

Divine Commands at the Foundations of Morality

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I

In this paper I wish to consider one aspect of the role that divine commands seem to play in religious ethics, their role when considered in relation to the foundations of morality. If, as seems to be taken for granted in traditional religious ethics, divine commands have moral force in and of themselves, then at least some obligations are derived from commands. This being so, might not all be? If they were, then divine commands would be what the rest of morality derived from and was founded upon.

The claim that they are the 'Divine Command Theory of Morality' might seem to be the neatest and most obvious way to account for the moral force of divine commands. In this paper I shall argue that the Divine Command Theory fails as an account of God's relationship with morality, both in terms of coherence and in terms of fidelity to the traditional theist practice of obedience to God, while a more modest account of how God is to be understood as having a special moral authority can be successful on both counts.

Divine command theories hold that the class of actions which are wrong is identical in content with the class of actions which are forbidden, and the class of actions which are obligatory is identical in content with the class of actions which are commanded. This analysis could be extended to cover supererogatory actions (by reference to actions which are commended, but not commanded, by God) and neutral actions (by reference to actions which are neither commanded, forbidden, nor commended). With or without reference to neutral and supererogatory

actions, I shall call this the 'Co-extension Thesis':¹ the class of wrong actions is co-extensive with that of forbidden actions, obligatory actions with commanded actions, and so on. Some divine command theorists, such as Philip Quinn in his earlier work, define the theory solely in terms of the Co-extension Thesis.² This is not satisfactory, however, since the thesis is in itself compatible not only with God's control of morality, but also with what we might call morality's control of God, where morality is entirely independent of God and obliges him, and by virtue of his perfect goodness causes him, to reiterate its requirements in his pronouncements. It is, further, compatible with any mixed view, in which some but not all obligations depend on divine commands, as long as God is taken to command all moral truths one way or another. In short, the Co-extension Thesis does not determine the direction of dependence between divine pronouncements and the moral properties of actions; it simply states that obligations and commands are necessary and sufficient conditions for each other.³

What is needed is some reference to the dependence or priority of one on or over the other. Robert Adams, in his early paper on the subject, suggests that 'wrong' and 'contrary to God's commandments' should be understood as meaning the same thing, but that the second is 'conceptually prior' to the first.⁴ Saying the two things *mean* the same thing would not, of course, tell us which way the dependence was going on its own.⁵ Adams is appealing to the fact that some definitions seem, at least arguably, to involve the dependence of one term over the other: one might think for example that people are bachelors by virtue of the fact that they are unmarried men, and not vice versa. However, leaving aside the question of whether the link between 'wrong' and 'forbidden' should

1 See E.R. Wierenga, 'A Defensible Divine Command Theory,' *Nous* 17 (1983), 387-8.

2 Philip L. Quinn, *Divine Commands and Moral Requirements* (Oxford: Clarendon Press 1978), 27; cf. W.K. Frankena, 'Is Morality Logically Dependent on Religion?' in *Religion and Morality: A Collection of Essays*, Gene Outka and J.P. Reeder, eds. (New York: Doubleday 1973), 298.

3 See Quinn, *Divine Commands*, 28; 48-9.

4 R.M. Adams, 'A Modified Divine Command Theory of Ethical Wrongness,' in R.M. Adams, *The Virtue of Faith and Other Essays in Philosophical Theology* (New York: Oxford University Press 1987), 97, 100; cf. R.M. Adams, *Finite and Infinite Goods* (New York: Oxford University Press 1999), 231-91. God can vary obligations by varying his commands: Adams, 'A Modified Divine Command Theory,' 273; cf. Adams, *Finite and Infinite Goods*, 255-6.

5 Contrary to Wierenga, *The Nature of God: An Inquiry into Divine Attributes* (Ithaca and London: Cornell University Press 1989), 214-15.

be thought to be a matter of definition, I shall, in line with many authors, define the Divine Command Theory as holding simply that obligations depend upon commands.⁶

Instead of particular obligations the theory can be formulated in terms of moral principles or classes of action,⁷ and instead of commands it can be formulated in terms of volitions (acts of will), and volitions either about the moral status of actions, or about agents' performance of them.⁸ These issues will not affect what follows and can be left to one side; for convenience I shall refer here to commands and obligations. More importantly, Quinn distinguishes two senses of dependence (or 'because'): 'causal' and 'rational.'⁹ By the first he means that commands bring it about that actions are obligatory, and obligations do not bring about commands; by the second he means that commands are the reason why actions are obligatory, and not vice versa. Both of these senses seem to be intended by those talking of the dependence of obligations on commands, and I shall take it that a Divine Command Theory is committed to both.

I wish to hold in view five different theories of the relationship between God and morality. The 'Reiteration Theory' holds that divine commands only and always reiterate moral truths which do not derive from divine commands. What I shall call the 'Pure Divine Command Theory' (the 'Pure Theory') holds that all moral properties are dependent upon commands. What I shall call the 'Deontic Divine Command Theory' (the 'Deontic Theory') holds that deontic properties (concerning obligation) are dependent upon divine commands, but that evaluative properties (concerning value) are independent of God. Both 'Divine Command Theories' are committed to the thesis that all obligations

6 Mark C. Murphy, 'Divine Command, Divine Will, and Moral Obligation,' *Faith and Philosophy* 15 (1998), 4; Peter Byrne, *The Philosophical and Theological Foundations of Ethics: An Introduction to Moral Theory* (Basingstoke: Macmillan 1999), 145; Philip L. Quinn, 'The Recent Revival of Divine Command Ethics,' *Philosophy and Phenomenal Research* supp. I (1990), 347-8; J.M. Idziak, 'In Search of "Good Positive Reasons" for an Ethics of Divine Commands: A Catalogue of Arguments,' *Faith and Philosophy* 6 (1989), 47; Alston, *Divine Nature and Human Language* (Ithaca: Cornell University Press 1989), 253; John Chandler, 'Divine Command Theories and the Appeal to Love,' *American Philosophical Quarterly* 22 (1985), 231; S.R.L. Clark, 'God's Law and Morality,' *Philosophical Quarterly* 32 (1982), 339; Baruch Brody, 'Morality and Religion Reconsidered,' in *Readings in the Philosophy of Religion: An Analytical Approach*, Baruch Brody, ed. (Saddle River, NJ: Prentice Hall 1974), 593.

7 Wierenga, 'A Defensible Divine Command Theory,' 389

8 Murphy, 'Divine Command,' 4

9 Quinn, *Divine Commands*, 47

derive from divine commands. The 'Divine Moral Fact Theory' holds that God is identified in some way with the set of moral truths. Finally, the 'Mixed Theory' holds that some, but not all, obligations are dependent upon commands. These theories do not exhaust the possibilities, but they all have serious defenders and will provide a starting point for discussion. The 'Euthyphro dilemma' of Plato's eponymous dialogue, opposes (roughly speaking) the Pure Theory (the first horn) to the Reiteration Theory (the second horn);¹⁰ as is clear, however, there are other 'horns' for those dissatisfied with Plato's two.

A typical and traditional theist attitude to morality might involve the claims that (a) at least some actions are both commanded by God (or the gods) and are obligatory, and (b) at least some of those actions are not (or would not be) regarded as obligatory in the absence of a command. This seems to me to be held in a very wide range of theist traditions, although I shall not attempt to show that; it is certainly the dominant pre-philosophical view of the traditions of Mediterranean and Western theism. Theories of God's relationship with morality can explain part (a) of this attitude, the at least partial coincidence of commanded actions and obligatory actions, by ultimate appeal either to the force of commands, with either version of the Divine Command Theory, or the prior moral status of the actions commanded, with the Reiteration Theory, or to both, with the Mixed Theory. How the Divine Moral Fact Theory fits in will be investigated below.

The Reiteration Theory, unlike the others, is not compatible with (b); it serves as a fall-back position for the theist if no alternative can be made out, and I shall not discuss it here. My strategy will be to develop three criticisms of the Pure Theory, which I shall then test the other theories against. The first is that the Pure Theory is logically incoherent, an objection I take to be fatal and inescapable. The second is that the Pure Theory makes it impossible for God to have any rational motivation for what he does or commands. The third is that it contravenes a group of principles about what is reasonable in legislation. The latter two criticisms are not decisive, but are supporting considerations against the theory.

One popular objection to the Pure Theory which can nevertheless be dismissed is that it makes moral commendation of God a trivial matter, since on the theory God is good by virtue merely of the definition (or origin) of 'goodness.' It is difficult to see why this is supposed to be problematic, since there is nothing to stop Pure Theorists either from using moral language to praise God or from conveying information by

10 Plato, *Euthyphro* 10a

saying that God is good, since giving a definition can be informative. Furthermore, in saying that God is good by definition Pure Theorists are in agreement with all those theists, the great majority, who say that God is essentially good, that is, good by definition. Once this is noticed the objection is likely to shift to the fact that the Pure Theory's definition gives 'God' priority over 'good,' and not 'good' over 'God.' However, worries about this are not about triviality, but about the issues arising from the subordination of morality to God, concerns covered in the other objections.

Sections II to IV will be dedicated to my critique of the Pure Theory; in Section V, I shall turn to the Deontic Theory, and in Section VI to the Divine Moral Fact Theory. Finally, in Part VII I shall argue that the Mixed Theory satisfies the demands made both by the objections to the Pure Theory and by traditional theist beliefs about God and morality.

II

As I have defined it, the Pure Theory holds that obligations depend on divine commands, employing both the senses of dependence distinguished above: first, that God's command brought it about that ϕ ing is obligatory (it caused it to be obligatory); second, that the reason why ϕ ing is obligatory is that God has commanded it, and something other than the obligatoriness of ϕ ing must be God's reason for commanding it, if, indeed, there is a reason. These two aspects of the theory are respectively the bases of the first two objections to it, the logical objection and the motivational objection.

The way I shall approach the logical objection will be through thinking about the 'naturalistic fallacy,' the alleged fallacy of deriving ethical conclusions from non-ethical premises. Since the Pure Theory bases itself upon non-ethical definitions of ethical terms, it seems to be in the same position as the 'naturalistic' theories which are criticized for falling into the naturalistic fallacy. The Pure Theory's partisan may feel comfortable in the company of the naturalistic theories; the difficulties I am interested in, however, arise from the fact that the obvious ways to defend ethical naturalism, whether they are ultimately thought to be successful or not, are not available to the Pure Theory.

One of the earliest and most familiar of the responses to the Naturalistic Fallacy is William Frankena's.¹¹ Frankena considered naturalistic

11 W. Frankena, 'The Naturalistic Fallacy,' *Mind* 48 (1939) 464-77

arguments such as the Epicureans': 'Pleasure is sought by all men; therefore, pleasure is good.' This is clearly invalid as it stands, but Frankena suggested that it is intended to be understood in light of the premise 'What is sought by all men is good.' This premise is a definition of the good, and as such it is the tacit foundation of the theory; there is no reason why the Epicurean should be embarrassed at this premise being made explicit. The argument 'Pleasure is sought by all men; what is sought by all men is good (by definition); therefore, pleasure is good' is perfectly valid.¹² Further, Frankena argued that the claim, made by G.E. Moore and others, that non-ethical definitions of ethical terms are impossible, simply begs the question against naturalism.¹³

In a later paper, however, Frankena points out that his defense of ethical naturalism does not seem to work for the Pure Divine Command Theory.¹⁴ In line with what has just been said, in order to be valid, an argument which started from the fact of a divine command and concluded with an obligation, would have to appeal to an extra premise, such as *P*.

P: For any moral agent *N*, and action ϕ , if God commands *N* to ϕ , then *N* is obliged to ϕ .

The trouble is, as Frankena says, if this suppressed premise is brought out it turns out that commands cannot create obligations without the assistance of a moral principle, *P*, which exists independently of commands. Indeed, this principle may be thought of as establishing the obligations acknowledged by the theory, and this contradicts the Pure Theory itself.

This result is avoided, however, with Elizabeth Anscombe's response to the naturalistic fallacy. To paraphrase her argument, what the naturalist needs to make an argument from natural premises to ethical conclusions valid is not an extra premise or principle, but a rule of inference.¹⁵ If the rule is valid, obligations just follow from natural facts, and that, indeed, is what the extra premises suggested by Frankena

12 Frankena, 'The Naturalistic Fallacy,' 469

13 Frankena, 'The Naturalistic Fallacy,' 474

14 Frankena, 'Is Morality Logically Dependent on Religion?' 299

15 G.E.M. Anscombe, 'On Promising and Its Justice, and Whether It Need Be Respected *in foro interno*,' in G.E.M. Anscombe, *The Collected Papers of G.E.M. Anscombe, Volume 3: Ethics, Religion and Politics* (Oxford: Blackwell 1981), 19-20

assert: in the case of the Pure Theory, that, without further ado, obligations follow from commands.

Anscombe's point is the application of a logical principle supported by Lewis Carroll¹⁶ and Gilbert Ryle,¹⁷ that a 'premise' which is logically necessary can be considered to be a rule of inference. The charge that an argument is enthymematic (that is, lacking a premise necessary to its validity) can therefore be rejected if the statement it lacks is logically necessary, since such a statement would amount to a universally valid rule of inference, rather than a premise required for this particular argument. In consequence, stating such a 'premise' adds nothing to the validity of the argument. Denying this principle would have the result that all arguments were enthymematic, since one always has to pass from the premises, however fully expressed, to the conclusion, and this must be licensed by a rule of inference. Naturalist theories say that moral claims follow from natural claims, which amounts to saying that there is a valid rule of inference licensing the inference from the former to the latter. The validity of this rule of inference may be disputed, but if it is valid, then naturalist arguments from natural facts to moral ones are themselves valid.

I shall accept this defense as a concession to the Pure Theory. What Anscombe's move means is that *P* need not be thought of as a foundational or justificatory principle, but merely as a logical truth, a rule of inference; this would seem to be more in the spirit of the Pure Theory, and perhaps of other naturalistic ethical theories as well. The Pure Theory's problems have not ended, however. *P* is a truth about morality, and the next question is, 'Does this moral truth follow from commands, or not?'

As a logically necessary truth, on most views *P* must obtain independently of God's commands. Even if God could establish logical truths by command, prior to *P*'s becoming a necessary truth his commands would have no moral force, so would not be able to give *P* moral force. (It is of course logical, not temporal priority, which is the issue here and throughout.) So in either case *P* cannot follow from commands; it must simply be a truth about them. But not only is *P* a moral truth independent of divine commands, but it implies yet others, including the truth 'It is obligatory to obey divine commands.' Turning back to the wording of the Pure Theory, which I adopted in line with its supporters, the Pure

16 Lewis Carroll, 'What the Tortoise said to Achilles,' *Mind* 4 (1895) 278-80

17 Gilbert Ryle, "'If,'" "So," and "Because,'" in *Philosophical Analysis*, Max Black, ed. (Ithaca: Cornell University Press 1950), 328

Theory rules out any obligation which does not depend on divine commands. But if *P* is true, and independent of divine commands, the obligation to obey divine commands does not depend on divine commands.

This is the logical objection to the Pure theory, and it may be summarized in this way. The obligation to obey divine commands does not bind us, on pain of a vicious regress or vicious circularity, by virtue of a divine command: no command, clearly, could establish the obligation to obey commands. It is partly to deal with this problem that we have recourse to *P*, whether we interpret it as a principle or as a rule of inference. On either interpretation, if it succeeds in doing its job, of establishing that we are obliged to obey divine commands, which is to say, that obligations 'just follow' from commands, then it has already done too much, for it has established an obligation, the obligation to obey divine commands, which is independent of any divine command. This means that the Pure Theory is false: *not* all obligations depend on divine commands. *P* is implied by the Pure Theory, but is also incompatible with it.

It may be said that the obligation to obey divine commands is not a separate 'obligation' to the obligations to do this or that commanded action. But no set of commands could have established the truth of the generalization 'It is obligatory to obey divine commands,' because unless that was true prior to the commands they would not have any moral force, and could not have established any moral truths.

It should be emphasized that this is not a problem for other versions of naturalism. Conventional naturalism must accept the necessary truth of *P**:

*P**: For any moral agent *N*, and action ϕ , if ϕ has the natural properties *ABC* then *N* ought to perform ϕ .

To give a value for the properties *ABC*, let us say that *ABC* actions meet human biological needs ('needs'). Now, it follows from *P** both that needs imply obligations, and also that we are obliged to do actions which meet needs. Accordingly, it would not be possible for a naturalist to say 'All obligations follow from needs,' since the obligation 'to do actions which meet needs' does not (except in the trivial sense that if it is a truth of logic it follows from anything). But there is no reason why the naturalist should insist upon that strong claim; it is enough for naturalism that *P** is true and logically necessary. By contrast, the Pure Theory *must*, by definition, insist on the equivalent strong claim, that the obligation to obey divine commands follows from divine commands.

To summarize, the objection is not that the Pure Theory attempts, with other naturalist theories of ethics, to infer ethical conclusions from non-ethical premises; that is a separate issue. The problem is that it is

committed to saying that the obligation to obey divine commands derives from divine commands, and this — patently — is incoherent.

III

The motivational objection is related to this. According to the Pure Theory, prior to God's commands there are no principles or values such as could give anyone reasons for action; prior to commands, actions have no value or disvalue of any kind. (One might either say 'Everything is permitted' or, alternatively, that moral terms, including 'permitted,' have no application.)¹⁸ Clearly, then, God could have no motivation or reason for commanding one thing rather than another, and it must be just chance or whim that he commanded love rather than hate. (It would not even be a matter of irrational urges, since God is not subject to these.) Similarly, God would have no reason to do one thing rather than another, or to do anything rather than nothing, prior to his own commands. To be precise, it would not be possible for God to see the *point* of promoting human flourishing rather than promoting human misery, since it would *have* no point in advance of, that is, logically prior to, his decision to command its promotion, and its point will always be vulnerable to a change of mind on God's part. Paul Rooney suggests that on the Pure Theory the point of divine commands could be to provide us with 'an opportunity for showing obedience,'¹⁹ but obedience itself, like everything else, would have no moral point prior to commands, and God would have no more reason to promote obedience than to promote disobedience.

It is worth noting that the idea that God would have no reason to do one thing rather than another has not only been accepted by many theists, but has actually attracted them to the Pure Theory, since it has seemed to be required by divine freedom and God's status as the Uncaused Cause.²⁰ This consideration cannot be assessed here, and notwithstanding its force it remains (surely) disturbing that God should have absolutely no reason or motive not to break his promises or to damn the blameless, and a theory which avoided this result would in that respect be preferable.

18 Quinn, *Divine Commands*, 31-2

19 Paul Rooney, *Divine Command Morality* (Aldershot: Avebury 1996), 112

20 Rooney, *Divine Command Morality*, 40; Idziak, 'In Search of "Good Positive Reasons,"' 49-51, 57, 60

It is often said that we would have insufficient reason to think that a command to do some hateful action actually came from God.²¹ This does nothing to protect us from the problem of God *acting* arbitrarily, but more fundamentally it attempts to apply to the Pure Theory canons of epistemology which the theory falsifies. It is natural for us to give weight to those of our moral instincts which have been nourished by some contact with whatever makes moral claims true, whether that be social practice, or some rational extrapolation from it, a moral reality to which we have perceptual or intuitive access, or something else. However, according to the Pure Theory it would be a mere coincidence if our current set of intuitions bore any relation to the truth, since God could vary his commands at whim. We would have no reason, in the abstract, to question the divine origin of any command whatsoever. Given that, on the theory, God is not limited to commands of a certain moral content, he would presumably give his creatures non-moral criteria for distinguishing his commands; indeed, he is generally taken to do this in any event.²²

IV

The third objection starts with Kant's, whose attack on God's moral authority (of the kind envisaged by the Pure Theory) turns on the question of universality. As he remarks in the *Groundwork of the Metaphysics of Morals*:

the universality with which such [moral] laws ought to hold for all rational beings without exception ... is lost if the basis of these laws is taken from the particular constitution of human nature or from the accidental circumstances in which such nature is placed.²³

21 Clark, 'God's Law,' 346; Hugo Meynell, 'The *Euthyphro* Dilemma II,' *Proceedings of the Aristotelian Society*, Supplementary Volume 46 (1972), 232

22 Rooney, *Divine Command Morality*, 28; Philip L. Quinn, 'Religious Obedience and Moral Autonomy,' in *Divine Commands and Morality*, Paul Helm, ed. (Oxford: Oxford University Press 1981) 49-66; Immanuel Kant, *Religion within the Limits of Reason Alone* (1793), T.H. Greene and H.T. Hudson, trans. (New York: Harper Torchbooks 1960), 175; contrary to Alasdair MacIntyre, 'Which God Ought We Obey and Why?' *Faith and Philosophy* 3 (1986), 363

23 Immanuel Kant, *Grounding for the Metaphysics of Morals* (1785) in I. Kant, *Ethical Philosophy*, J.W. Ellington, trans. (Indianapolis: Hackett 1983), 442

It cannot be just a matter of historical contingency, Kant claims, that a moral rule should be true, because all moral rules should be universally binding.

Taken as a matter of formulation, it would seem that the pure theorist could claim that all the rules established by divine commands follow from the universally valid *P*. ('For any moral agent *N*, and action ϕ , if God commands *N* to ϕ , then *N* is obliged to ϕ .) But Kant's point is not just about formulation, but moral epistemology. With respect to God, it can be defended in this way. Kant claims that high level, universal moral laws are knowable by rational beings; the empirical circumstances which make lower level, particular rules, which are applications of the high-level ones, true are in principle accessible to humans as well. But while the high level, universal principle *P* might, arguably, be rationally knowable, the lower level rules which derive from it are made true by a strange type of empirical circumstance, namely divine commands, which are not necessarily accessible to us even in principle. As Kant says in *Religion Within the Limits of Reason Alone*,

Suppose, now, that a particular church were to assert that it knows with certainty the manner in which God supplies that moral lack in the human race, and were also to consign to damnation all men who are not acquainted with that means of justification which is unknown to reason in a natural way, and who, on this account, do not accept and confess it as a religious principle²⁴

This worry stems from the possibility of combining the way commands are traditionally taken to be revealed with the idea that commands establish universally binding moral principles from scratch. God could issue commands establishing universal principles, but reveal them, if to anyone, only to a particular group of people at a particular historical juncture, even if that group were isolated from others by uncrossable mountains and seas. In contrast to the moral ignorance inevitable in a realist conception of ethics, to which Mark Murphy appeals on this issue,²⁵ what is at stake here is, first, the possibility that we will remain ignorant of true and relevant moral principles no matter what empirical and philosophical investigations we took in hand, and second that our obligation will be one we should be blamed (and punished) for failing to fulfill. I shall call Kant's principle, that obligations should be known to those subject to them, the 'knowability' principle.

24 Kant, *Religion*, 158-9

25 Murphy, 'Divine command,' 8

This objection, that the Pure Theory breaches the knowability principle, is of considerable historical importance. Kant himself combined it with a version of the Reiteration Theory,²⁶ but others have taken these arguments in a different direction. Søren Kierkegaard's acceptance (in his *Fear and Trembling*) of Kant's argument led him to place the force of divine commands entirely outside 'ethics,' which he identified with 'the universal.'²⁷ The unfortunate contrast between divine commands and ethical principles has been maintained by many in the Protestant tradition.²⁸ Conversely, support for the knowability principle, which was also championed by Thomas Aquinas,²⁹ has pushed some theorists in the Catholic tradition towards the Reiteration Theory.³⁰ Although it is possible for pure theorists to bite the bullet and insist that 'there might be moral requirements that God has not told us about yet,'³¹ it would clearly be preferable for a theory of divine commands to satisfy the principle in some way that relieved this polarization of the debate.

Although most familiar, this objection is only one of a whole group of similar possible objections. Just as it seems unreasonable for God to require what we cannot know he requires, so it seems unreasonable for God to impose on us retroactive, incomprehensible, contradictory, or otherwise impossible requirements, constantly changing requirements, or requirements which are not congruent with divine reward and punishment. I take this list from Lon Fuller,³² who argued that state laws

26 See Joseph Shaw, 'The Virtue of Obedience,' *Religious Studies* 38 (2002) 63-75.

27 Søren Kierkegaard, (1843) *Fear and Trembling; Repetition* (Princeton: Princeton University Press 1983), 59

28 Karl Barth, *Church Dogmatics* (Edinburgh: T. & T. Clark 1956-1969) Part III vol. 4, 215; Karl Barth, *Ethics* (Edinburgh: T. & T. Clark 1981), 63; Rudolf Karl Bultmann, *Jesus and the Word* (London: Nicholson and Watson 1935), 103

29 Thomas Aquinas, *De Veritate* q.23 a.7 ad 1

30 Vincent MacNamara, 'Ethics Human and Christian' in *Ethics and the Christian*, Seán Freyne, ed. (Dublin: Columba Press 1991), 86, 89; Herbert McCabe, 'Obedience,' in *God Matters*, Herbert McCabe (London: Mowbray 1987), 226-30; Bruno Shuller, 'The Debate on the Specific Character of Christian Ethics: Some Remarks,' in *The Distinctiveness of Christian Ethics*, C.E. Curran, ed. (New York: Paulist Press 1980), 216; Eric D'Arcy, "'Worthy of Worship': A Catholic Perspective," in *Religion and Morality*, Outka and Reeder, eds., 192, 195f., but see 198f. on special commands; Josef Fuchs, *Natural Law: A Theological Investigation* (Dublin: Gill 1965), 20, but see 21 on 'positive law.'

31 Murphy, 'Divine command,' 9

32 Lon Fuller, *The Morality of Law*, 33-94

which are not promulgated, prospective, comprehensible, and so on are legal failures, and less 'law' than they would otherwise be. The Pure Theorist may want to take advantage of this idea to claim that only promulgated, etc., commands are to count, for the purposes of the theory, as 'commands.' However, this move could not claim support from any legal parallels, even as interpreted by Fuller. His point is that a set of rules which systematically failed to keep what he calls the 'morality of law' would fail utterly to serve the purposes law is designed (according to Fuller) to serve: it could not guide human conduct. For this reason, it would not succeed in being a 'legal system' as we understand the term. This is not primarily a logical or definitional point, but a moral one. Fuller is doing for the state what the Pure Theory cannot do for God, namely judging its requirements by moral considerations. To say that *by definition* divine commands only count as such insofar as they are promulgated, etc., would amount to saying that they are only commands if they conform to independently known moral criteria; but there are no such criteria according to the Pure Theory. In deference to Fuller's terminology, I shall call this wider objection the objection of the morality of law.

In summary, the familiar knowability principle holds that it is unreasonable to require conformity with rules which those subject to them do not know. This is a moral principle which must be independent of any divine command, since it is supposed to govern commands. It has intuitive plausibility, but it is difficult to know how it could be defended further, and the Pure Theory's supporters could simply deny it. However, it is joined in its role of governing commands by the other principles from Fuller's list: requirements should not be retroactive, incomprehensible, contradictory, otherwise impossible, or constantly changing, and they should be congruent with divine reward and punishment. Taking these together, it seems to be utterly unreasonable that divine commands should be entirely free from these considerations. Possibly the reason they have not been cited more often against the Pure Theory is that it has been taken for granted that commands will by and large conform to them. The Pure Theory, however, does not give us any reason to take this for granted. Although its supporters can still deny that any of these principles are valid, this seems to be an extremely uncomfortable position for them to hold.

V

These three arguments, I take it, issue a powerful challenge to the standard Pure Theory. The 'motivational' and 'morality of law' objections are not fatal to it, since a determined partisan of the Pure Theory

could accept their consequences. Their role is to show ways in which the Pure Theory is unattractive, since it makes God's actions and commands arbitrary, and breaches the reasonable principles of the morality of law. But the logical objection is fatal: there is no sense to be made of the notion that our obligation to obey God derives from a divine command.

The Deontic Divine Command Theory, to which I now turn, has been put forward as a way of avoiding certain objections to the Pure Theory without abandoning the principle that all obligations derive from commands. It claims that while moral facts of some kind obtain prior to commands, commands retain the role of creating obligations.

The idea that God adds deontic properties to a world which already contains evaluative properties was popular in the seventeenth century, notably with Francisco Suarez,³³ more recently it has been put forward by Robert Adams³⁴ and other philosophers,³⁵ and seems to be the position of Karl Barth.³⁶ For Suarez and Adams (though perhaps not for Barth) God is guided in the commands he issues, by values which do not in themselves have any implications for obligation. God's responsiveness to these values is expressed by Adams in the early version of his theory as saying that he is 'loving,' a judgment which itself makes use of those ('non-theological') values.³⁷ In his later work, Adams has identified the pre-existing values with God himself.³⁸ In either case, this seems to answer the motivational objection. Adams further claims that humans are motivated by these values to obey God, either out of gratitude (in the early version)³⁹ or because of a combination of factors connected with our relationship with God, his 'excellence,' and the goodness of his commands (in the later version).⁴⁰ In either case again, this is taken to answer the logical objection.

33 Francisco Suarez, *De Legibus* Book II c. 6. See John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press 1980), 47, n. 63

34 Adams, 'A Modified Divine Command Theory,' 109; Adams, *Finite and Infinite Goods*, 249-58.

35 Alston, *Divine Nature*, 261; Wierenga, 'A Defensible Divine Command Theory,' 393-4; Basil Mitchell, *Morality: Religious and Secular* (Oxford: Clarendon Press 1980), 155

36 Barth, *Ethics*, 69-70, 77

37 Adams, 'A Modified Divine Command Theory,' 115

38 Adams, *Finite and Infinite Goods*, 13-49

39 Adams, 'A Modified Divine Command Theory,' 107

40 Adams, *Finite and Infinite Goods*, 252-4

With regard to the morality of law objection, the Deontic Theory faces a dilemma. On one interpretation, or one horn of this dilemma, all actions which are fit to be commanded by a loving God, and only those actions, would actually be commanded. This would avoid the objection, and seems to be Suarez's position; it also implies that there will always be a determinate best action, which God will inevitably perform.⁴¹ The problem with this is that it makes God something of a fifth wheel, since obligations could be read off from the evaluative properties which actions have in the absence of commands. John Chandler, who makes this point, claims that this is the inevitable result of such a theory.⁴² But this is not the case: there is no reason to expect God to make *obligatory* all actions which are merely *good*: some may be left as supererogatory. The constraint on God is simply to command in harmony with the values, and this could be done in many ways, just as there are many ways for a human to live in harmony with them. This seems to be Adams' position,⁴³ but this horn of the dilemma does not avoid the morality of law objection. On this view, when God assesses the reasons for action in the absence of commands there will be values which count against unpromulgated, etc., commands, such as 'fairness,' and also values in favor of them, such as 'peace,' since such commands would, for example, enable God to punish pre-emptively. It will not be true that God *ought not* to act in favor of peace at the expense of fairness, for that can only be true if the value of fairness has deontic implications. Accordingly, on Adams' view, there is no reason to suppose that God will respect the morality of law.

This, then, presents some difficulties for the Deontic Theory, but the theory's answer to the logical objection is even less satisfactory. The problem stems from the nature of the pre-existing values. They are to generate reasons for action, but the claim is that these reasons for action will never, on their own, create an obligation to act. In itself this is difficult to swallow: it is hard to see how an agent could recognize fully the strength of the reasons in favor of throwing a life-belt to someone who was drowning, and yet not be obliged to do so. This thought suggests that, at least in some instances, a command from God is not necessary for an obligation. Suarez held, in common with the consensus

41 Alston, *Divine Nature*, 257-8

42 Chandler, 'Divine Command Theories,' 236

43 R.M. Adams, 'Divine Commands and the Social Nature of Morality,' *Faith and Philosophy* 4 (1987), 273; Adams, *Finite and Infinite Goods*, 255-6

in his time, that the notion of 'obligation' implied the demand of a superior will,⁴⁴ and a similar idea seems to be behind Barth's view,⁴⁵ but there seems little reason to agree.

However, it is equally problematic for the theory if, as it claims, there can indeed be no obligation arising from these values on their own, for then moral agents will after all have no obligation to obey divine commands. Adams has emphasized consistently that we have good reasons to keep God's commands, such as arise out of our relationship with God. But he cannot have it both ways. Either these reasons on their own establish that we are obliged to obey God, in which case it is no longer true that all obligations derive from God's commands, or they do not, in which case we have no obligation to obey divine commands. There is nothing else available to establish the obligation to obey commands, except the commands themselves, but, to labor the point, they cannot establish the obligatoriness of anything logically prior to it being true that we are obliged to obey divine commands. The original logical objection has not been evaded: if the only thing which can establish obligations is a divine command, it leads to a vicious circle or a vicious regress to suppose that some prior command gave this command force, so there can be no obligation to obey commands.

VI

In the light of the difficulties faced by the Divine Command theories, some theorists have attempted a rather different approach. According to the Divine Moral Fact Theory values do not, indeed, depend upon God's will, but are somehow identified with him. Such a position is attributed to Aquinas by Frederick Copleston (though see Section VII below), who distinguishes between God's will and his essence: morality does not depend upon the former, but the latter.⁴⁶ A similar approach is taken by Keith Ward. First, he recognizes as intolerable the position that God's will is 'completely unconditioned and therefore arbitrary.'⁴⁷ However, he insists that God's will is 'the Moral Fact which determines the truth

44 See Finnis, *Natural Law and Natural Rights*, 45-9, 54f., 342-3, 350.

45 Barth, *Ethics*, 74

46 Frederick Copleston, *A History of Medieval Philosophy* Vol. 2 (New York: Image Books 1993), 410. Copleston is presumably thinking of *De Veritate* q. 23 a. 6.

47 Keith Ward, *Ethics and Christianity* (London: Allen and Unwin 1970), 89

of our value judgments.⁴⁸ The solution is 'to identify the will of God with the 'realm of values' which constitutes the goodness of things.'⁴⁹

This kind of view has established a following,⁵⁰ but it is seldom made clear whether the values identified with God have deontic implications. If they do, then the theory cannot uphold the claim that all obligations derive from divine commands:⁵¹ some, after all, will derive from values without any command. If the values have no deontic implications, then as with the Deontic Theory they may supply God with motivation in commanding and acting, but they cannot save the theory either from the morality of law objection or the logical objection. On the latter, to repeat, no command can establish the authority of commands without a vicious regress or circularity.

The basic move of the theory is to separate the question of moral values pre-existing commands from the question of moral values being separate from or independent of God. This is a valid point, and can be used in more than one way. J.S. Mill recommended it to sweeten the pill of the Reiteration Theory;⁵² William Alston⁵³ and, as already mentioned, Robert Adams in his later work,⁵⁴ both attach it to the Deontic Theory; it could equally be appended to the Mixed Theory, allowing us to say that although values do not all derive from commands, they need not be seen as something separate from God, constraining him from without and so on. But in itself this does nothing to determine the relationship between God's commands and these values, or to uphold God's right to issue binding commands. For it actually makes no difference to the issues in

48 Ward, *Ethics*, 90

49 Ward, *Ethics*, 89

50 Richard J. Mouw, *The God Who Commands* (Notre Dame, IN: University of Notre Dame Press 1990), 20; James G. Hanink and Gary R. Mar, 'What Euthyphro Couldn't Have Said,' *Faith and Philosophy* 4 (1987), 245; Alasdair MacIntyre, 'Which God Ought We Obey and Why?' *Faith and Philosophy* 3 (1986), 361; Elenore Stump and Norman Kretzmann, 'Absolute Simplicity,' *Faith and Philosophy* 2 (1985) 353-82; Norman Kretzmann, 'Abraham, Isaac, and Euthyphro: God and the Basis of Morality,' in *Hamartia, the Concept of Error in the Western Tradition*, D.V. Stump, E. Stump, J.A. Arieti, and L. Gerson, eds. (New York: Edwin Mellen 1983); Peter Baelz, *Ethics and Belief* (London: Sheldon Press 1977), 70

51 Rooney, *Divine Command Morality*, 40

52 John Stuart Mill, 'The Utility of Religion,' in J.S. Mill, *Collected Works* Vol. 10 (London: Routledge 1969), 424

53 Alston, *Divine Nature*, 268-9, 272-3

54 Adams, *Finite and Infinite Goods*, 13-49

play here whether the pre-existing values are identified with God or not; the questions must still be settled: How tightly do they bind him? and Do they leave room for commands to create obligations?

VII

It should now be clear that no theory of God's involvement in morality will be successful unless it concedes that the claim 'It is obligatory to obey God's commands' is a moral truth, implying a moral obligation, or a set of obligations, which does (do) not depend upon any divine command. When this is done, the logical objection will finally be avoided, at the price of admitting that not all obligations depend on God's commands. In fact, theorists discussing the 'Divine Command Theory' sometimes make this concession,⁵⁵ despite their profession that the theory holds that all obligations depend upon God's commands.⁵⁶

The claim that at least some obligations and values exist prior to commands not only solves the logical objection but gives God proper motivation in acting and commanding, and makes it possible to claim that God is bound by the morality of law. Despite these advantages the Mixed Theory has been comparatively neglected in the contemporary debate, although it has been put forward by Richard Swinburne.⁵⁷ This is surprising, since it was very much the mainstream Christian view from Augustine (and before) to the sixteenth century.

The Mixed Theory may appear unattractive because it seems to concede too much, leaving God with too limited a sphere of action and command, contrary to his perfect freedom, power and creativity. It is worth emphasizing, therefore, that it is possible to conceive of the moral truths independent of God in an extremely minimal way. To draw together suggestions made in the course of the above discussion, the least that the Mixed Theorist need concede is the truth of a rule of inference which allows that obligations follow from divine commands without the necessity of any further premises. Such a rule of inference cannot be held to constrain God in any way, any more than other truths of logic.

55 Wierenga, *The Nature of God*, 229; Wierenga, 'A Defensible Divine Command Theory,' 392; Quinn, *Divine Commands*, 111, 298

56 Wierenga, *The Nature of God*, 215; Wierenga, 'A Defensible Divine Command Theory,' 387; Quinn, *Divine Commands*, 27

57 Swinburne, *The Coherence of Theism* (Oxford: Oxford University Press 1993), 209-15; cf. Brody, 'Morality and Religion Reconsidered,' 594

Furthermore, this truth may be taken to follow from, or be identical with, God's own perfect goodness. Nevertheless, this rule of inference will be a source of obligations which do not depend upon divine commands; commands will be the source of further obligations.

Such a minimal Mixed Theory seems to have been held by John Duns Scotus. Asking in what sense God could be described as just, Scotus replies that

legal justice can be postulated of God if there were some other law antecedent to any decision of his will... Now, there is indeed this law, "God should be loved" — if one ought to call it a "law" rather than a practical principle of law; and in any case it is a practical truth that is prior to any decision on the part of the divine will. As for particular justice, however ... his will is determined by its very rectitude to will what is becoming to his goodness.⁵⁸

This combines both the features mentioned. First, I take Scotus' 'practical principle of law' to be something close to what I have been calling a rule of inference. Second, it is not hard to see how the principle 'God should be loved' can be derived from God's own value. This is also the position of Thomas Aquinas' early work *De Veritate*, which I take to be the source of Copleston's interpretation mentioned above.⁵⁹

Importantly, in neither Scotus nor Aquinas is there any embarrassment over the idea that something other than a command could create an obligation. Scotus emphasizes that the principle that God should be loved necessarily implies the early commands of the Decalogue, to love, honor, and worship God, without the intervention of commands.⁶⁰ This 'Natural Law' is contrasted with the 'Divine Law' which fills in the rest of morality by command, notably by specifying ways of life conducive, but not (prior to any command) absolutely necessary, to salvation.⁶¹ Aquinas' early position is equally clear that justice derives not from God's will, but from 'a certain "correctness," as Anselm says, or "equation," as the Philosopher teaches,' of an agent with regard to God as his final goal.⁶²

58 Scotus, *Ordinatio* IV dist 46, in Allan B. Wolter, *Duns Scotus on the Will and Morality* (Washington, DC: Catholic University of America Press 1997), 183

59 Aquinas, *De Veritate* q.23 a.6

60 John Duns Scotus, *Ordinatio* III suppl dist 37, in Wolter, *Duns Scotus*, 202

61 On the Sabbath commandment, see Scotus, *Ordinatio* III suppl dist 37, in Wolter, *Duns Scotus*, 203; on monogamous marriage, see *Ordinatio* IV dist 33 q1, in Wolter, *Duns Scotus*, 209-11.

62 Aquinas, *De Veritate*, q.23 a.6 r

This minimal Mixed Theory may be the most comfortable resting-place for those who are concerned to maximize God's room for manoeuvre, but for the sake of completeness I should point out the disadvantage of such a minimal version of the Mixed Theory. Scotus claims that God is the most valuable thing in the universe, and that this value has deontic implications. It would be strange to say that nothing else in the universe is of any value at all, and Scotus does not say this; but this being so it is not clear why these other objects of value, such as human flourishing, should not have deontic implications as well. To admit that they do would be to admit extra sources of human obligation prior to commands. Without neglecting the role of Divine Law in morality, this seems (contrary to Copleston) to be Aquinas' mature position: God has made certain valuable things in creation, and the value of these things can itself establish obligations.⁶³ It follows that God is the chief, but not the sole, object of value in the universe with deontic implications; the other valuable things, of course, are created by him. The recognition that valuable created objects have implications for what we should do prior to any commands seems to be the most consistent and plausible position, if not the only possible one.

To conclude, in all its versions the Mixed Theory avoids the three objections to the Pure Theory. Thus it does not suggest, absurdly, that the moral force of divine commands derives from divine commands. It does not deprive God of any rational motivation for commanding and acting in one way rather than another. And it does not have the result that God could just as well issue and demand obedience to commands which could not be known, or retroactive, incomprehensible, contradictory, or otherwise impossible commands, constantly changing commands, or commands which were not congruent with divine reward and punishment: that is, it allows the force of the morality of law. The Mixed Theory avoids these objections, moreover, without sacrificing the traditional theist claim, that at least some obligations are dependent upon divine commands. It might be said that I am, and perhaps the Medieval theorists were, too easy on the Mixed Theory in making this limited demand upon it. The limited demand is, however, adequate to explain the divine commands one finds in authoritative theist sources such as the Christian and Jewish scriptures, which seem to be innocent of meta-ethical claims. Not only that, but at least in some passages those same sources give some support to the knowability principle. Both Amos⁶⁴ and

63 Aquinas, *Summa Theologica* a 2ae q.94 a.2; cf. Aquinas, *De Veritate* q.21 a.4

64 Amos 2.4

Paul,⁶⁵ for example, make a clear distinction between condemning the Chosen People for breaking God's special commands revealed to them, and condemning non-believers for infringing universal moral principles. Even if the universal principles are understood as having been commanded, and then universally promulgated in some special way, as Scotus suggested,⁶⁶ Amos and Paul, like Scotus, are sensitive to the need to show that people will be judged according to the moral principles to which they have access. This sensitivity to one of the requirements of the morality of law is incomprehensible on the assumption of the Pure Theory: that divine commands could make anything whatsoever obligatory, and that God has simply no reason to promote human salvation.

Received: April, 2001

Revised: January, 2002

Revised: May, 2002

65 Romans 2.16

66 Scotus, *Ordinatio* III suppl., dist. 37 ad 3, in Wolter *Duns Scotus*, 207

