 and 429-30; W. Whewell, *Elements Of Morality Including Polity*, 2 vols. (Cambridge: Parker, 1865, 3ᵈ ed.) ch. 15.

[55] G.E.M. Anscombe, "Modern Moral Philosophy", p. 188.

Before discussing this shift, that is indeed the crucial one, let me mention a fifth possibility that she dismisses *en passant*, that is, the laws of nature as a source for the moral law. The expression used here, 'laws of nature', is different enough from the various phrasings she adopts alternatively as a name for the alternative she endorses, namely *natural moral law*, *divine law*, *natural divine law*. In her intentions, this should mark the distance she sees between the two possibilities. Her objection against the 'laws of nature' is that this solution is likely "to lead one to eat the weaker according to the laws of nature, but would hardly lead anyone nowadays to the notions of justice"[56]. Thus described, laws of nature look much like the Sophists' and Hobbes's state of nature. It is surprising that Aquinas fails to be discussed in this connection in order to make it clear that his view of the 'natural law' has little to share with such state-of-nature doctrines.

A sixth possibility is not discussed at all. It is the Stoic view of laws of nature as embodiment of a *rational* world-order, or of the *Logos* with which the world as a whole is infused. Note that this idea is basically the same as the one Augustine found in Plotinus and named *lex aeterna*. It is the standard phrase adopted then by Aquinas (indeed, as an alternative to the phrase *divine law* which he employs on a handful occasions) as a name for his own idea of natural law when viewed from the Creator's point of view, as a kind of objective rational world-order that turns into or, better, yields a prescriptive law once it is "proposed" to his rational creatures. Curiously enough, Anscombe is careful in avoiding mention of "natural law" without further qualification, constantly adding the further adjective "divine", and she seldom mentions "eternal law", while showing a preference for the expression "divine law", in turn seldom used by Aquinas. This has egregiously contributed to making misinterpretations widespread but – once misinterpretations have been duly refuted - it may also be a clue to some deeper tension in Anscombe's own solution. I will come back to this point in what follows. For the time being, the remark is in order that Anscombe surprisingly classifies Stoic philosophy as a whole as belonging to the wider group of "divine law" theories, comparing the Stoics to Jews and Christians, thus making a somewhat unpalatable sandwich with two religious faiths with one philosophical school as a filling. The serious trouble with such treatment of Stoicism is, first, that historically given Stoicism was, in its first phase, a strong philosophical monotheism combined with an "ethic" deriving from metaphysical necessitarianism the prescription to follow one's fate, thus yielding a highly paradoxical kind of immoralism; secondly, that later Stoicism, after Panetius, became less assertive in its metaphysics and accordingly in its philosophical monotheism, and more substantive in its ethics, leaving wide room for καθέκον or *officium* (something less than το δέον) and thus legitimizing – beyond the ancient school's self-regarding virtue of *ataraxìa* – other-regarding virtues as are recommended by

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[56] *Ibid.*, p. 187.

Cicero, Seneca, Epictetus and Marcus Aurelius. The correlation between ethics and Theism is the latter authors seems to be looser than the one found in Aquinas. To be more precise, it seems to be absent in Cicero, faint in Seneca, explicit in Epictetus and remarkably strong relevant in Marcus Aurelius, but playing a role more similar to the one it plays in Moses Mendelsohn and Immanuel Kant than in Aquinas, that is, introduced after ethical doctrine *qua* self-standing doctrine, as an additional confirmation that there is in the world an overarching Providence further confirming our confident adhesion to necessity[57].

5. ARISTOTELIAN MODALS IN PLACE OF THE EMPTY OUGHT

Anscombe's considerations on the cross-breeding between two different sets if ideas, namely the Aristotelian virtue theory and the allegedly Stoic, Hebrew and Christian divine-law doctrine, and the survival of the resulting hybrid, the emphatic 'ought' obtaining its mysterious force by oblivion of origins are obviously dependent on Schopenhauer filtered through Wittgenstein's teaching. But what was the point Anscombe wanted to make by repeating such a diagnosis? In other words, what was, if any, the way out of the muddle she had in mind?

One answer could be that divine-law ethics, understood as divine-command theory or extreme voluntarism is Anscombe's own ethics[58]. As illustrated above, Wittgenstein's views were rather close to such a view. He was a deeply religious mind, and he had declared that if he had had an ethic this would have the same as a religion and that 'seeing things' from an ethical point of view is taking a point of view on the world that gives it a meaning. The point on which he disagreed with a few among his followers who were Roman Catholics was that he felt he could not believe all the things they did believe, or that his religion was a religion without positive doctrines.

Another current interpretation of her views is that she marked two parallel paths, namely divine law for Theists and, for those unwilling to follow her, "Aristotelianism without divine law"[59]. But, on this interpretation, her overall view would be rather unstable and raise more troubles than it settles: why should we need divine law unless for revealing us additional precepts inaccessible to human

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[57] S. Cremaschi, *Tradizioni morali. Greci, ebrei, cristiani, islamici* (Rome: Edizioni di Letteratura e Storia, 2015) 76-82 and 93-128.

[58] S. Blackburn, ''Simply Wrong'', *Times Literary Supplement*, 30 September 2005.

[59] R. Crisp, "Does Modern Moral Philosophy Rest on a Mistake?", p. 86; O. O'Neill, "Modern Moral Philosophy and the Problem of Relevant Descriptions", in A. O'Hear (ed.) *Modern Moral Philosophy*, 301-316, p.304; Th. Pink, "Moral Obligation", *ibid.*: 159-186.

beings in the state of *Pure Nature*, without the aid of *Grace*? The latter was an option widely shared in Scholastic theology, but is also one that Anscombe explicitly rejects. She declares not only that her task is a purely philosophical, not a theological one, but also that the positive contents of the Christian Gospel do *not* add other precepts to those taught by natural reason or that the "content of the moral law, i.e. the actions which are good or just, is not essentially a matter of revelation"[60]. Note that this is tantamount to endorsing a venerable claim, the one expressed by Grotius in his famous and misinterpreted dictum '*etsi daretur Deum non esse*' and before him, by Caietanus in his formulation of the idea of *pura natura* as a state in which humans are capable of morality without knowing the true religion, and in Aquinas in his definition of the moral law as a dictate of sound reason that recognizes true human goods and prescribes to pursue them.

A third interpretation would be that divine-law theory is *not* Anscombe's view and, since the content of the moral law is not a matter of revelation and knowledge of good and evil is accessible to everybody, duties would have the nature of hypothetical imperatives. This is the option explicitly defended by Foot, in a first phase arguing that Kant had been unable to conceive of morality without a categorical imperative because he was a psychological hedonist and, once Kant's psychology and action theory are dropped, it may appear to be obvious that a moral agent just follows hypothetical imperatives. Such an agent desires his/her neighbour's good and "may care about the suffering of others, having a sense of identification with them, and wanting to help if he can"[61]. This holds not just for charity but also for such virtues as honesty, in so far as he/she would "follow honesty for the sake of the good that honest dealing brings to men"[62]. In a second phase, yet, Foot revised her view of practical rationality. She admitted she had been wrong in adopting a Humean view of rationality as tool for guiding action based on desires and prudence while taking it for granted that reasons derive from the agent's desires[63] and declared her adhesion to an Aristotelian view of rationality, where considerations different from desires and prudential considerations, first of all moral considerations, are no more important than desires and prudential considerations, and admitted that "acting morally is part of practical rationality"[64]. A good functioning of practical rationality may be defined starting with the fact that we are living beings endowed with a set of desires and emotions, with some given kind of anatomy and neurological

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[60] G.E.M. Anscombe, "Authority in Morals" (1962) in *Ethics, Religion and Politics*, 43-49, p. 49.

[61] Ph. Foot, "Morality as a System of hypothetical imperatives" (1972) in *Virtues and vices*, 157-173, p. 165.

[62] *Ibid.*

[63] Ph. Foot, *Natural Goodness* (Oxford: Oxford University Press, 2001) 62-64; cf W. Quinn, "Putting Rationality in its Place", in *Morality and Action* (Cambridge: Cambridge University Press, 1993) 228-231.

[64] Ph. Foot, *Natural Goodness*, p. 9.

organization but also with a set of social needs. Thus, practical rationality is no special kind of reason, neither because of some special syntactic or semantic characteristic nor because of its connection with sentiments of mental attitudes. It is simply reason when connected with will. There are indeed practical considerations not specifically moral in their nature, but it is because of a mistaken doctrine, namely psychological egoism, that the tendency has prevailed to think that rationality of action corresponds to some benefit it may bring to the agent himself, but there is no reason to rule out collective benefit as a goal for action. Hence the pseudo-problem of a conflict between *moral* and *prudential* reasons arose as well as the unnecessary rigorism of moral philosophical talk as well as the special meaning ascribed to 'ought', which is ultimately not so far in meaning from 'should' as used in many directions and recommendations having a practical character and a weak moral character or no moral character at all[65].

The main trouble is, according to Anscombe, that the emphatic use of 'ought' allows for formulating such questions as whether, under given circumstances, one *ought* to commit injustice. There are cases, as 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, 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"[66]. What is out of order in modern moral philosophy, at least after Sidgwick is that it has become possible to discuss whether such a thing be "morally right". Instead, it is clear enough that one could not even start a discussion about its being "just", because such an act is a paradigmatic unjust act. Note that here too Anscombe takes a typically Wittgensteinian move, namely dissolving philosophical problems instead of settling them; in other words, one has to prove not that the consequentialist defence of the repugnant consequence, or the principle of Chaifa, is wicked, which is no business for philosophers, but that is could not even formulated unless because of an undetected disease of language. On the other hand, Anscombe admits that the term *ought* carries no deep philosophical mystery as the non-cognitivists would make us believe, even though Hume did point out some interesting characteristics in the is-ought connection and has done "a considerable service by showing that non content could be found in the notion 'morally ought'"[67].

The problem with Hume is that he was mixing up different issues. One was the half-aware discovery of a relative character of "brute" facts, where something is a fact in relationship to some

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[65] *Ibid*., pp. 79-80

[66] G.E.M. Anscombe, "Modern Moral Philosophy", p. 190.

[67] *Ibid*., p. 179.

further level which may be a "fact" in relationship to a still further one[68]. Another issue, which Hume missed, was the relationship between *ought* and *needs.* In Intention she remarks that when somebody aims at health or pleasure, then the enquiry "What's the good of it?" is not a sensible one. As for reasons against a man making one of them his principal aim; and whether there are orders of human goods, e.g., whether some are greater than others, and whether if this is so a man need ever prefer the greater to the less, and on pain of what; this question would belong to Ethics, if there is such a science[69]. Her point is that in cases different from human beings, say the case of a plant, the inference from *is* to *needs* is certainly not in the least dubious, and the difference for human beings is that there is

some sort of necessary connection between what you think *you* need, and what you want. The connection is a complicated one; it is possible *not* to want something that you judge you need. Thus however, is not a fact about the meaning of the word "to need", but about the phenomenon of *wanting*[70].

What is *not* a genuine philosophical problem is the transition from *is* to *ought*. The latter could be a totally harmless term when used within one language game and we would learn how to use it by entering the language game itself:

What is this necessity? The answer is given only by describing the procedure, the language-game, which as far as concerns the "necessity" expressed in it does not differ from this one: I say ping and have to say pong […] There is clearly no answer to "Why do I have to?"[…] But if the procedure has the role of an instrument in people's attainment of so many of the goods of common life, the necessity that people should both actually adopt the procedure, i.e. often give undertakings; and also go along with the procedure, *i.e.*, tend to accept the necessity expressed in that reaction and treat it as a rule – this necessity is a necessity of a quite different sort: it is the necessity that Aristotle spoke of, by which something is called necessary if without it good cannot be attained[71].

And elsewhere she adds:

how on earth can it be the meaning of a sign that by giving it one purports to create a necessity of doing something – a necessity whose source is the sign itself, and whose nature depends on the sign […] Not only promises, but also rules and rights, are essences created and not merely captured or expressed by the grammar of our languages […]

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[68] G.E.M. Anscombe, "On Brute fact*s*" (1958) in *Ethics, Religion and Politics*, pp. 22-25.

[69] G.E.M. Anscombe, *Intention*, pp. 75-76.

[70] G.E.M. Anscombe, "Modern Moral Philosophy", p. 178.

[71] G.E.M. Anscombe, "On Promising and its Justice" (1969) in *Ethics, Religion and Politics*, 10-21, p. 19.

These musts and cant's are the most basic expression of such-and-such's being a rule; just as they are the most basic expression in learning the rules of a game, and as they are too in being taught rights and manners. But they aren't, in Hume's phrase, naturally intelligible[72].

But the point is that there is no legitimate "emphatic" or "moral" use of the term. As its use should either be legitimised by divine law or *not* be legitimised by a view of human norm as endowment with such and such virtues. But, on the one hand it is true that "it remains impossible to infer '*morally ought*' from 'is'"[73], and yet this is just one instance of the more general circumstance that ought "cannot be inferred from anything whatever", which implies that it is not true that "it could be inferred from other "morally ought" sentences"[74] if inference has to possess a non-trivial meaning. In other words, Hare's prescriptivism is right at a formal level, that is, when it contends that from a general premise including an ought-predicate some conclusion containing an ought-predicate may be derived. But this is both perfectly true and trivial, since, in order to have a "real" implication, in order not to be left with "a word containing no intelligible thought"[75], you need to substitute your ought with some real predicate.

Let us consider the promises language-game. Such a procedure is an instrument for a great deal of human activity. One could hardly live in a society without stumbling upon it. Now, what kind of necessity does such a procedure carry? As shown in the above example of the language game ++++++ [76]. This example means to clarify the legitimate Aristotelian sense of necessity, as opposed to the unjustified 'Kantian' notion of duty. The word δεῖ in Aristotle carries the same meaning as should or equivalent words in ordinary language "and not as it occurs in the examples of 'moral discourse' given by moral philosophers"[77]. Thus, Anscombe's view may be assumed to be different from Foot's first view. The non-legalistic imperatives of which morality of an Aristotelian kind consists, may be thought to be different from hypothetical ones. The reason for their binding character – a special one, different from the "Kantian" absolute character of the categorical imperative, might be found in the existence of language games and practices (such as promises) that produce a series of "human assets" or human goods. There is nothing mysterious or metaphysical behind duty or the moral law, except obvious facts such as that we are finite and vulnerable beings living together with other fellow-beings. It is rather obvious that we need cooperation in order to

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[72] G.E.M. Anscombe, "Rules, Rights and Promises" (1978) in *Ethics, Religion and Politics*, 97-103, p. 100.

[73] G.E.M. Anscombe, "Modern Moral Philosophy", p. 178.

[74] *Ibid.*

[75] *Ibid.*, p. 179.

[76] G.E. Anscombe, "On Promising and its Justice", p. 18.

[77] G.E. Anscombe, *Intention*, p. 64.

survive and live our lives at their best (with no moral specific meaning implied by the word). Anscombe's answer is thus that Aristotelian necessity carries directions or prescriptions not to be understood in a legalistic sense and yet binding unconditionally and without exceptions. The reason is that, first, the fact that there are specific needs determined to be such by our own nature makes Aristotelian modals binding, i.e., it is necessary for us to obey such directions or prescriptions in so far as this brings about our nature's specific good, and secondly, the existence of language games such as promises that could subsist only on the basis of Aristotelian modals is required in view of the production of a wide range of "human goods"[78]. This may be a fair way to settle the discussion about what Anscombe was actually recommending, either virtue ethics or a law view of ethics.

6. HOW DIVINE IS DIVINE NATURAL LAW?

Teichmann aptly comments that many of those aspects of Anscombe's ethics which have aroused strong reactions are more apparent in contributions to normative and applied ethics where she addresses a Catholic audience, albeit in what purports to be a purely philosophical perspective, for she "believed, like Aquinas, that church teaching about ethical matters could be rationally argued for",[79] and that

the 'Catholic' aspect of Anscombe's moral philosophy is one that is really not so evident in the more meta-ethical pieces. If we were to mention influences at all there, then we would probably have to cite […] Aristotle for the direction of his thought, Wittgenstein for his philosophical method, and Hume for his ability to raise important and hitherto unnoticed questions[80].

And yet, besides other sources of puzzlement in purely meta-ethical topics, the notion of divine law has been quite bewildering for commentators. O'Brien remarks that

hasty readers of 'Modern Moral Philosophy' have seen in Anscombe's remarks about moral obligation a kind of crude voluntarism, in which law's obliging force amount to a mere order backed by a threat, after the fashion of Austinite

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[78] For useful discussion cf C. Diamond, "The Dog that Gave Himself the Moral Law", pp. 171-178; R. Teichmann, *The Philosophy of Elizabeth Anscombe*, pp. 94-102; V. Aucouturier, *Elizabeth Anscombe. L'esprit en pratique* (Paris: Cnrs Editions, 2012) pp. 181-187.

[79] R. Teichmann, *The Philosophy of Elizabeth Anscombe*, p. 83.

[80] *Ibid.*, p. 84.

legal positivism. This reading is mistaken […] Indeed, the substance of her discussions of law and obligation closely tracks the natural law theism of Aquinas[81].

In fact, her intention was clearly enough to rescue Aquinas's view of the moral law, based on the twin concepts of *eternal law* and *natural law*. Yet, a careful reader cannot fail to notice a constant oscillation in her use of terminology, deriving partly from a concern to keep the distinction clear between *positive* and *natural* law (a distinction applying also to divine law, which may be itself *positive* and *natural*), and partly ascribable perhaps to terminological preferences in the literature through which she was introduced to Thomism, and partly dictated by a rhetorical strategy inspired by her polemical strategy against "modern" moral philosophy. This preoccupation may explain passages where she occasionally becomes less clear and bends textual evidence to fit her overall conjecture, namely the Schopenhauerian and Wittgensteinian story about the forgotten Biblical and Christian origins of the notion of duty. One might perhaps classify these passages under the label "semi-official moral ontology" and argue that the "official" view, besides raising serious problems as to the nature and scope of divine law, is incompatible with the Schopenhauerian story, that is, with Anscombe's third thesis as a whole[82].

It is well-known how the idea of natural law carries out a decisive function for Aquinas but the latter might be profitably analyzed in more detail. Aquinas in *Summa Theologiae* designates by the term *lex aeterna*, taken from Augustine, a rational world order or the plan of divine providence. When he mentions *lex naturalis* he means a kind of "participation" in the eternal law, or the eternal law itself when considered as "proposed" to God's rational creatures. In the *Summa contra Gentes* – an earlier work – such order, considered in the same way, is named *lex divina*[83]. The latter expression has a limited number of occurrences also in *Summa Theologiae*, albeit it shows up just twice in the *Prima Secundae*, as a way of introducing the idea of a natural law as distinguished from positive (either divine and human) law and, after that, going on talking just of natural and positive

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[81] M.B. O'Brien, "On Obligation and the Virtues of Law", p. 91.

[82] Teichmann remarks, with regard to the third thesis, the one about consequentialism, that he believes that it is pretty clear that Anscombe did have the wider modern intellectual culture in mind, not just errors committed by professional philosophers. But he adds that "with her second thesis it is rather less clear […] a reader of *MMP* would do well to consider Anscombe's second thesis with the injunction in mind 'If the cap fits, wear it', applying the injunction to himself and those around him" (*The Philosophy of Elizabeth Anscombe*, pp. 104-105).

[83] Thomas Aquinas, *Summa Contra Gentiles*, book III, chs. 115, 119, 121,128, 129; note that in this work Aquinas is addressing an audience such as the Muslims who were not assumed to accept the Christian Revelation but were assumed to be fully convinced of the existence of God and his character of legislator.

law[84]. A few more occurrences are in the less theoretically challenging *Secunda Secundae* but the phrase *lex divina* (or occasionally *jus divinum*) is either equivalent to positive divine law as contrasted with natural divine law or, less often, with *lex aeterna*[85].

Note that, even though the *Summa Theologiae* addresses a Christian audience, yet in various parts of *Prima Secundae* Aquinas proceeds on the basis of argument from reason, i.e., purely philosophical ones, and the thrust of the argument points not at the divine character of the moral law but, *vice versa*, at the extensional equivalence between dictates of sound reason and precepts of the natural law, exception being made for positive divine law. That is, albeit addressing, unlike Anscombe, a Christian, not a secularized audience, his overall argument points at the conclusion that natural law may be totally translated into dictates of sound reason or of practical wisdom, which do have prescriptive force but do not need to be formulated as laws, and thus the law-view of ethics, far from being the peculiar trait of an imaginary Christian-Hebrew-Stoic ethics, is just one among various ways in which the demands of virtue may be construed[86].

In "The Justice of the Present War Examined" of 1939, Anscombe starts with a complaint about the loss of the "idea of natural moral law" among "modern men", adding that

without it they cannot live in peace within themselves, or socially or internationally. For the natural law is the law of man's own nature, showing how he must choose to act in matters where his will is free, if his nature is to be properly fulfilled […]

To those who believe in God it will rightly appear that His law, the eternal law, has its reflection in the ordered activity of Creation, that 'law of nature' which is the truth of things. In man, this activity is not wholly determined, but here is an element of choice. Thus far, "to him the law is proposed; it is not imposed upon him". But it is no less law for that; it binds because it is the law of his nature. And in what it consists he can discover by reason, checked and guaranteed by divine revelation of Scripture[87].

On this basis, one may safely argue that she had it already clear in mind that moral truths are within the reach of human knowledge, for the natural law is the law of man's own nature and thus such truths are the same for all, atheists, agnostics and devout believers; besides, that the latter may have *good reasons* to *see* the world order *as* a divine order, an order which is reflected in the Creation; and also that believers may *recognize* in the moral teaching of the Hebrew-Christian tradition a confirmation of those they have already been able to detect as *the law of (wo)man's own nature*.

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[84] Thomas Aquinas, *Summa Theologiae*, Ia-IIae q. 91, a. 1, ad 1, ad 3; a. 4, ob. 1, ad 1; q. 93 art. 5, resp.

[85] *Ibid.*, IIa-IIae, q. 57, a. 2, ad 3; q. 109, a. 2, ad 3; q. 124, a. 5, ad 2; q. 141, a. 2, ad 1; for comments cf J. Finnis, *Aquinas. Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998) 308-309.

[86] S. Cremaschi, *Tradizioni morali*, pp. 320-322.

[87] G.E.M. Anscombe, "The justice of the present war examined", in *Ethics, Religion and Politics*, 72-81, pp. 72-73.

Mary Geach Gormally correctly remarked that

Anscombe maintains that the class of actions which are illicit (i.e., contrary to divine law) is the same class as the class of actions which are contrary to the virtues which one has to have in order to be a good human being. She did not think one needed a divine law conception of ethics to know what a good human being was, or what virtues he had[88].

In *Modern Moral Philosophy* the same concept is mentioned again more than once. Differences in argumentative strategy with the 1939 paper stem, first, from the presence of the notion of virtue on a par with that of law; secondly, from introduction of the distinction between *natural* divine law and *positive* divine law; thirdly from an oscillation in terminology that makes so that the *natural* law is called most of the time *divine* law.

With regard to the third point, "positive divine law" occurs only once[89], while *"natural divine law"* occurs twice[90]. Both expressions are clearly taken from Aquinas, for whom they designate, the first the particular prescriptions given by God to the chosen people and later on to the Christian Church, such as the duty to worship on Saturday or Sunday, to fast on Yom Kippur or Good Friday and so on, mainly with a cultic character, and the second the whole of moral law, which is divine in its nature in so far as, after Creation (or, as William of Ockham more plausibly suggested later on, at the very moment of Creation and as an inseparable part of the act of Creation) he promulgated the moral law, which had already been written in the divine *Logos* as reflected in the world order and proposed to humankind through the latter's ability to detect the inner law of its own nature.

Three years after "Modern Moral Philosophy", Anscombe insists that those specific precepts which human reason is able to discover are confirmed later on by divine revelation. The latter, yet, may add to *motives* but not to the specific *contents* of such Aristotelian modals, for "the motives, spirit, meaning and purpose" of the moral life of Christians depend on revelation, and yet one should keep in mind that

both that the law of love had already been taught in the Old Testament and that the content of the moral law, i.e. the actions which are good and just, is not essentially a matter of revelation […] what there does not seem to be room for is moral truths which are *per se* revealed[91].

The report of discussion following the paper's presentation informs us that

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[88] M. Geach, "Letter to the Editor", *Times Literary Supplement*, Oct 7 2005.

[89] G.E.M. Anscombe, "Modern Moral Philosophy", p.177 fn 2.

[90] *Ibid.*, p.177 fn 2 and 187.

[91] G.E.M Anscombe, "Authority in morals" (1962) in *Ethics, Religion and Politics*, 43-50, p. 50.

It was objected that the 'new law' of Christ was indeed a revelation in the domain of morality. The speaker admitted this in the sense that the motives, spirit, meaning and purpose of the moral life of Christians depended on revelation, while insisting both that the law of love had already been taught in the Old Testament and that the content of the moral law, i.e., the actions which are good and just, is not essentially a matter of revelation[92].

Things become tricky as we approach what has been called the problem of promulgation[93]. Clearly enough, even though Aristotle cannot be depicted as defending a position opposed to natural law theories, Aristotelian necessity does not require a legislator and apparently does not need the notion of law[94]. On the contrary, the idea of a divine law, including both positive and natural law, with the implied assumption of a divine law-giver, plays an important role in Aquinas's system of ideas. I would add that this is true of such system as a whole but, once we shift to Aquinas's philosophical ethics as such – assuming that it can indeed be reconstructed isolating it from his theological doctrines – natural law may stand on its own feet, supported by the dictated of sound human reason. The fact that dictates of human reason converge with those of natural law is of the greatest import for the system but might be safely ignored by the righteous human being who has not been blessed by the gift of knowledge of divine revelation. This – I would add – is precisely a point William of Ockham makes in a more explicit way than Aquinas when taking of the "philosopher's virtue" as distinguished from the "Christian's virtue"[95].

Anscombe repeatedly insists that the divine law-giver is required, albeit *in different ways*, both by positive divine law, i.e., those which she calls "the ramified prescriptions of the Torah" [96], and by "the requirements of 'natural divine law'"[97]. She illustrates this by her cryptic example of the Stoics compared to Jews and Christians. She writes:

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[92] Cf the discussion's report after the same paper, *Ibid.*, p. 50; cf R. Teichmann, *The Philosophy of Elizabeth Anscombe*, pp. 107-8.

[93] C. Vogler, "Modern Moral Philosophy Again: Isolating the Promulgation Problem", *Proceedings of the Aristotelian Society*, 106 (2006) 347-364.

[94] C. Vogler, "*Aristotle, Aquinas, Anscombe and the New Virtue Ethics*", in T. Hoffmann, J. Müller, M. Perkams (eds.) *Aquinas and the Nicomachean Ethics* (Cambridge: Cambridge University Press, 2013) 239-257.

[95] S. Cremaschi, *Tradizioni morali*, pp. 313-319 and 344-317.

[96] G.E.M. Anscombe, "Modern Moral Philosophy", p.177 fn 2.

[97] *Ibid*.

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[98].

The objection might be raised that this passage raises more questions than it answers, in so far as the notion of a Creator God is missing in the Stoic philosophy in all of its versions, and thus for the Stoics the very notion of promulgation would have looked like a rather obscure one. For them, the divine *Logos* was present in the world by a kind of *participation*, neither by divine decree nor by an act of creation, and the human mind was in a position to discover it within itself in so far as it was a *meros*, a part, of a universe imbued with divine reason. Thus, the Stoic view at its best could lead, instead of a divine law promulgated by a law-giver God, to a view of the moral law as autonomously dictated by human reason, that is, to a view Anscombe disliked because of her own anti-Kantian prejudice.

One among other bewildering elements in language of "Modern Moral Philosophy" is adoption of the phrase "divine law" instead of the standard "natural law". This is, as mentioned, a term used by Aquinas but not the one adopted in the standard systematic presentation of his ethics, i.e., the *Prima Secundae*. Another is the expression "*law* conception of ethics", apparently one of Anscombe's neologisms whose precise meaning is, yet, far from obvious but whose function in her argument is but too clear, namely stressing an alleged incompatibility between modern ethics, unavowed and confused theology-without-God, and Medieval ethics, a masterly synthesis of Reason and Revelation.

Let me come now to the decisive point. What has gone wrong with Anscombe's Aristotelian moral realism contrasted with delusory modern, so to say "non-naturalist", hypostatization of the moral ought? I would suggest that by the above remark concerning the Stoics and divine natural law she commits both a Freudian lapsus betraying her polemical intentions and a logical fallacy. The passage before the quoted remark reads:

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 conception from the Torah[99].

This fits well enough the Schopenhauerian story that Anscombe incorporated in her own third thesis, but, if history is as important for theoretical arguments as she seems to believe, it should be at least carried out on academic standard. Now, the word Torah in Hebrew does not mean *law* but

[98] *Ibid*., p. 175

[99] *Ibid*., p. 175.

rather *instruction* and was first translated into Greek as *Nomos*, which in turn means both law and a handful other things. As a proof that Christianity has a "*law* conception" of ethics, the above half-line is thus a scant proof. Besides, the original Christian preaching had little to share with philosophical conceptions of any kind and its targets were of a different kind, while later reformulations using Platonic, Stoic and middle-Academic concepts were probably acceptable and even useful undertakings, but they could hardly claim the title of Divine Revelation. The following remark about the Stoics – its legitimate preoccupation notwithstanding to clarify that *natural law* is not tantamount to *positive divine law* – is no more than friendly fire shot on her own thesis, firstly because the Stoic view of *Logos* is incompatible with the idea of a promulgated law, and secondly, because the Stoics were not "people", like Jews and Christians, but just one philosophical school among others.

7. AND HOW ARISTOTELIAN IS ARISTOTELIAN NECESSITY?

Anscombe is commonly, and plausibly enough, classified as the founding 'father' of one current, neo-naturalism, including Geach, Foot, Murdoch, MacIntyre, and perhaps Hursthouse. This is not too bad – at least more plausible than classifying her as the founder of virtue ethics – for naturalism is a kind of *anti-non-naturalism* consisting in a double negation, namely refusal of Moore's argument against the naturalistic fallacy. But such classification would be utterly false if the choice of the term was meant to suggest the slightest similarity with what is understood most of the time for *ethical naturalism*, namely the kind of theories defended by Peter Railton, Robert Boyd and David Brink[100].

Oddly enough, one of the claims in "Modern Moral Philosophy" is that non-naturalist moral realism, an ontological claim about the existence of special entities such as those designated by the words 'duty' and 'ought' – as opposed to those indicated by ordinary use of the words ought, should etc. – is utterly mistaken. In other words, that the claim according to which some entities are "moral facts" with a different character from that of everyday-life facts is a mistake. This is assumed by her to be a claim explicitly advanced by Kant, Moore and Ross, but also one of the basic unspoken assumptions of "modern" ethics. The argument provided in order to support the claim is a typically Wittgensteinian one. The philosopher's task is assumed to consist not in *proving* by argument, but just in *showing* something by recalling what had been forgotten, thus healing

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[100] S. Cremaschi, "Naturalizzazione senza naturalismo: una prospettiva per la metaetica", *Etica & Politica / Ethics & Politics*, 9\2 (2007) 201-217, retrievable at http://www2.units.it/~etica/2007_2/CREMASCHI.pdf.

some pathology of language. It is a negative task, consisting in reminding the audience that some words, which had been mistaken for things, are just words. The basic assumption for rejection of moral realism is Wittgenstein's argument about family resemblances, namely that there is no essence necessarily laying at the root of series of terms each of them connected by some resemblance with the previous and the following one.

And yet, her refutation of strong moral realism notwithstanding, Anscombe argues something that is virtually the opposite of what has been going around in the last decades under the label anti-realism. In current Anglo-Saxon jargon this would be called – indeed with some useless confusion – one more kind of "naturalistic realism". A better phrase might be "everyday-life realism", implying that there are things like health, well-being, life, freedom and joy – those things that Aristotle and Aquinas called "human goods" – and that such words as "owes", "ought" and "duty" make perfectly sense even without any assumption of some kind of special entities behind them, nor are they conventional, arbitrary, fictitious since we ascribe them the meaning they have in everyday language.

The above may be Anscombe's argument at its best. Yet, she might hardly be said to have helped her readers in getting it right. This may depend on her Wittgensteinian taste for cryptic expressions but also on her attempt to combine Wittgensteinian with Thomist ways of thinking. The trouble for the reader is her lack of clearness about the points where Wittgenstein did not go far enough and those where Aquinas went simply wrong. This failure may arguably be accounted for in biographical terms, depending on deep affection and respect in the former case and on a fear not to look as orthodox as any Catholic-born traditionalist would have been in the latter, but biographical *causes* can hardly provide *reasons* of any kind.

This unresolved tension opened the door for diverging moral ontologies, proposed by fellow-travellers and followers. A revealing case is Geach's, who, three decades after his 1956 brilliant refutation of Moore, ventured into writing a systematic book on ethics where he argues that we need the virtues for the kind of arguments hinted at by Anscombe in the abovementioned pregnant-women-and-athletes passage, that is because we need them. Need is "a teleological notion: necessity for the attainment of an end"[101]. He declares that it makes good sense to ask "What are men for?"[102], and goes as far as declaring that we need the virtues as bees need stings, that is, we need them for individual human flourishing and besides as tools for the preservation of the species or preconditions for carrying out collective enterprises[103], which is in turn justified by the species-

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[101] P. Geach, *The Virtues* (Cambridge: Cambridge University Press, 1977) p. 9.

[102] *Ibid*., p. 12.

[103] *Ibid*., p. 16.

trait that imposes on us, among other things, also concern for others[104]. Thus virtue is built-in in our species, and the source of the prescriptive force of ethics lies in the species itself, understood in a wide sense, both biological and cultural, but nonetheless with all serious problems arising from such strong grounding of ethics in ontology. Such a possibility had been just tentatively explored by Anscombe with acute awareness of the work still to be done if we are to prove that this direction of inquiry is a fruitful one[105], and carried instead to its full consequences by Geach with all the open questions to be expected. Another case is MacIntyre's swinging between refusal of Aristotelian teleology as a basis for virtue theory in *After Virtue* and his U-turn toward an objective teleological structure of the world in *Dependent Rational Animals*[106]. The anti-Kantian blind alley suggested by Anscombe has been explored in depth by Foot in her own theory of morality as a system of hypothetical imperatives and its following revision[107]. A more interesting way out of the conundrum has been marked by Hursthouse with her view of ethics as Neurathian self-transformation of morality within morality itself, thus leaving her own kind of everyday-life realism or "naturalism" the more tractable status of a transcendental assumption instead of that of a theoretical claim[108].

After 1958 Anscombe never planned a systematic ethical work, even though ethics was always one of her main concerns and – surprisingly enough – went on doing ethics in spite of her first thesis that had announced that we should ban it from our minds. She came back to it on several occasions, on some of them with remarkably balanced pieces such as those on the status of embryo and euthanasia where she proved how Wittgenstein's lesson may be of use in applied ethics by showing how solution of theoretical uncertainties may be not indispensable in order to reach "practical certainties"[109]. On other occasions, she simply awoke the same metaphysical ghosts she had been trying to exorcize in 1958, for example when contrasting some "virtues, like honesty about property, and sobriety", allegedly "utilitarian in character", that is, aimed at promoting the "material well-ordering of human life", with others, such as respect for human life and chastity that are "supra-utilitarian and hence mystical"[110]. Such fluctuations – I suggest – may depend on emergence

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[104] *Ibid.*, p. 17.

[105] C. Vogler, "Modern Moral Philosophy Again: Isolating the Promulgation Problem", pp. 358-362.

[106] A. MacIntyre *After Virtue* (1981) (Notre Dame, IND: University of Notre Dame Press, 2007); *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago, ILL: Open Court, 1999).

[107] Foot "Morality as a system of hypothetical imperatives"; *Natural Goodness*.

[108] R. Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999).

[109] G.E.M. Anscombe, "The Early Embryo. Theoretical Doubts and Practical Certainties", in *Faith in a Hard Ground*, *Essays on Religion, Philosophy and Ethics*, ed. by M. Geach and L. Gormally (Exeter: Imprint Academic, 2008) 214-223; "Murder and the Morality of Euthanasia", *ibid.*, 261-277.

[110] G.E.M. Anscombe, "Contraception and Chastity", *The Human World*, 7 (1972) 9-30, p. 22.

at different times either of her "official" moral ontology centred on *Aristotelian necessity* or of the "semi-official" moral ontology centred on *theistic necessity* arising from divine promulgation.

By way of conclusion, Anscombe's answer to the question of the status of morality suffers from an unresolved tension between outright non-realism and naturalist realism, or between Wittgenstein/Schopenhauer and Aquinas. In more detail, if her claim on the status of duty in its viable sense, the Aristotelian one, is that it consists of necessity grounded in needs, then the missing links in her argument are still how are human goods recognized to be such and what is the individual's motivation for cooperating in providing human goods instead of being a free-rider.

8. A TENSION BETWEEN THE LAW-VIEW AND THE NEED-VIRTUE-RULE VIEW

An important part of the argument in "Modern Moral Philosophy" rests on the (successful or failed) proof of the fact that "modern" moral philosophy is so shallow because of being squashed by the weight of a notion, the emphatic ought, which turns out to be no more than an empty word. Her real target consists in a couple of notions highly popular at her time and place, Hume's law and the naturalistic fallacy. The implication she is constantly drawing is, yet, that modern ethics as a whole – including thinkers she does not really know such as Moses Mendelsohn, Kant, Price and Whewell – has gone astray, that it stands on no firmer basis than unaware secularized Christian dogma and needs to be substituted with a grand return to robust Aristotelian guidelines for human flourishing.

The serious problems with her argument are: first, that her textual reconstruction is defective, misunderstanding Kant[111], ignoring the intuitionists, misreading the early Stoics as proponents of a divine-law view; secondly, that the historical reconstruction is flawed by defective knowledge of the history of Christian theology and none at all of the Hebrew Bible and the Rabbinic literature[112], by strange ideas about Reformed moral theology, declared on rather dubious authorities to be a kind of antinomianism[113], and by the unverified idea that eighteenth-century European culture, or at least philosophy, was *secularized* and Christian morality had left only relics[114]

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[111] On comparative closeness between Anscombe and the real Kant, cf R. Teichman, *The Philosophy of Elizabeth Anscombe*, p. 121.

[112] *Ibid.*, pp. 26-28.

[113] To prove that belief in divine law "was substantially given up among Protestants at the time of the Reformation" she refers to "the decree of Trent against the teaching that Christ was only to be trusted in as mediator, not obeyed as legislator" (G.E.M. Anscombe, "Modern Moral Philosophy", pp. 176-177 and 177 fn.) as if the Council of Trent could

The merit of Anscombe's reconstruction is having looked at the British discussion with an outsider's eye while being enough of an insider as to call for counter-objections instead of silence. Thus, at her best she laid bare the shortcomings of crude naturalistic realism that identifies the good with pleasure as well as of confused non-naturalistic realism postulating the existence of unnecessary mysterious entities.

Her overall diagnosis is, yet, not just based on inaccurate textual interpretation and historical reconstruction but also incurably flawed in its theoretical claims as they have been *de facto* formulated. In more detail, once the historical argument that provides much of the basis for her three theses had been amended, she should have had to chose among two incompatible options between which she recurrently wavers, namely:

A. The thesis that the same commands and prohibitions that a law view of ethics would prescribe are accessible to human cognitive capacities with their own "motive force" (the Kantian *Triebfeder*) expressed in the language of virtues and needs, but such an ethic would be identical to a divine law ethics in the Jewish and Christian tradition, which would add no more than an additional "moving force" to the same body of prescriptions, or peculiar "motives, meaning, spirit and purpose of the moral life"[115];

B. The thesis that a law view of ethics requires a God as an enacting authority and ethics and the divine law-giver are indissolubly tied and the former cannot exist in a non-corrupted shape without the latter.

I have illustrated how Anscombe does on more than one occasion adopt thesis A. Unlike Peter Geach, she apparently never explicitly defends thesis B. In fact Geach argued at least on one occasion against Socrates's claim in the *Eutyphro*, namely that what pleases the Gods pleases them because it is right and not *vice versa*, and for him faith in a provident God provides the only possible motivation for refusal of the consequentialist case for making the most repugnant action

be a taken as a reliable source on Protestant doctrines by any apprentice historian of Chrisitanity; on divine law cf Ch. Pigden, "Anscombe on Ought", pp. 35-37; Diamond, "The Dog that Gave Himself the Moral Law", pp. 162-165.

[114] Ch. Pigden, "Anscombe on Ought", pp. 32-35.

[115] G.E.M. Anscombe, "Authority in morals", p. 50.

right in case of extreme necessity[116]. Anscombe's claims never went so far. She argued at most that an argument frequently referred to as decisive is not acceptable. Her argument is that

> 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 the divine law; so his ethic is in exactly the same position as any other[117].

Her objection to this argument is that the notion "morally ought" is devoid of any content, not that without faith in divine providence we would have a reason to heed in extreme cases to the consequentialist enticement to do evil that good may come, and thus her position is different from Geach's. One may add that she appeals in support of her own anti-consequentialist position to the authority of Aristotle, for whom there were actions that were to be rejected as such on the basis of their very definition[118].

Thus, on principle Anscombe defends the existence of natural morality, qualifying it as one construed in the language of virtues, needs and rules of games, but no less equipped with its own moral absolutes not different from those of a divine law view. She contrasts to it the divine law view as adding one more source of motivation, that is, as allowing for a conception of what humans qua humans need as also commanded by a legitimate authority and thus, and only on this basis, also expressed in the language of law.

A different story is the story of Anscombe's interventions in ethical discussion after 1958, a few of them remarkably balanced and others heavily suffering from her willingness to argue, on the basis of purely philosophical arguments, conclusions she firmly believes must be identical with those of the Catholic Magisterium. The pieces on contraception are the worst among these, and here the 1958 rather plausible defence of a kind of Aristotelian "moral absolutes", a class of actions that cannot be practised in a middle way, but simply must not be done, is dropped in favour of a defence of the existence of moral absolutes as a prolegomenon to justification without argument of any prohibition whatsoever because one cannot do "evil" that good may come[119].

This is not meant to deny that Anscombe's work in ethics carried a number of fruitful suggestions. It is not by chance that she succeeded in stirring up a hornet's nest. But her most felicitous suggestions provide reasons, more than for resurrection of Aristotelian virtue ethics, for a revival of

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[116] P.T. Geach, "The moral law and the law of God", in *God and the Soul* (London: Routledge, 1969) p. 170; for plausible criticism cf M.B. O'Brien, "On Obligation and the Virtues of Law", pp. 95-97.

[117] G.E.M. Anscombe, "Modern Moral Philosophy", p. 179.

[118] Aristotle, *Nicomachean Ethics* 1107a 12–14; cf G.E.M. Anscombe, "Modern Moral Philosophy", pp. 193 and 196; for comments cf R. Teichmann, *The Philosophy of Elizabeth Anscombe* , pp. 121-122.

[119] S. Cremaschi, "Elizabeth Anscombe on Consequentialism and Absolute Prohibitions", pp. 28-30.

something that – as suggested by Alan Donagan – had always been there, namely, natural morality, or better autonomous ethics, exemplified by a tradition ranging from Panetius and Cicero to Kant and Price, where also Aristotle and Aquinas with could find could a reasonably comfortable place.

9. CONCLUSIONS

A rational reconstruction of Anscombe's ethics, when taken at its best, may be the following:

1. There are no moral laws. There are objective recommendations based on Aristotelian not-emphatic should, ought or must (in order to be a fully human being I should do y).

2. These recommendations do not relate solely to consequences of actions but are conferred their cogent character by a number of different considerations; they do not allow all kinds of possible actions; some actions are in themselves inconceivable *whatever the consequences*.

3. Good or duty do not constitute the raw material out of which such necessity is made; Aristotelian modals relate to a plurality of characteristics of actions (just, chaste etc.); talk of virtue serves only to highlight such diversity but does not imply that the virtues are the main notions in an adequate ethical theory.

4. To characterize these recommendations as laws is a mistake arising from a disease of language that leads to understand as conceivable prescriptions that are in fact unconceivable; yet, these laws can be legitimately considered to exist by those who affirm the existence of a divine law-giver; thus for theists the same contents of Aristotelian necessity can be construed as a system of laws or commands, but this does not make any difference in what it forbids or commands but does make a difference as to spirit and its motivation.

Against the ethical theory reconstructed above a few objections may be raised:

1. As in a democratic political society I recognize laws without affirming the existence of a law-giver above myself – which means both I and We – as a member of the universal community of beings endowed with practical wisdom, I can consider myself a member of a community of law-givers.

2. Once this objection has been formulated, the critique of spurious moral realism would remain valid; the validity of a not-exclusively-moral realism such as the one defended by Anscombe does not imply the spurious character of *any* kind of theory claiming the existence of moral laws without

the assertion of the existence of God.

3. Anscombe at her best is a consistent supporter of the existence of a natural moral in the wake of Thomas (and, without knowing it, de Vio, William of Ockham, William Whewell, Moses Mendelsohn, and Immanuel Kant) and an enemy of any extreme voluntarism of the Augustinian kind. As such, she could have taught a lesson of universalism, liberal neutrality and toleration to her fellow-Catholics.

4. Historically given Anscombe, yet, often insists on replacing the phrase natural law with the phrase divine law, repeating at first sight the same claims put forth by Aquinas but giving the argument an opposite *direction*; that is, where Thomas argues that the law of God, for anyone who admits the his existence, prescribes the same actions as those commanded by sound reason, sometimes Anscombe contrasts prescriptions made by consequentialism, arising out of a disease of language, not to a set of prescriptions based on argument not vitiated by linguistic confusion but instead to divine law.

5. In addition, while in some places she says that God's law has no content different from that of natural morality, in other places at least she does not overtly refute Geach's fallacious argument according to which, in order to remain faithful to the moral law even in case an extreme evil should be avoided, we need to believe in the existence of divine providence that will prevent the extreme evil to happen.

6. And finally, she repeatedly confuses the plain Aristotelian doctrine of existence of classes of actions that are vicious in themselves with the obscure medieval doctrine of the *intrinsece malum* or of the existence of prohibitions valid *semper ac ad semper*, a doctrine that is a jumble of logical fallacies and has been used as a justification for those pronouncements of the Catholic Magisterium teaching that are devoid of any firmer ground than an earlier pronouncement by the Magisterium itself.

7. And the divine-law view of ethics does not mirror any consistent body of beliefs shared in the Hebrew-Christian religious tradition, not to mention the Stoics; in this tradition one may find a divine command doctrine (having to do with faith but little with morality), and then various moral doctrines centred on divine instruction, wisdom, God's imitation, God's and one's neighbour's love; just in Scholasticism one first meets a natural-law doctrine, quite respectable and yet somewhat wider than Anscombe's divine law; and the suggestion may be not out of place that the divine-law doctrine is superadded and unnecessary.