

ANSCOMBE ON 'OUGHT'

By Charles Pigden

INTRODUCTION: ANSCOMBE'S THREE THESES

In 1958 Professor Anscombe propounded three theses in her famous paper 'Modern Moral Philosophy' (*Philosophy*, vol. 33; all references to the reprint in Anscombe (1981) *Ethics, Religion and Politics*, under the abbreviation MMP). They were that moral philosophy should be abandoned until an adequate philosophy of psychology could be evolved; that we ought to give up Ought¹ in its emphatic moral sense, as it is a senseless survivor from a defunct conceptual scheme; and that British moral philosophers since Sidgwick have shown no significant differences. Later on, she makes it plain that they are not just indistinguishable, but indistinguishably awful, their major joint defect being that they have "put out" consequentialist philosophies.

The article is over thirty-five years old. Perhaps the author would no longer adhere to all its contents. For instance, she may believe that philosophical psychology has advanced sufficiently far in recent years to enable us to resume our enquiry into ethics. But, so far as I know, she has not lifted her rather severe interdict - merely disregarded it. (She has written on ethics since.) Nor has she recanted her other two theses. Moreover, the article is frequently reprinted in anthologies, whose editors are presumably convinced of its continuing relevance. She herself has recently republished it in her *Collected Papers*, without any evidence of repentance, or any suggestion that the dire philosophical climate she bemoans has significantly improved. In 1981, Alasdair MacIntyre developed her second contention at learned length in his *After Virtue*.² Our present-day moral language is hopelessly corrupt. If we are to talk sense in ethics, we must revert to an Aristotelian idiom. Anscombe's ideas, then, are alive and well. The horse I intend to flog is by no means a dead one.

In this paper I shall be chiefly occupied with Anscombe's second thesis - that the moral Ought should be given up. But first, I would like to give some explanation of how these three theses are interconnected. Many strands interweave in her

¹To avoid bespattering my pages with inverted commas, I refer to Ought with a capital 'O'. This allows me to slide easily from the word to the concept for which it stands.

²In doing so, he displays a historical sophistication which, I shall argue, is lacking in Anscombe.

discussion, and I, for one, was initially puzzled as to which theses hang from which threads.

Why *should* ethics be abandoned until the advent of a well-worked out philosophical psychology? The only passage I can find which bears directly on the question is the following:

In present-day philosophy an explanation is required how an unjust man is a bad man, or an unjust action a bad one; to give such an explanation belongs to ethics; but it cannot be begun until we are equipped with a sound philosophy of psychology. For the proof that an unjust man is a bad man would require a positive account of justice as a "virtue". This part of the subject-matter of ethics is, however, completely closed to us until we have an account of what *type of characteristic* a virtue is - a problem, not of ethics, but of conceptual analysis - and how it relates to the actions in which it is instanced: a matter which I think Aristotle did not succeed in really making clear. For this we certainly need an account at least of what a human action is at all, and how its description as "doing such-and-such" is affected by its motive and by the intention or intentions in it; and for this an account of such concepts is required (MMP, page 29).

Let us endeavor to unravel the above. Nowadays, says Anscombe, we need an explanation of how unjust men and acts are bad ones. Why? In the previous paragraph she seems to be arguing that it is a matter of fact - though not, perhaps, of *brute* fact - whether a given act, and hence a given actor, is unjust. 'Injustice' is a generic name for certain species of act - bilking, theft, adultery and punishment of the innocent. If this contention is accepted, and we can prove that unjust acts are evil, then what we ought to do - or rather what we ought to omit - will be a matter of demonstration. If it is demonstrable from purely factual considerations that a given act is unjust, and if it is demonstrable that unjust acts are bad, then it will be demonstrable that the act in question is a bad one, and the morally motivated man - the man, that is, who aspires to human goodness - will try to avoid it. The required explanation would appear to be an intermediate step in a proposed inference from an *Is* ('This act is adulterous', say) to a non-emphatic, and perhaps hypothetical, *Ought Not*.

Now, it seems to me very odd to say that an explanation of this alleged fact - that an unjust man is a bad one - 'is required' in present-day philosophy. For one thing, many philosophers might disagree with Anscombe's underlying assumption, that 'injustice' can be factually construed as a generic name for all acts which fall under certain descriptions - unless Anscombe means to give a merely *stipulative* definition of 'injustice', holding only within her own idiolect.

Many philosophers now, and more when she wrote the article, believe that no such explanation can be provided because there is no such fact to be explained. It is not true that "unjust" acts are necessarily bad ones - if 'unjust' is given a "factual" Anscombian interpretation. This might be because there *are* no moral facts - as emotivists and prescriptivists would insist - or because there *are* moral facts, and this is not one of them - as various kinds of naturalists and intuitionists would claim. Even intuitionists who *agreed* with Anscombe that unjust acts are bad ones might maintain that no very deep explanation of this fact will be forthcoming. We shall be rapidly driven back on our moral intuitions, to synthetic *a priori* truths, which admit of no further analysis.

All of these objections may plausibly be boiled down to one accusation: that the explanation Anscombe seeks would bridge the gap between (non-moral) facts and values, between *Is* and *Ought*, or at least, between *Is* and *Bad*.³ And as that gap is believed to be unbridgeable, the explanation Anscombe is after is not to be had.

I am, of course, well aware that this objection is based on dogmas that Anscombe is out to dispute. But she is speaking here of what is required in present-day philosophy, and suggesting that no further progress can be made until this requirement is met. And this is rather odd, since according to many, perhaps most, philosophers, it is a requirement that never *can* be met. Just who is it that requires this explanation? The answer, it seems, is Anscombe. It is she, and philosophers of her general stamp, who must perform this trick, not philosophers and philosophy at large. Thus the impossibility of providing the proof in our present state of psychological ignorance gives us no reason to give up either unless the program on which we are engaged is Anscombian. *Her* brand of ethics may be unworkable in the psychological darkness of our present times, but ethics generally need not be. *That* would only follow if her way were the only way. Herein lies the link between the

³ Here I run together various distinctions that I believe to be distinct. But I, too, am speaking of the requirements and presuppositions of "present-day" philosophy.

first and the second of Anscombe's three theses. What the polemic against Ought is designed to show is that her way *is* the only possible one.

She attacks the central notions around which modern moral philosophy is built. Ought in its modern sense must be abandoned as a currently senseless conceptual survival - it cannot be significantly used within a secular setting. With it will go the fact/value distinction, the autonomy of ethics, and related doctrines - the characteristic tenets of modern moral philosophy. For it is only because people are in the grip of a moral superstition, worshippers at an empty shrine, that these doctrines are believed. You cannot get from an *Is* to an *Ought*, or from facts to values, because the great *Ought* and the value-judgements embodying it are lacking in truth-value, or indeed, in any sense at all. But if you give it up and adopt in its place an unpretentious Aristotelian - or, more properly, Anscombian - approach to morality, these problems melt away. We shall be able to get from facts to these less exalted values. The objections to Anscombe's program, based on the fact/value distinction, will also be undermined. And hers will be the only route forward through the ruins of modern moral philosophy. If *that* road is barred by our psychological ignorance, then the way must be cleared before we can proceed any further.

Incidentally, Anscombe's attack on Ought complements Geach's attack on the predicative Good (Geach (1956) 'Good and Evil', reprinted in Foot ed. (1967) *Theories of Ethics*). The works in which facts and values are conspicuously prised apart are Hume's *Treatise* III.i.1, and the first chapter of Moore's *Principia Ethica*. In the first, Ought-judgements are shown not to be derivable from judgements coupled by an *Is*, and in the second, a similar conclusion is established with regard to the predicative Good. Geach and Anscombe accept the arguments (or, at least, let them pass) but by voiding these terms of significance, and substituting more sober variants in their place, they hope to downgrade the importance of these passages, and to deprive ethics of its newly-won autonomy. Geach adds an interpretation of the attributive Good which makes at least *some* Good-judgements both factual and properly derivable from other facts. Anscombe endeavours to do the same for the non-moral Ought. The upshot of all this is that Anscombe's first thesis is largely dependent on the second. It lacks all plausibility if the latter is not true.

What about the third thesis - that British moralists since Sidgwick have been a set of indistinguishable incompetents, corrupted by their shared consequentialism? This contention is, I think, largely independent of the first two. Nevertheless, I

suspect Anscombe would argue that it is the use of the empty Ought (and perhaps of the predicative Good) that tempts people into consequentialism. If philosophers had stuck to the more modest notions she prescribes, it would have been *obvious* that consequentialist villainies are to be excluded. Since an act of adultery just is unjust, and since unjust acts can never be good human acts, only those with "corrupt minds", with wills not directed to their human goods, could lapse into adulterous consequentialism. And *moral* consequentialism, consequentialism as an ethical *theory*, would be unthinkable. So the third thesis and the second do seem to be intertwined. I should stress, however, that the argument I have just sketched is only hinted at by Anscombe, and I may have got her wrong.⁴

THE UNEMPHATIC OUGHT

So much for scene-setting; now to business. Anscombe contrasts the ordinary and "indispensable" uses of Ought and Should, which carry no connotations of being duty-bound, with their use in modern moral contexts. There is a moral and non-moral Ought, and the same goes for related words such as Should, Must and perhaps Shalt. In Aristotle (according to Anscombe) these words (or rather, their Greek equivalents) are used in the non-moral sense. They are "moral" only in so far as they are used with reference to a moral subject-matter - 'human passions and actions' - not because they connote some binding obligation. Anscombe hints that the everyday Ought, unlike its moral counterpart, can be somehow derived from Is. This emerges from her critique of Hume (MMP, pages 28-32). She thinks his arguments blocking off Is/Ought inferences would apply equally to Is/Owes inferences or inferences from Is to Needs. Since she thinks it *is* possible to overcome Humean obstacles to Is/Owes transitions, it should be possible to move from Is to Ought - so long as the Ought is not one of the peculiarly moral kind, scheduled for

⁴ Incidentally, Anscombe is simply mistaken in supposing that is *Sidgwick* who introduces consequentialism or act-utilitarianism into moral philosophy. Leaving aside Bentham and the Mills (whose appearance of rule-utilitarianism may be due to their legislative preoccupations), Sidgwick's consequentialism is predated by Hutcheson in *An Inquir Concerning Moral Good and Evil* (first published 1725) reprinted in Raphael ed. (1969) *The British Moralists (BM)*, 333-4. Not only does Hutcheson use the famous phrase 'the greatest happiness of the greatest number' (though explained in such a way as to avoid the pedantic objections of Geach (1977) *The Virtues*, pp. 91-4), but he believes in precisely those aspects of consequentialism that Anscombe objects to. For example, an act can be rendered bad by the actions of others (Hutcheson has their "folly") resulting from the act. And though it is possible to frame and enforce general rules of conduct, these should sometimes be violated (though the moral lawbreaker must take his punishment like a man). Since Hutcheson was also a Christian, apparently sincere, there must be doubts as to whether consequentialism is genuinely at odds with the Hebrew-Christian ethic. I should stress that I don't *know* of any modern consequentialist before Hutcheson. This does not mean there were none.

demolition. So, before going on to the authentically moral Ought, I shall discuss its mundane but indispensable look-alike with which Anscombe proposes we operate in future.

Anscombe does not actually produce an inference from an Is to a (non-emphatic) Ought. But she does give examples of Oughts which are both ordinary and in some sense justified - at least, this is what the context seems to imply (MMP, page 29). 'Machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil'. If a machine needs oil to run properly, it seems that it ought to be oiled. By whom? The Ought is surely not an idle Ought addressed to the world at large but nobody in particular (like Edward VIII's 'Something ought to be done!'). The Oughts we are interested in are Oughts to which *individuals* are subject. (Otherwise, they could never provide *me* with a reason to act.) Those whose lives are bound up with the machine, whose *business* (in some non-moral sense) it is to oil it, are presumably the ones intended. For it hardly follows from the fact that my neighbour's lawnmower needs oil that *I* ought to oil it. *He* ought to, perhaps, but this is not a *non-moral* Ought that can be laid on anyone else. But although it is his business, is he non-morally obliged to oil it? Not necessarily. He might have lost interest in his garden and be happy to let the lawn go rank. Or he might have contracted with me to mow his lawn, and I might prefer my own machine. Or he might expect a hefty recompense from an over-lax insurance policy. So from the fact that his machine needs oil it does not follow (even in a loose non-logical sense of 'follow') that he ought to oil it. This is not an inference he needs to make.

The only Oughts that can be derived from the fact that a machine needs oil with any show of plausibility will be hypothetical ones. My lawn-mower needs oil - *so if I want to use it*, then (*ceteris paribus*) I ought to oil it. This is about the most adventurous conclusion the facts can be said to warrant. The reason, I suggest, is that what such Oughts boil down to - apart from a superfluous and logically unjustified prescriptive push - is a statement about the requirements for attaining certain ends: to get X, you need to do Y. It is *this* that supplies them with a truth-value and also their (rational) motivating power. It is only the desire for the ends which dictates adherence to the means and thus (rational) obedience to the Ought.

Another non-moral Ought that Anscombe mentions is the one involved in 'You should - or ought - not bilk' (MMP, page 29). No shadow of a justification is advanced for this - unless the thought that bilking is a species of dishonesty is

supposed to influence us. This will only work in so far as we are interested in justice or honesty - an attitude we must surely be argued into, if we are not to be badgered by moral obligations. Perhaps if we bilk too often and too openly, our credit is likely to be low. But this consideration will only influence us in so far as we care about good credit. Besides, if *this* is what the facts about bilking are supposed to deliver, they are inadequate. At best they can back 'Bilk discreetly if at all!'

I suggest that no categorical Oughts, whether non-moral or otherwise, can be (non-vacuously)⁵ derived from an Is. If we add in what I call semi-analytic bridging principles⁶ - roughly, the kind of (true) proposition that would convert an Anscombian Is/Owes transition into an entailment - we may hope for validly derived hypothetical Oughts as well as conventional categoricals - sociological Oughts that express reports on (sub-)societies' norms. The hypothetical Oughts may have a categorical appearance because the If is suppressed or tacitly assumed, and only the Ought is explicitly stated. The desires on which they are hypothesized may be so vague and general, or so widely shared, as to go without saying or to pass unnoticed. Nevertheless if a (non-conventional) Ought or a Should appears to follow from an Is, an If must be in the offing.

This apparently puts paid to an ethic based on everyday Oughts. They will influence only those with the appropriate wants, and since human desires differ, no generally binding set of obligations can be constructed on a factual basis.

THE NEO-ARISTOTELIAN PROJECT

Anscombe is not so pessimistic. She may agree that hypothetical Oughts are the only interesting ones to be had from facts. But the Oughts she wants are hypothetical on wants rational people can be argued into.

Anscombe believes it is possible to derive statements about human needs from purely factual information about what humans *are*. Now Anscombe argues that there is some sort of necessary connection between what a man wants and what he needs (MMP, page 31). Hence if people can be persuaded that they need what in fact they *do* need - what a person needs being a matter of fact - their wants will tend to follow after. And though the Oughts which direct their actions will be

⁵ I use this term to bar the monstrous counter-examples to autonomy proposed by Prior (1960) 'The Autonomy of Ethics'. I hope to show in a future paper that Prior's autonomy-defying Oughts suffer from a certain *inference-relative vacuity*.

⁶ These too are the topic of a future paper.

hypothetical, though they will be contingent on the agents' having particular desires, they will be held to those desires by their conception of their needs. And they will be held to *that* by a firm grasp of the facts. In effect, non-moral directives about what we ought to do will be "derived" from factual ones about what we are. The hypothetical Oughts will have a sort of *ersatz* categoricity, owing to the rationality of the desires on which they depend. This project chimes in with the one discussed earlier. For if it can be proved that we need to be good, and that justice contributes to our goodness, we shall want to be just. More, we ought to act justly if we are to get what we need.

The bluff manner in which all this is presented should not blind us to its pious impracticability. Anscombe hopes to prove that it pays - in terms of our basic natural needs - to be good. One of the few recent philosophers who has presented such a thesis outside a specifically religious context is Mrs Philippa Foot in her article 'Moral Beliefs' (*Proceedings of the Aristotelian Society* 59 (1958), reprinted in her (1978) *Virtues and Vices*, pp. 110-31). But she has been severely mauled in controversy by such critics as D.Z. Philips, and has since changed her mind (Foot 'Morality as a System of Hypothetical Imperatives', *The Philosophical Review* 81 (1972), reprinted in Foot (1978), pp. 157-73).

The idea that it pays to be good, and in particular that the Aristotelian virtue of *justice* is required for a human being to flourish, seems to me absurd - *unless* having a morally well-ordered or virtuous psyche is built into the concept of flourishing. In which case it pays to be good because being good is itself part of the pay-off. This is to take what Geach calls 'a high Stoic line' with the virtues - a ploy which both he and Foot explicitly reject. For it provides no answer to 'tough characters' who do not want, and have not been shown that they need, such a morally well-groomed soul (Geach (1977), page 16, Foot (1978), pages 126-30). Anscombe does not like it much either since the Stoic notion of flourishing is 'decidedly strained' (MMP, page 42). But if we confine ourselves to a cruder conception of human flourishing, it is obvious that the virtues can be done without. There are sleek and prosperous scoundrels enough. Nor are they the master criminals of Footian fantasy. Think of the political liars who manage to impose upon the public without any great abilities. Untalented crooks also thrive.⁷

⁷ Machiavelli (1979) *The Prince*, Ch. 18, tells his prince that he should not worry too much about breaking his word since 'men are so simpleminded, and so controlled by their present necessities, that one who deceives will always find another who allows himself to be deceived'. In other words, there is one born every minute.

Now the neo-Aristotelian school, of which Anscombe is a member, seems to have realized this. As a consequence they have suffered a *degenerating problem-shift*.⁸ The first manifesto of the school was Professor Geach's (1956). In it he says that the question 'Why would I be good?' deserves an answer, 'not abusive remarks about the wickedness of asking', and pours scorn on writers like Sir David Ross who appeal to a 'sense of duty', that is, to childhood conditioning. The suggestion seems to be that the sorts of reply they offer rest on a moral superstition. The only difference between the objectivists on the one hand, and the emotivists and prescriptivists on the other, is that the objectivists believe in the superstition, whereas the emotivists and prescriptivists have abandoned belief, but carry on regardless.

The problem, then, is to give the individual a motive for the pursuit of goodness, given that human goodness is capable of a purely factual characterization. Geach hopes to do it by an appeal to what the agent *wants*, but his argument is untypically feeble. The next essays in the series were Foot's 'Moral Beliefs' and Anscombe's MMP, both of 1958. They seem to retreat a pace. People cannot be got to be good by an appeal to their *actual* wants. Rather, they must be brought to an accurate perception of their *needs*. Once needs are realized, wants will follow after. But even this project proved to be unworkable. At this point (1972), Foot deserts the sinking research program. We are, she now opines, volunteers in the moral army, drawn by our desires for moral ends - justice, the elimination of suffering, etc. Morality is a system of hypothetical imperatives, and it is an unfortunate fact that some of us lack the requisite desires. The reprobate can be quite rational.

Geach, in (1977) *The Virtues*, soldiers on. Yet he, too, no longer believes that the *individual* needs the virtues, at least if we confine ourselves to the world here below. Of course, says Geach, 'an individual man may perish by being brave or just'. But 'men need the virtues as bees need stings'. 'Though an individual bee may perish by stinging, all the same bees need stings' (page 17). Indeed they do - but the *individual* bee does not. An individual bee would be better off stingless. Let her sisters perish on her behalf! If men need the virtues in the same way, then an individual man need not be virtuous, however desirable it may be that men in general possess the virtues. Geach has given up on the original problem he and his allies set themselves. He is no longer attempting to achieve hypothetical Oughts that will be binding on (rational) people because of the wants they (can be got to) share. *Now* all he seeks to establish is that *mankind* needs the virtues. But what

⁸ This term is due to Lakatos (1978) pp. 128-9.

mankind requires, individual men can do without. And in appealing (so it seems) to our social passions, Geach is scarcely superior to those philosophers who relied on a sense of duty. A "concern for others" that extends beyond our intimates is equally the product of childhood conditioning. Moreover, as he himself admits, a "concern for others" can tempt us into injustice. Nevertheless, Geach retains some hankering after an egocentric justification of morality. This, perhaps, is a reason for the Hell-fire preaching that is so gruesomely obtrusive in *The Virtues*. God must be brought in to restore justice to profitability. The bottom line on injustice is the bottomless pit.

SOPHISTRY IN SELLING THE VIRTUES

Before going on, I would like to draw attention to a sophistical manoeuvre practiced by philosophers of this school. Foot (1978), page 129, is particularly guilty. That is, to present the unjust man as a man who makes a *policy* of injustice, who is unjust whenever (in the short term) it appears to pay. Such a villain, Foot thinks, could not sustain the public trust unless a consummate actor and master-criminal. But, of course, the unjust man is not one who makes a *policy* of injustice - merely one who does *not* make a policy of *justice*. Closer attention to their St. Thomas should have convinced them of this. Aquinas, *Summa Theologica*, II-II, Q 58, 1, defines justice as a 'habit whereby a man renders to each one of his due by a constant and perpetual will'; 'perpetual' because the just man wills always to do what is just, and 'constant' in that he always wills to do what is just. That is, 'the *perpetual will* denotes the purpose of observing justice always, *constant* signifies a firm perseverance in this purpose'. This looks a little too exacting. We may allow the just man a few (minor) lapses. But Aquinas' main point remains. The just man is resolved always to act as justice requires, and habitually sticks to this resolution. This is the habit justice is. To be unjust is to lack this habit. The unjust man cannot be *relied on* to act justly - especially when the going gets tough. But there need be no evil-be-thou-my-good about him.

It is interesting to note a passage in one of Bacon's *Essays*, apparently in praise of honesty:

Certainly the ablest men that ever were have had all an openness and frankness of dealing, and a name of certainty and veracity; but . . . they could tell passing well when to stop or turn; and . . . when . . . the case indeed required dissimulation, . . . it came to pass that the

former opinion spread abroad of their good faith and clearness of dealing made them almost invisible (Bacon (1973), page 17).

Honesty, of course, is not really what is being praised here - only the unjust man's approximation to it.

Geach (1977) employs similar techniques in defence of the other virtues. It would not do to be in a state of continual funk. Men (and women) need a *modicum* of courage to get by in daily life (pages 151-3). Yes - but the necessary modicum does not constitute what Geach would recognize as the virtue of courage. A general who took pains to be elsewhere when his troops came under fire would need a certain coolness and nerve. By Geach's lights (and mine) he would be a coward nevertheless. Geach's remarks about temperance are even sillier. 'Men need temperance because they need to observe a mean of virtue if they are to pursue and attain any great or worthy end' (page 131). Obviously someone *completely* preoccupied with sottish pleasures is never going to amount to much. And certain kinds of overindulgence are guaranteed to bring on early death. But history is littered with successful and relatively long-lived lechers, gluttons, drunkards and sybarites. (Catherine the Great, who combined three of these vices with caffeine addiction, lived to be 67, and reigned with evident zest.) You can be pretty intemperate without falling into the type of intemperance that is unacceptably harmful or paralyzing.

THE MORAL OUGHT

Let us now return to the moral Ought. According to Anscombe, this cannot be derived from an Is. But this is because it does not signify a genuine concept and cannot appear in a valid inference. (Presumably, Ought-judgements, despite their propositional form, lack truth-values.) Ought has "mere mesmeric force" (MMP, page 32). In so far as it continues to impress people, they are victims of a sort of moral superstition. Aristotle allegedly lacks the concept, as well as its relations - Obligation and Duty. (*His* Oughts, if any, are presumably hypothetical or prudential.) Moral faults are thus, for him, more analogous to mistakes or errors than sins (MMP, page 30). But we are bound (*duty-bound*) by the modern Ought, in much the same sense as we are bound by law. There is something absolute about it like a verdict of Guilty of Not Guilty; it determines requirements on action which bind a man without necessarily being apt to do *him* any sort of good. Obedience to the right Oughts makes a man good; failure to obey makes him bad. (Virtue is just

the disposition to righteousness.) Anscombe notes that in consequence of all this we have blanket terms - 'wrong', 'illicit' - for acts which are moral failures, whereas Aristotle only has words for the defects of particular virtues (MMP, page 30).

We moderns, then, possess a family of concepts clustering about the moral Ought which are absent from Aristotle (and presumably the other Greeks). We share in a *law* conception of ethics. So far as we are concerned, some things ought to be done or promoted and others not, and that's all there is to it. For Aristotle, on the other hand, the virtues had to contribute (on the whole?) to the agent's happiness (MMP, pages 26, 29-31). Where did we get these new concepts? Anscombe's hypothesis is that they spring from a Divine Law conception of ethics. Specifically they derive from the long dominion of Christianity over the Mind of the West (MMP, page 30). It is only within a framework of Divine Law that the words signify genuine concepts. Without this background, they are not really meaningful. It would be wise, therefore, to abandon them.

DIVINE LAW ETHICS

Let us enquire what a Divine Law conception of ethics amounts to. Anscombe's definition runs as follows:

To have a *law* conception of ethics is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man . . . that what is needed for *this*, is required by divine law (MMP, page 30).

Now, this is unsatisfactory definition of two counts. First, it is perfectly possible to have a completely worked out moral system, along with Oughts, moral or non-moral, and then *tack on* Divine Law as an added inducement. Such an ethical system would appear to accord Anscombe's definition, yet could hardly play the explanatory role she assigns it, especially as the Divine edicts need not be backed by threats. An optional extra Divine Law ethic will not do. Besides, Protestants, whom she accuses of lacking a Divine Law ethic (I shall have more to say of this monstrous calumny later), would have one according to this conception. (Though if her account of them were correct, they would have to hold that Ought does not imply Can.) Second, in many moral systems, the virtues do not come in at all, or figure only as those qualities of character which enable a man to act rightly. It is possible

to have an ethic with a crucial Divine Law component which omits any reference to the Virtues.

A stronger account of Divine Law ethic, which rules after-thought Divine commands, and this is more neutral with respect to the virtues, goes something like this: God has given us a set of commands backed by rewards and penalties. We ought (in some sense) to obey these commands. Some measure of obedience is possible (this would exclude Protestants if Anscombe were right). Some of the Duties incumbent upon us in virtue of God's commands would not be obligatory in His absence.

This formulation deliberately leaves some questions unanswered. For instance, it carries no implications as to the autonomy or otherwise of ethics. Compatibly with this conception you can hold that God ought to be obeyed in consequence of some antecedent obligation; *or* that He ought to be obeyed for fear of His power to penalize. There is some evidence that Anscombe accepts the above characterization of Divine Law ethics, together with a do-it-or-be-damned theory of obligation. But she can hardly include this last in the definition of Divine Law ethics. Many people who would normally be accounted adherents of Divine Law - even, I think, Aquinas - believe and believed otherwise. Besides, the vacuity of the moral Ought would surely be a precondition of establishing such an analysis. Since this is the point at issue, we can hardly base an argument for it on a definition which presupposes its truth. Accordingly, I shall employ the open-ended definition I have just outlined in dealing with Anscombe's argument.

This definition tends (despite Anscombe) to exclude the Stoics (an important point, since Cicero, whom I discuss later, derived many of his ideas from the Stoa, especially from one of the least theistic of its supporters, Panaetius⁹). Different Stoics had different ideas about the gods (hence the gross inconsistencies of Balbus, mouthpiece of Stoic theology in Cicero *On the Nature of the Gods*, Book II). But they do not seem to have conceived of them as given to punishing mortals. Nor did the varieties of Stoic theological have much impact on their scheme of duties. Moreover, the *motive* that the Stoics cite for the pursuit of virtue is that happiness consists in virtuousness. It has nothing to do with Divine rewards and penalties - even as added inducements.

⁹See Rist (1969) *The Stoics*, Ch. 10.

THE HISTORICAL ARGUMENT

Anscombe's argument is historical. Here is Aristotle with one set of moral concepts. Here is the modern world with an expanded collection. Where did the extra items come from? The most obvious intermediary, the most plausible source of new ideas is Christianity. An inability to comprehend the concepts in question also seems to underline her argument. They just do not seem to make much sense to her.¹⁰ But we cannot have perversely dreamed up these empty words, endowed them with an illusory binding force, and subjected ourselves to them. Hence the need for an historical explanation. The only way the notions of obligatoriness, etc., could have been injected into the moral consciousness is by no means of Divine Commands.

Anscombe's close knowledge of the Aristotelian text is obvious. Nevertheless, she may have got him wrong. And even if she reads him correctly, he could have been atypical. Other Greeks may have used moral terms functionally analogous to the ones she thinks of as distinctively modern. I lack the expertise to push these lines of criticism very far. Still, two points can be made against her. As evidence of Aristotle's distance from modern moral conceptions she cites the lack of a blanket term meaning much the same as 'wrong' (MMP, page 30). But does not 'unjust' have much the same sense when used as the opposite of the universal or legal 'just'? (Aristotle (1980) *Nicomachean Ethics*, V.I.) Second, she produces no evidence whatsoever to show that Aristotle was typical of his times - and it may well be that

¹⁰ Anscombe is not the only philosopher baffled by the moral Ought and at a loss as to what it could mean if it does not express Divine commands. Archdeacon Paley (famous for his watch) is another. 'When [he] first turned [his] thoughts to moral speculations' he was puzzled by distinction drawn between being obliged and being induced. Later he saw that they came to the same thing (obligation as a compelling inducement). *Moral obligations are Divine directions, backed by the exceedingly strong inducement of sanctions or rewards in the world to come: BM, 851.*

Schopenhauer (1965) *On the Basis of Morality*, pp. 53-4, mocks Kant, whose Biblical spelling naively betrays the origin or his categorical imperative. In reality 'every ought is . . . necessarily conditioned by punishment or reward; consequently, to use Kant's language, it is essentially and inevitably *hypothetical*, and never *categorical* as he asserts. But if these conditions are thought away, the concept of ought or obligation is left without any meaning,' (page 55). Anscombe could not have put it better herself.

Finally, Anscombe's mentor concurs. Waismann (1979), p. 118, reports Wittgenstein as follows:

What does the word 'ought' mean? A child to do such-and-such means that if he does not do it something unpleasant will happen. Reward and punishment. The essential thing is that the other person is brought to do something. "Ought" makes sense only if there is something lending force and support to it - a power that punishes and rewards. Ought in itself is nonsensical.

The reply to this is that ignorance is no argument - and this goes for a professed ignorance of meanings as well as ignorance of fact.

he was not. This is the opinion of the Platonic scholar, Terence Irwin, (1977) *Plato's Moral Theory* (pp. 17 and 287). Some Greeks, at least, subscribed to a law conception of ethics. If Irwin is right, and (Anscombe's) Aristotle idiosyncratic, then the moral Ought and its relations are not purely modern aberrations. We need not look to Christianity as the source of these notions. So the demise of Christianity need not have deprived them of sense.

Now, if it is the belief in a law-giving God that imparted the binding force to the moral vocabulary, it follows that Ought, as employed by Christians in the hey-day of Divine Law, contained some reference to God's orders as part of its meaning. When a believer said or thought that X ought to be done, he must have meant (at least in part) that X was willed or commanded by God. Otherwise it cannot have been God's ordinances that infused the word with its over-riding power - or indeed that made it capable of sustaining truth-values, or signifying (as Anscombe thinks it once did) a genuine concept. Anscombe's suggestion is that by carrying the weight of Divine commands Ought acquired a very powerful charge, which it subsequently retained, despite the demise of Divine Law in the minds of its users. This consequence - that being commanded by God was built into the meaning of the moral Ought, and provided whatever content was not merely mesmeric - does not come out clearly in MMP, yet I do not see how it can be avoided if Christianity is to play its explanatory role as the cause of the psychological impetus of Ought.¹¹

But this lays Anscombe open to an obvious objection. Some Christian writers, notably the British intuitionists of the 17th and 18th centuries, have distinguished between the concepts of being right, obligatory or what ought to be done, and being willed or commanded by God. See Raphael ed. (1969) *The British Moralists*

¹¹ When I read this paper in London, it was suggested that Anscombe (perhaps like Schopenhauer) thinks all genuine and potentially truth-bearing Oughts are hypothetical, including the Christian ancestor of the moral Ought. Without God there are no sanctions to back the injunction, hence the lapse into cognitive senselessness. The truth-conditions of the old Ought consisted in something like this: doing X increases your chances of Heaven and diminishes your chance of Hell. (Bad acts may be forgiven and good ones may not be enough.) Nevertheless, 'I ought to do X' and 'God commands that I do X' do have distinct meanings though the one is dependent on the other. Hence my argument fails. This does not sit well with Anscombe's rhetoric, particularly her emphasis on *Law*. For it makes the imperative force of the moral Ought dependent on an eschatological theory (grounded, to be sure, in God's will) rather than resting it directly on Divine commands. It is the existence of a fate beyond this life that does the trick. A similar Ought would to be available to a Buddhist. And surely this is not what she wants. So even if Anscombe *does* think the Christian Ought was hypothetical, Divine commands must still be built in. 'God says *do this* - And if you don't . . .!!!' It is not as if it consisted solely of the 'Do this - And if you don't . . .!!!' Thus my argument follows through.

(henceforward *BM*), pp 119-21, 225, 259-60, 351, 438, 450, 675, 699-701.¹² They did not, of course, deny that in the sphere of human action the two were co-extensive. But they did not equate them. Indeed, one of the most illustrious authors of this school, Ralph Cudworth, takes the distinction to be such an obvious one that it plays the part of a *premise* in his argument.¹³ These thinkers characteristically held that there is an eternal and immutable morality with independent claims upon us. Indeed, the positive commands of God are only to be obeyed because it is antecedently right to do what He wills.

Now, all the authors I have in mind were believing Christians. Cudworth was a clergyman, the Master of two Cambridge colleges and a Professor of Hebrew to boot. Clarke and Balguy were rectors, and Price a dissenting minister. They were intelligent men who understood the faith they professed. More, they understood and were in tune with the moral consciousness of their countrymen, as the academic prestige their ideas won shows. But if Anscombe were right, it would have been impossible for these thinkers to have advanced the views they did without gross and palpable errors as to the meanings of the words used. They could not have distinguished between God's ordinances and moral obligations as the two would not have been genuinely distinct. And they could not have derived the moral authority of Divine Law from antecedently given Oughts, if the Oughts were only authoritative in so far as they expressed Divine Commands. Such doctrines would have involved crude blunders about the import of commonly employed terms, which would have brought down universal ridicule on their authors' heads. At best, they would have been regarded as purveyors of a far-fetched moral metaphysics which bore no relation to normal moral notions. Yet their work was read and accepted within what was an essentially Christian culture. It was Hobbes, with his positivistic Anscombian account of the authority of God's commands, "the Kingdom

¹² Indeed, some kind of distinction between divine positive law and natural law, or natural law and its rightness, runs right through scholastic and post-scholastic ethics (Suarez, Grotius) even though there were some Divine positivists such as Ockham. See Kretzmann, Kenny and Pinborg eds. *The Cambridge History of Later Medieval Philosophy* (1982), Ch. IX.37.

¹³ Arguing against 'divers modern theologers' of a positivist persuasion, Cudworth writes 'It is a thing which we shall very easily demonstrate that moral good and evil, just and unjust (if they be not mere words without significance or are names for nothing else but willed and commanded . . .) cannot possibly be arbitrary things, made by will without nature . . .' (*BM*, 120). It is clear that Cudworth's demonstration is only supposed to work so long as the parenthesized possibility is false and 'just' etc. are *not* 'names for nothing else but willed and commanded'. But this is obvious; so obvious indeed, as to go without argument and to appear among Cudworth's premises only in brackets.

of God of nature", who was regarded as a moral subversive and eccentric, and whose books were burned at the behest of Oxford dons.¹⁴

The fact that the theological autonomy of ethics was both propounded and believed gives us good grounds for doubting Anscombe's hypothesis. It is clear that if the moral Ought obtained its extra oomph from God's Commands, then the two should have been equated in the minds of believers in Divine Law. This was not so. Hence her hypothesis would appear to be false. She could, perhaps, maintain that though it was the Divine Law which originally put the kick into Ought, it subsequently acquired an independent status even among Christians. But in this case her argument for abandoning it fails. For the moral Ought would have had to have played an independent role within the Christian consciousness *after* it became detached from Divine Commands. So it might sensibly survive the collapse of the Christian conceptual frame.

BRITISH PROTESTANTS AND DIVINE COMMANDS

Almost coincidentally Anscombe has an answer. She wants to represent Hume as operating with a moral Ought which had been drained of significance, and detached from the Divine Law which imparted its power. His observations with regard to this relic have a certain amount of sense given his historical situation (MMP, page 32). But Hume lived in an era in which Christianity still thrived. Most of his acquaintances will have been Christians, and the moral milieu in which he moved was a predominantly Christian one.¹⁵ Hence it would seem impossible that Hume's Ought was the survivor of a defunct conceptual scheme, since the conceptual scheme in question was not, at that time, defunct. To meet this difficulty, Anscombe suggests that the eighteenth century Protestant British no longer believed in a Divine Law ethic! Her justification for this is even more bizarre that

¹⁴ See Kenyon ed. (1966), pp 471-3, who quotes a decree of Oxford University, 1683, condemning, among others, many of Hobbes' books and opinions, and consigning them to the flames. His views are "false, seditious and impious; and most of them also heretical and blasphemous, infamous to the Christian religion". True, they do not seem to have been worried by the 'kingdom of God of nature' (although I can't be sure, since the document is not printed in full). Still, it is clear that Hobbes was not considered a paragon of orthodoxy by his (near) contemporaries.

¹⁵ We tend to think of the Enlightenment as a skeptical, even an atheistic age. But true infidelity was very much a minority movement, probably confined to the literary elite (and perhaps to the *lumpenproletariat*). Samuel Johnson is an admittedly partial witness, but he is worth quoting. 'Sir, there is a great cry about infidelity; but there are, in reality, very few infidels. I have heard a person, originally a Quaker, but now, I am afraid, a Deist, say, that he did not believe there were, in all England, above two hundred infidels.' (Boswell (1908), p. 623.) The dying Hume did not expect the 'downfall of . . . the prevailing systems of superstition' 'these many hundred years'. (Hume (1985), p. xivi.)

the theory itself. Protestants, she says, gave up Divine Law ethics at the time of the Reformation. They did not deny the existence of Divine Law, but regarded it as an impossible ideal, erected to demonstrate Man's inability to attain it (and, I suppose, indicate his unworthiness). She cites, in support of this, a decree of the Council of Trent which condemns the heresy that Christ is only to be trusted as a mediator, not obeyed as a legislator. What she has in mind is clearly predestination and the doctrine of salvation *sola fide*, by faith and not by works (MMP, page 31).

Now it is *absurd* to justify a claim about the nature of Protestantism by appealing to the dictates of a Counter-Reformation Council. You might as well base your assessment of Catholicism on the utterances of the Reverend Ian Paisley. Actually, Anscombe's course is even sillier than this. It is more like grounding one's account of *modern* Catholicism on the sayings of an Orangeman of the 1760's. But whatever the merits of her argument, Anscombe is simply wrong about British Protestants. Anyone who reads the British Moralists will see that those who were believing Christians, not only believed in a Divine Law promulgated to Mankind, but thought it ought to be obeyed. I can cite here, besides the intuitionists alluded to earlier, Cumberland, Locke, Wollaston, Butler, Balguy, Paley, and two whose Christianity is rather more dubious, Hobbes and Smith. Check *BM*, pp. 89, 101, 106, 111, 122, 158, 193-4, 225, 240, 281, 352, 427 and 427n, 450, 464, 733, 821-3, 845 and 945. Price (1774) *Review of the Principal Questions in Morals*, pages 138-48, (first published in 1758) is particularly emphatic about this. Of the various "branches of virtue", our "DUTY TO GOD" "requires the first place". At this point, Price more or less abandons philosophy for the pulpit, and, after carrying on in vein of solemn piety for *seven pages*, still does not feel that he has exhausted the topic. 'Before we quit this subject, I cannot help begging the reader to pause a-while, and to consider particularly, what is meant by the will of God, and how important and awful a motive to action it implies.' There follows a further two-and-a-half pages of earnest sermonizing, which concludes: 'what renders obedience to the will of God a duty of so high and indispensable a nature, is this very consideration, that it is the *will of God*.' The almost universal concurrence of British philosophers in this can only have been derived from the moral culture in which they were raised. British Protestants commonly believed in a Divine Law they were obliged to obey. Only ignorance and the exigencies of a foundering argument can have led Anscombe to think otherwise.

CICERO ON DUTY

So far, Anscombe's views on the origin of the moral Ought have been discredited rather than disproved. She can be decisively refuted if it can be shown that the modern moral concepts - or their ancient equivalents - antedate the advent of Christianity. Preferably, they must be employed within a secular setting. Otherwise it is open to Anscombe to argue that they only make sense within the context of a Divine Law ethic, though this need not be Christian. Cicero's *De Officiis* (trans. Miller (1913)) usually translated as *On Duties*) supplies the required counter-instance. It is a treatise on practical ethics. Its central theme: the duties one has, not as the holder of this or that office - though the idea may have been extrapolated from official or priestly duties - but as a human being. Cicero is concerned, in fact, with what a man ought to do. He uses the word '*honestum*', usually translated as 'morally good', for the quality possessed by the man who performs his *officia*.¹⁶ Indeed, he deduces duties from a consideration of what it is to have *honestas* (Book I, 10-18). Nor does he mean by this mere ordinary decency or everyday honesty. In the "true and proper sense of the term" it is only possessed by the perfect but impossible Stoic sage. A meaner, second-rate version is accessible to ordinary mortals. Nevertheless, these ordinary mortals are generally heroes from Roman history of outstanding courage or integrity (e.g., Regulus), so it is by no means an unexacting ideal (Book III, 13-16). The cardinal virtues are, for Cicero, categories or sub-headings under which duties are grouped, rather than the psychological dispositions of Aristotelian theory, and he has a word '*turpe*', answering to the English *morally wrong*, what a man ought not to do. Cicero's morals, in short, have a decidedly modern cast. Despite his pre-Christian period, he appears to be employing concepts which, according to Anscombe, are hangovers from a declining Christianity.¹⁷

Her case might yet be saved if it could be proved that Cicero was an Aristotelian at heart, and that by duty he meant nothing more than what it was in man's ultimate interest to do. Alternatively, she could argue that he was in thrall to a

¹⁶ See Cicero (1913) *De Officiis*, trans. Miller, especially p. 10 where Cicero's technical terms (he was adapting Greek ideas to a Latin vocabulary) are explained. It is important to check the Latin text. Monoglot, or nearly monoglot, readers can be misled by modernizing and moralizing translations, some of which are so loose as to be little better than paraphrases. The effect of these is to *exaggerate* the characteristics remarked on in this essay, to convert Cicero into a common-room contemporary of Ross and Pritchard. (This is symbolized by the title of an Oxford translation of *De Officiis* - 'On Moral Obligation'.) Cicero's moral concepts *do* resemble modern ones but not so exactly as a purely Penguin classicist might be led to think.

¹⁷ Interestingly, he seems to have been a consequentialist in Anscombe's extended sense - someone who thinks that consequences can affect the rightness of potential acts in such a way that normally wrong acts become right (Book 1 31-2).

Divine Law ethic. The first argument has a certain amount of plausibility. Cicero *does* think that what is right ultimately coincides with what is expediency and righteousness, and deploys various winny shifts to disguise his incapacity. In effect, he asks the reader to take it for granted (III, 33). He notes that many *do* distinguish between the right and the advantageous, but does not have more to say against the distinction than that it is a wicked error, and that Socrates cursed it (III, 11). In fact, he is well aware that *honestas* does not always pay, and is not necessarily advantageous in any worldly sense.

As then, this superiority of mind to such externals inspires great admiration, so justice above all, on the basis of which alone men are called 'good men', seems to people generally a quite marvellous virtue - and not without good reason; for no one can be just who fears death or pain or poverty, or values their opposites above equity (Book II, 38).

The suggestion appears to be that justice, and hence *honestas*, actually *increase* the risk of these calamities.¹⁸

Cicero seems to feel that those who make advantage or *utilitas* their main consideration are wicked. But if the advantageous really is identical with the right, it is difficult to see what is wrong with this attitude. If people have a wrong conception of their advantage (mistakenly supposing it to consist in swinish or anti-social satisfactions, for instance) they are surely to be pitied and set right, rather than execrated. Actually, what Cicero disapproves of is egocentricity, self-interested as opposed to social or moral motivations, as his discussion of the ring of Gyges (Book III, 38-9) makes clear.¹⁹ And this is not something a true Aristotelian can condemn,

¹⁸ To be fair, this passage occurs in Book II, which largely consists in an attempt to show that usually, in Roman public life, nice guys finish first. The superiority of mind of the truly just man procures political popularity. Cicero is advancing the bizarre argument that to secure fame, power and popularity, you must genuinely despise fame, power and popularity - at least to the extent of being prepared to do without them, if that is what justice requires.

¹⁹ There are several passages to this effect in *De Officiis*, but more striking ones in his correspondence, especially when joshing Epicurean friends. Trebatius, a lawyer, has recently converted to the sect. 'But how are you going to be a champion of Civil Law if everything is done for your own sweet sake and not for the community? And what becomes of the trust formula "in accordance with honest practice proper between honest men"? Who is honest that does nothing except for his own interest?' (Cicero (1978b) Letter 35 (VII. 12)). See also letters 215 and 216 (the latter to the Epicurean Cassius). In a letter to Atticus he scorns 'our friends Lucius and Patro [who] when they make self-interest their only yardstick, while refusing to believe in any altruistic act, and maintain that we should be good only to avoid getting into trouble, and not because goodness is naturally right, . . . fail to see that they are talking about an artful dodger not a good man' (Cicero (1978a) Letter 125 (VII. 2)).

since part of the program is an egocentric justification for moral behaviour. Cicero's *official* conception of advantage is extremely etiolated - he certainly cannot say what the advantageousness of righteousness consists in. One is not surprised to find that his identification of *utilitas* and *honestas* is merely a Sunday doctrine. In everyday life, he clearly believes them to be distinct. He complains to Atticus, 'But as for me, reckoned a madman if I speak on politics as I ought, a slave if I say what is expedient, and a helpless captive if I say nothing - how am I to feel?' (Cicero (1978a) Letter 83 (IV, 6)). Nor is this an isolated slip. Many passages in the letters betray an uneasy awareness that he is not doing his duty because it is physically or politically dangerous. For instance: 'What tortures me and has all along, is the question of duty. To stay is certainly the more prudent course, to go overseas is thought the more honourable.' (Cicero (1978a) Letter 165 (VIII, 15)). *In practice* he employed a rather worldly concept of the advantageous which did not coincide with the austere dictates of Roman public virtue. *As a philosopher*, he remains a devotee of Duty for Duty's sake, believing that to do wrong is the greatest of evils (III, 105-6). So, despite the (broadly) Aristotelian elements in his work, his conceptions of Duty and Moral Goodness correspond quite closely to modern ones. But he was compelled to erect his edifice of Roman duties on a site strewn with wrecked efforts at egocentric moralities. Bits and bobs of these are incongruously incorporated into his structure.

As for Anscombe's second escape route, Cicero's religious views are hard to ascertain. There are pungently atheistic passages in *On the Nature of the Gods*, but these must be balanced against the hopeful mysticism of the *Somnum Scipionis*. Also he inclined to a belief in human brotherhood on account of a supposed shared divine spark. But the divine does not enter into his daily thought and correspondence. If he believed in the gods at all, they sat on him very lightly. Significantly, though they make guest appearances in his speeches to the plebs (and letters to his wife), they fight shy of the senate house - where, perhaps, a show of piety was not required. The gods play little part in Cicero's ethics. They are, at best, mere optional extras. He certainly does not subscribe to a Divine Law conception of ethics in the sense outlined above. For the gods (if they exist at all) do not visit the wrong-doer with retribution. 'The question therefore not longer concerns the wrath of the gods (for there is not such thing) . . .' (*iram deorum, quae nulla est*) (III, 104). Cicero is uncertain about the rewards, and frankly disbelieving about the penalties. His system is not grounded in the gods' alleged commands.

To conclude: Anscombe's conceptual thesis is based on an historical claim - that the moral Ought is a Christian product. Cicero's *On Duties* demonstrates that this is

false. Analogues of the modern moral concepts antedate Christianity. Her argument for giving up the moral Ought fails since it is founded on factual error. And the neo-Aristotelian alternative she proposes is not a viable option.

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