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Divine Command Ethics: An Argument in Favor of the Command Over the Will
Formulation

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Abstract

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Fred Richard Jensen

Since the 1970s, contemporary ethical theories metaphysically grounded in the activities of God have enjoyed a resurgence of philosophical interest. These so-called "divine command" theories can be divided into two major formulations: command and will. Today, most of the notable "divine command" ethicists embrace the will formulation in preference to the command formulation.

In this work I will defend the command formulation from some important attacks and argue that the will formulation suffers from such a fundamental and, I believe, serious problem that it should be rejected in favor of the command formulation. I will also develop solutions to some of the "puzzles" that have caused some ethicists to think that the will formulation is superior to the command formulation, demonstrating that the latter is actually superior to the former in solving these "puzzles". In so doing, I will argue that the "axiological" or "goods-priority" approach employed by almost all current divine command theorists is a mistake, and I will argue for a much more formalistic, somewhat Kantian sort of divine command theorizing. I will conclude that future efforts in the development

of divine command ethics would be made much more plausible by employing a quite austere version of the command formulation.

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Introduction

A number of relations between God's activities and morality have been proposed, all of which fall under the general heading of what has been commonly and sweepingly called "Divine Command Theory". However, the various proposed relations actually break into three major theoretical formulations: command, will, and causal. As I will explain momentarily, I do not believe that the causal formulation merits significant discussion here; I will instead focus our attention on the two remaining formulations of what, for lack of a better blanket term, I will now call "divinity-based ethical theories" (DETs). While the majority of current effort spent developing DETs has been devoted to the will formulation, in this volume I will argue that the will formulation is so fundamentally flawed that future efforts would be better spent developing DETs in the command formulation.

For clarity, distinguishing between the various formulations is crucial, and the potential for terminological confusion is significant. For example, as we have noted, modern DE-theorizing enjoys the blanket term, "Divine Command Theory". However, as is widely recognized, the will formulation cannot properly be called a "Divine *Command* Theory" at all. Let us, then, briefly distinguish between the three formulations.

DCT "Divine Command Theory." The *command formulation* includes all divine *command* theories, in the strict sense of that term; such theories posit that God's commands (regardless of what God wills) are the metaphysical foundation of (at least some of the) ethical facts.¹

DWT "Divine Will Theory." The *will formulation* includes all the so-called divine *will* theories, the hallmark of which is the claim that God's will (or intention), whether or not that will is ever expressed (particularly in command form) is the metaphysical foundation of (at least some of the) ethical facts.

The "metaphysical foundation" aspect of the distinction between these two has been neatly summarized by Murphy:

... part of the distinctiveness of DCT [is] its affirmation that God's commands do not simply inform us of the existence of certain obligations, but impose the obligations on us. But note that if we decide that it is the will of God and not His commands that does the work, then we must... hold that according to DCT God's commands are relevant to morality only in an informative capacity, because they express to us what the content of God's will is.²

Causal Theories "Causal theories," or, "divine causal theories," as they are sometimes called, posit that God created all the moral facts in a one-time creative act, similar to His creation of all of the physical, logical, mathematical, and any

¹ This is ambiguous, but many varieties of metaphysical relations have been proposed. It is not the purpose of this project to discuss these relations, and the course-grained distinction I do draw here will suffice for our present purpose.

² Here some of the potential for terminological confusion becomes apparent. In this passage (Murphy: 10), the first use of "DCT" means strict DCT, while the second occurrence means the will formulation, what I have called "DWT".

other facts He created at the event of creation. Such theories are generally associated with an assertion that moral facts are abstract entities (of some sort), possibly discoverable by some *special* facility of human intuition (of some sort), such as we hear about in Moore's intuitionism.³ I do not propose to discuss causal theories any further. I mention this formulation here for completeness, but, because I believe that such theories have been debunked, I will devote no more time to this formulation. I now assume a DET dichotomy between DCT and DWT.

Another point of possible terminological misunderstanding arises with the term, "deontology." It can be used in both narrow and broad senses, depending upon its context. Usually the context will help make the sense of the term clear. However, clarity can be improved even more at this juncture. The most common usage of "deontology" denotes it as a strand of ethical theorizing, most usually in contrast with consequentialism. I will use the term in this context as "narrow deontology," or "n-deontology" for short. However, "deontology" can also be used to refer to ethics in a broad sense, in contrast with axiology (Quinn 1978). I will refer to this usage as "broad deontology," or "b-deontology" for short. So, it is important to understand that n-deontology is opposed to consequentialism, while b-deontology is opposed to axiology. I do not here suggest that n-deontology is akin to b-deontology or that consequentialism is akin to axiology. These two distinctions are independent. I will say more on these points in the next Chapter. With this clarification, we are now ready to proceed.

³ I do not limit Causal theories to only the epistemologically occult. Kant's ethical rationalism could be construed as consistent with a Causal theory, although it need not be.

As I write, most proponents of DET currently argue for some version of DWT. Most notably, Philip Quinn now argues for DWT, although his earliest work on the subject seems to reflect a DCT orientation, and he continues to call his work a species of "divine command theory". Regardless of what he calls it, the recent Quinn does explicitly assert that the metaphysical foundation of moral facts is the divine will. What have Quinn and others found so appealing in DWT over DCT?

The article by Mark Murphy, from which I quoted just above, argues in favor of a particular DWT over all variants of DCT, and his arguments seem to well summarize the motivations behind the adoption of DWT in general. Indeed, Quinn (2000) and others refer to Murphy's article as providing the sort of argumentation that they espouse, particularly Murphy's handling of Aquinas' distinction between God's antecedent and consequent will. So, while this dissertation does directly respond to Murphy's article, it is also designed to be a more sweeping response to the direction of thinking in current DE-theorizing of which Murphy's article is an exemplar.

This present volume cannot be (and does not rely upon) a survey of the literature on DETs over the millennia. Nor is one of my goals to place contemporary DETs in their historical context; that work has been partially accomplished throughout the contemporary literature insofar as it refers to earlier works when appropriate. Any historically interested reader familiar with the

contemporary literature can easily find such references. I would also direct the historically interested reader to Janine Idziak's excellent article: "In Search of 'Good Positive Reasons' for an Ethics of Divine Commands: A Catalogue of Arguments." Another work filled with historical references is Paul Rooney's "Divine Commands and Arbitrariness." My goal for this present work is very narrow, and it surveys a very narrow time slice in the debate. My goal is to evaluate the debate regarding DETs *now*, and the literature appearing within the last several decades is the most relevant to that project.

As Murphy indicates, there seem to be two primary reasons that would/should motivate DE theorists to adopt DWT: first, apparent serious problems with DCT, and second, the apparent "puzzle-solving" superiority of DWT over DCT. For example, DWT is alleged to best respond to such puzzles as Abraham's attempted sacrifice of Isaac (which includes an apparent divine command in violation of the Decalogue) (Murphy: 9). The "puzzle-solving" aspect of DWT is a very intriguing issue, one that will be treated in Chapter 6. There I will demonstrate that DCT is actually superior to DWT in solving some classic puzzles.

However, first we must get clear on how DETs are supposed to work, which will be the focus of Chapters 1, 2, and 3. From that vantage point we can then discuss the reasons why DW-theorists believe that DWT is superior to DCT and defend against objections to DCT. This discussion will be the focus of Chapter 4. Then it will be appropriate in Chapter 5 to demonstrate why I believe that DWT is not only inferior to DCT, but that DWT cannot be sustained as a plausible approach

to developing a DET. If I am successful in my efforts, I will then have shown that DCT can defend against attacks brought by DW-theorists, that DWT suffers from such a serious problem that it is rendered highly implausible, and that DCT can offer more plausible responses to some classic puzzles than can DWT. I will conclude that, despite the current popularity enjoyed by DWT among DE-theorists, DCT should be the formulation by which future work on DETs is carried forward.

Because I will refer to the puzzles repeatedly throughout this work, I should briefly outline what these puzzles are and why DE-theorists find them in need of solution. Many sorts of objections have been levied against DETs, but I am not concerned with answering these (although it bears repeating that, as Quinn says, "... it does seem to me that so far the defenders [of DET] have had the better of the argument" (1990)). Instead, my focus here is upon puzzles that have served to motivate DW-theorizing over DC-theorizing. There are three, which I refer to as: Abraham's Puzzle, the Euthyphro Dilemma, and Rachels' Objection. I will explain these in order.

Abraham's Puzzle

One of the most apparently problematical puzzles DETs have considered over the millennia is what I will call "Abraham's puzzle." The significance of this puzzle for DETs is two-fold: 1) on a general level the puzzle denotes the sort of

thing that supposedly can go wrong with all attempts to ground ethics in divine activities, namely, ethical arbitrariness; 2) on a specific level the puzzle appears to be an example of the Judeo/Christian/Islamic (JCI) God issuing contradictory commands, which appears to be an actual example of the first problem, and it thereby directly threatens the sort of DCT that would be most appealing to the majority of the world's population. Because DETs are maximally implausible if they entail (or, seemingly, even allow for) internal contradiction, as we will see in Chapters 2 and 3, DE-theorists go to great lengths to solve Abraham's puzzle.

The puzzle is this: In Genesis 22 we find God testing Abraham by commanding him to take his son, Isaac, to a distant place and offer him to God as a sacrifice. If Abraham obeys God's command, he seems to commit an act of murder. However, later, during the Exodus, God reveals to Israel the "everlasting law," which prohibits murder (Ex. 20:13). We also find references to prohibitions against murder long before the Ten Commandments.⁴

There are two problems with the JCI God's relation to ethics revealed in this story. First is the simple fact that God apparently commands Abraham to commit murder, and murder is clearly wrong regardless of the Ten Commandments; this is properly an issue of divine arbitrariness, of God's commands apparently coming apart from what we know are the moral facts. Second is the problem of divine inconsistency, since there is an apparent contradiction between God's command to Abraham demanding the sacrifice of Isaac and God's more sweeping, seemingly

⁴ See the story in which Cain murders his brother, Abel, and is cursed by God for it (Gen. 4:8-15).

universal command to not murder. On both general and particular levels, this story is deeply troubling in virtue of the arbitrariness and inconsistency apparently seen in the JCI God, and DE-theorists clearly recognize how important and troubling these issues are.

The Euthyphro Dilemma

The Euthyphro dilemma is one of the most ancient and most seriously considered of the puzzles for DETs. There are many ways of casting what the dilemma actually is. For our purposes it will suffice to cast the dilemma this way. What I will call the "constrained" horn of the dilemma states that God commands what is right *because* it is right, which means that God is constrained by pre-existing moral facts whenever he issues commands. If God is indeed a "good" (or "righteous") God, then he will only command in accordance with the pre-existing moral facts. Conversely, what I will call the "arbitrariness" horn of the dilemma states that whatever God commands *establishes* the moral facts, which means that the moral facts spring into being by divine fiat and might be entirely arbitrary and even counter-intuitive.

The constrained horn of the dilemma is appealing because it purchases a guarantee that a "good" God will not issue the "wrong" commands. The purchase price is that God is thereby reduced in power or scope of authority insofar as he answers to moral facts that are independent of his activities and sphere of influence;

thus, morality has *authority* over even God. In general, DE-theorists (particularly of the JCI variety) have traditionally been loathe to accept this horn, not only because this horn makes (at least some of) ethics independent of God, demanding then a further account of these moral facts that are outside the DET, but because of the philosophy of religion issues surrounding this theorized limiting of God's power and scope of authority. All contemporary DE theorists, except Swinburne (as we will see in Section 2.4), reject this horn of the dilemma because they consider the purchase price too high.

The arbitrariness horn is appealing because it buys the DE-theorist an unconstrained, all-powerful God as the creator and sustainer of *everything*, including all the moral facts. However, there is a purchase price here as well. The arbitrariness horn appears very painful because a DE-theorist adopting that horn of the dilemma appears to be asserting that God can make just any old thing "right" or "wrong" by fiat, and that must include making "right" what we seem to know prior to divine commands to be wrong and vice versa. We will respond to this aspect of the arbitrariness horn in Section 6.2. Another price to be paid for the arbitrariness horn is that accepting it appears to distort or eliminate human moral autonomy, but we will turn to that aspect of the problem in Section 6.3 because that aspect of the arbitrariness horn is properly considered in light of Rachels' Objection.

The pain of the arbitrariness horn is seen in claims like, "God might have commanded the torturing of little children just for fun," which is to say that even though God doesn't so command in this world, in some possible world God might

so command. Yet, in every possible world so commanding would be commanding what we pre-theoretically know is wrong. Thus, in some possible world(s) God might command what we pre-theoretically know is wrong. Perhaps worse, there appears to be nothing stopping God from commanding inconsistently, even reversing himself at will. Yet, impaled on the arbitrariness horn, we are theoretically compelled to assert that what we pre-theoretically know is wrong is actually right *just because* God commanded it, even if God issued that wrong command as a reversal of an earlier command! Obviously such a conclusion is devastating to a DCT impaled on the arbitrariness horn of the dilemma. So, to make divine arbitrariness appear non-painful, a DET accepting this horn must demonstrate that in no possible world could God command what is in fact wrong. (Obviously a solution to Abraham's puzzle becomes very relevant here!) Furthermore, this must be accomplished without appealing to fundamental limitations upon God's power and scope of authority. Finally, this must be accomplished without *covertly* accepting the constrained horn of the dilemma by making the moral facts independent of God's activities, thereby making God answerable in some way to independent moral facts (as we will see that Swinburne does).

Rachels' Objection

The concern about divine arbitrariness reaches its pinnacle in Rachel's objection, where Rachels argues that DE-theorized implication for divine

arbitrariness renders void human moral autonomy. Rachels actually goes on to argue against the existence of the JCI sort of God by using the theorized arbitrariness inherent in the DETs from these traditions. Rachels (1971) argues this way:

- (1) If any being is God, he must be a fitting object of worship.
- (2) No being could possibly be a fitting object of worship, since worship requires the abandonment of one's role as an autonomous moral agent.
- (3) Therefore, there cannot be any being who is God (335).

Quinn (1978: 2-3) reconstructs Rachels' argument in the following, clearer fashion, and, because this reconstruction does no violence to Rachels' intentions, we will use it⁵:

- (1) Necessarily, if some being is God, then that being is worthy of worship.
- (2) It is not possible that some being is worthy of worship and that there are some human moral agents.
- (3) Necessarily, it is possible that there are human moral agents.
- (4) Thus, it is not possible that some being is worthy of worship.
- (5) Therefore, it is not possible that some being is God.

Quinn notes that this argument is valid. However, its soundness depends upon some further points about moral agency. As Quinn states, "Rachels's views on this matter place him squarely within what might be called, speaking loosely, the Kantian tradition. He asserts that 'to be a moral agent is to be an autonomous or self-directed agent... The virtuous man is therefore identified with the man of

⁵ I take the liberty of reordering the appearance of argument elements and their numbering in order to better condense Quinn's lengthy verbiage about these points.

integrity, i.e. the man who acts according to precepts which he can, on reflection, conscientiously approve in his own heart" (Quinn 1978: 3; Rachels 1971: 334).

Now, as Quinn remarks, this argument seems to have the potential to cause a good deal of "consternation" for at least a significant body of theists. Rachels recognizes that the Kantian view of moral agency is controversial, and certainly those theists who, because of the doctrine of original sin, believe that the human moral nature is so corrupted that it is utterly unreliable will find this argument non-threatening as they deny the truth of premise (3). However, the doctrine of original sin is held by a minority of the world's population, and many ethicists find something like (3) quite plausible. The tension, then, is between the claimed moral autonomy of premise (3) and the DET claim that moral facts arise because of God's activities rather than because of human activities. So, DETs must take seriously the challenge laid down by Rachels.

These, then, are the three puzzles we will refer to over and over as we proceed.

Plausibility

Finally, before launching into this project, one issue demands clarification: what will be my application of the term, "plausible," and what weight will this term carry during this project? I have already used this term repeatedly, and I will here state that my use of the term is definitive of success in my project. This is to say

that I hope to demonstrate that DCT is *plausible* and that DWT is not. If I succeed in this goal, I will then take it that I will have successfully demonstrated the superiority of DCT over DWT, and I will have given the reason why future work on DETs should adopt a DCT approach. But there is more to this discussion of plausibility. I hope to place this present work in its proper context.

My use of plausibility as the criterion of a successful theory or formulation in ethics has a long tradition. In fact, aside from perhaps Kant, I am aware of no philosopher claiming that her ethical theory is *true*. Even a superficial survey of ethical literature quickly reveals that theories are trotted out as *plausible*, and attacks invariably take the form of thought-experiments designed to render *implausible* the theory in question. Responses to attacks are invariably attempts to restore the *plausibility* of the theory. One does not read, for example, that some form of utilitarianism is *false*. One instead reads, for example, that some form of utilitarianism gives the "incorrect" (read: *counterintuitive*) answer to some thought-experiment. This just is an attack on plausibility. Perhaps the attack renders implausible the entire theory of utilitarianism; perhaps only a formulation of utilitarianism is the target. Responses to such attacks might generate a new form of utilitarianism that seems more plausible in the face of the problematical thought-experiment, responses might attempt to show how the current formulation can actually provide the "correct" (read: intuitive) answer to the thought-experiment, or responses might attempt to construct an error theory of the intuition that makes the

formulation seem implausible; all are attempts to resurrect the *plausibility* of the formulation and even perhaps the theory.

Indeed at their cores, the big-picture debates between proponents of, say, deontology and consequentialism come down to efforts to place both on a plausibility continuum, with each proponent arguing that his big-picture view is more plausible than the other or even that the other view is downright implausible. Thus, ethics has a long tradition of using plausibility as a measure of theoretical success.

Of course, evaluating plausibility can be tricky. A theory is obviously maximally implausible as long as it apparently suffers from internal inconsistency; one might even go so far as to call the theory *false*. However, because of the possibility of misunderstanding, oversight, or a response waiting in the wings, philosophers are slow to call even such a theory *false*. A theory at or near the maximal level of implausibility might be called "debunked" or "uninteresting," or some such thing. Short of inconsistency, a theory might suffer from apparently serious or even devastating metaphysical or epistemological problems. In the absence of an acceptable response such problems might render a theory so implausible that it can be called "debunked," etc.

However, even if a theory is not utterly implausible, that does not mean that it is *plausible*. Perhaps, given its presumptions, a theory is somewhat plausible; but the presumptions are themselves implausible. Such theories are widely considered "uninteresting." Prior to some excellent work in philosophy of religion in the last

few decades, such was the case with DETs. No matter how internally plausible a DET might seem, DETs rest on some extremely contentious presumptions that have been believed implausible: there is a God, he is personal enough to be concerned about our ethics, he engages in some activities that affect our ethics, we have some means by which to get in touch with the fact that our ethics have been thusly affected, etc.

Of course, one can always treat their DET in the subjunctive mood: If there were a God such that.... And then the DET in question can always be interesting to a small community of theorists who speak publicly in the subjunctive mood about their work, but who really believe that the antecedent(s) is/are satisfied. However, such work is not generally interesting because the antecedents generally seem implausible. Again, notice that philosophers would not typically say that the antecedents are *false*. Few and far between are those who assert that God does not exist or that God does not command, etc. However, it is often thought that current conceptions of the attributes of God are implausible or that tying ethics to God's activities is implausible, and here "implausible" might mean a range of things from, "We have better, less contentious ethical accounts and so don't need God in the mix," to, "The requisite nature of God seems internally inconsistent."

My point is that DE-theorists have a higher plausibility bar to get over than do secular ethicists. In the ethical context few debate that people actually exist, that these people have relations with each other, and that there is or can be a certain underlying logic to these relations. Yet, from these basic and generally accepted

presumptions various forms of secular ethics arise, ranging from Kantian deontology to cultural relativism or even egoism. The plausibility debate, then, usually ranges over the properties and implications of an ethical theory that emerges from these generally accepted presumptions. However, the DE-theorist, if she is interested in more than a merely academic exercise, must be concerned with the plausibility of her presumptions, and these extend far beyond the generally accepted realm. Furthermore, she must be concerned with how her ethics emerges from those presumptions, and this is a much more complex and difficult area of concern than it is in secular ethics, dealing as it does with relations that are themselves contentious.

I cannot here address the philosophy of religion issues that affect the plausibility of the DE-theorist's presumptions. As I have said, excellent work has been and is being done on this front. However, the plausibility of the moves from those presumptions to an ethical theory is my concern here. In the spirit of Quinn's exhortation:

Theism is not forever constrained to constructing defenses; the enterprise of constructing arguments for the existence of God is also legitimate. Similarly, the search for positive reasons for divine command theories is a worthwhile undertaking. I suggest that this search should now be placed high on the research agenda of those philosophers who wish to be involved in continuing the project of rehabilitating divine command ethics (1990).

Theists cannot successfully develop positive reasons for divine command theories, theories that will be seen as generally plausible, if the DET formulation of

choice is inherently implausible. Attacking implausibility is not as lofty a goal as arguing for truth. However, it is lofty enough, and it is toward this goal that we now press on.

1. The Axiology/Deontology Distinction

There are myriad approaches to distinguishing between DCT and DWT. My primary focus will be upon the way the two formulations handle the distinction between axiology and b-deontology⁶. Quinn (1978) has developed a rigorous account of this distinction, and that account will serve us well in distinguishing between not only DCT and DWT, but also between species of these formulations. Finally, and most importantly, this distinction will serve to reveal the most fundamental problem with DWT.

I have three goals for this chapter. First, I wish to discuss the four possible relations between axiology and b-deontology and show that one sort of relation between axiology and b-deontology, namely the so called "good prior to right" relation, is ethically co-extensional with consequentialism. This point will ultimately serve to distinguish between species of DCTs. Second, I wish to show that any collapse of b-deontology into axiology is unacceptable. This point will act as the fulcrum for my main attack on DWT. Finally, I want to briefly discuss a problem with consequentialism that I think should make it particularly unattractive

⁶ As a reminder, here "b-deontology" just stands in for "ethics," where ethics is concerned with the moral value of actions (or act types). The term is appropriate insofar as ethics is concerned with what is *right*, which can be broadly construed (in not necessarily Kantian terms) as what is one's duty. In this broad construal, one's duty is just what one ought to do, what it would be right for one to do, and this broad construal is intended to convey that all ethical systems are deontological because they all treat the question of what is one's duty. So, again, I might recast the distinction as one between axiology and ethics.

to DE-theorists. This point will be useful as we assess the strengths and weaknesses of various DETs.

Now I will let Quinn speak for himself regarding the distinction between axiology and deontology:

The theories I propose to consider may be thought of as consisting of two tiers or levels. The first level is concerned with matters of moral worth or value, and so it might be thought of as axiological in nature. The familiar concepts to be accounted for at this level of theory construction are the morally good, bad, and indifferent (1978: 67).

On top of the axiological tier of our theory, as it were, we wish to erect a deontological layer. While axiology has to do with what is, morally speaking, good, bad or indifferent (and perhaps extraordinary as well), deontology has to do with what the moral law requires, forbids, and permits (1978: 73).⁷

I will treat this distinction as the distinction between *good* and *right*, and one of the primary means I will use to distinguish among theories will be to indicate the primacy of the good versus the right in each theory. There are four possible primacy relations: 1) a theory makes the good prior to the right; 2) a theory makes the right prior to the good; 3) a theory makes the right and the good utterly independent (and so potentially divergent) things; 4) a theory makes the right and the good collapse into the same thing. By "prior" I mean that in some way the one is logically dependent upon or is derived from the other.

These four relations, of course, explicitly overlook the skeptical question of the existence of rights and goods, but responding to ethical skepticism is not our

⁷ Let us not presume that by "on top of" Quinn means what we will call a "good prior to right" sort of relation. Quinn does not build his deontological framework up out of his axiological framework, nor does his "right" derive from his "good."

goal here. So, these four relations presume that "right" and "good" are meaningful terms that refer to the real world in some way. As I will explain momentarily, I consider the first three relations to be (at least potentially) productive grounds upon which to formulate ethical theories, while I consider the last one to be destructive to ethical theorizing and therefore unacceptable. Let us consider each relation in turn.

1.1 Good Prior to Right

Theories of consequentialism provide fine examples of the first sort of relation. A consequentialistic theory proposes that some good x be promoted, and this promotion of x is given as the definition of right. For example, utilitarianism promotes the maximization of utility, where *utility* denotes some good, such as pleasure, or fulfillment, or even justice. When asked the question, "What is right?" utilitarianism answers (depending upon its formulation), "'Right' is that action that maximizes pleasure" (or whatever good defines the formulation of utilitarianism). Notice that we can distinguish between flavors of utilitarianism by recognizing the core axiological value *in terms of which* it defines right, and by this fact we can also see that utilitarianism (and other versions of consequentialism) *define the right in terms of the good*. Such a priority gives the logical primacy to the good; the good is prior to the right.⁸

⁸ Of course, this is a bit of an oversimplification. There are myriad ways that these relations might themselves cash out metaphysically. For example, one can imagine a system in which the analytical relations are replaced with supervenience relations.

1.2 Right Prior to Good

By contrast, the second relation can be seen, for example, in Kant's version of n-deontology.⁹ Not only does Kant explicitly eschew consequentialistic thinking about ethics, but his account of the right is so axiologically barren that he has often been accused of ethical *formalism*, which is to say that his theory is so devoid of basic human *values* (read: axiological values) that it fails to explicate the actual world in any meaningful way (Sedgwick; Westphal). When asked the question, "What is right?" Kant replies, "'Right' picks out that action that complies with the categorical imperative," and the categorical imperative is axiologically barren indeed. Clearly Kant does not define the right in terms of the good. Furthermore, when asked about the goods, like pleasure, fulfillment, happiness, etc., Kant replies (if the reader will grant me some license as I paraphrase sections of the *Metaphysics of Morals*), "True pleasure, true fulfillment, true happiness, can arise only from righteousness. The good life is the life lived righteously, and one can only successfully seek goods by seeking the right." So we see that deontological (duty-based) ethical systems make the right prior to the good in that an account of the good is subject to and follows out of an antecedent account of the right. The good is defined *in terms of* the right.

However, the analytical relations I have outlined are in common usage, and they will suffice for my purposes.

⁹ As a reminder, here "n-deontology" is contrasted with consequentialism, where both are thought of as broad strands of ethics.

1.3 Independent Right and Good

Relation 3 above is that the good and the right are not dependent upon each other in any way. Such a relation proposes that the fields of ethics and axiology are completely unrelated so that discoveries in one have no necessary connection to discoveries in the other. Some have thought that Kant's "formalistic" ethics was actually an exemplar of such a proposed relation, and, as we will see, a certain sort of simple DCT could be construed as arising from such a proposed relation. On the model of relation 3, there are ethical theories and there are axiological theories, one need not struggle for integration, and integration is no measure of a theory's success in either field.

1.4 Right and Good Collapsed

In this section I will demonstrate how the good-prior-to-right relation and consequentialism are ethically co-extensional. During this process I will also show the nature of this fourth relation and how it is destructive to ethical theorizing.

We begin by considering any theory that makes the good prior to the right. Such a theory defines the right in terms of the good. The theory proposes, then, that some good x should be promoted; an action is right iff it promotes x as well or better than any other possible action. Perhaps, then, x should be maximized, or

perhaps x should be most equitably distributed, or perhaps x should be maintained for each individual at all costs, or x should be handled in any one of many different ways as defined by the theory. The point is that in order to define an action as *right*, one must first be able to distinguish x from other values and define a means by which to promote x according to the theory's promotional scheme.

Now we note that it is crucial to any good-prior-to-right theory that it provides a promotional scheme. This becomes evident as we recognize that the good picks out some value, *simpliciter*, while, ethically speaking, the right picks out some voluntary action, and voluntary actions are *intentional*; voluntary actions are directed toward the fulfillment of some goal of an *agent*.

Consequentialism maintains this distinction insofar as it recognizes the *agency* of the sort of intentional acts that are the referents of ethical claims. In consequentialism some theoretical principle serves to translate the good into the right, to derive the right from the good, but both the good and the right can still be distinguished. Even the simple maxim, "Maximize the good," adds something over and above the good *simpliciter*, and this sort of addition (a principle of intentionality) is sufficient to distinguish the right from the good *simpliciter*. Any number of other maxims, depending upon the sort of theory in question, can provide a principle of intentionality. Even Kant's hypothetical imperative could play such a role in a consequentialistic theory of practical reason. But the point is that consequentialism does provide some principle of intentionality, and this is what makes it an *ethical* enterprise.

However, in contrast with the previous three relations, what goes wrong with relation 4 is that it collapses this very distinction. The conflation of axiology and b-deontology is just the conflation of the good and the right, where that conflation depends upon a failure to recognize that axiological values *just are* (they are *agent neutral*), while b-deontological values are affixed only to the voluntary actions of an *agent* who is thereby acting intentionally (these values are *about* the agency of the agent). The collapse fails to account for the *agency* aspect of ethics in contrast with mere axiology.

To see this point let us consider the sort of 'ought' that relation 4 suggests to us. Distinguishing between senses of 'ought,' Quinn (1979: 93) says, "... I gain the benefit of adherence to established notational practice at the risk of obscuring the distinction between what ought to be and what is obligatory." Quinn is here referring to his choice of the "O-operator" in his later Deontic Logic chapter, where he has earlier used an "O-operator" to refer to, "It ought to be the case that," (67) in contrast with his L-operator referring to, "It is obligatory that" (73). We note, as does Quinn, that "it ought to be the case that" is an axiological reading of "ought," while "it is obligatory that" is a b-deontological reading of "ought." If axiology and b-deontology are conflated, the distinction between the two connotations of 'ought' is lost. This fact leaves theorizing under relation 4 in a strange state. We ask what 'ought' means under relation 4, and we get one of two possible responses.

First, the theory might propose that 'ought' has its b-deontological connotation and nothing more. On this reading 'ought' must always mean

something like, "People should do x," where x is an action or act-type. But in its intended prescriptive sense, this reading says nothing about axiology; it is consistent with a reading of 'ought' from relation 3. This reading does not collapse b-deontology into axiology; in fact it has nothing whatsoever to say about axiology, nor can it. Thus, such a reading is really a denial of axiology, which is quite different from relation 3.

On the other hand, the theory might propose that 'ought' has its axiological connotation and attempt to make such a connotation ethically weighty. Under this reading of 'ought' the most the theory can say is something like, "x is good. It would be good if there were more x than there is," or some such thing. Such a reading might appear to make an axiological claim ethically weighty. However, notice that this reading asserts a purely descriptive claim, and nothing resembling *agency* can be smuggled into such a reading, as in, "People should see to it that there is more x than there is." As Hume noted, descriptive claims do not entail prescriptive claims.¹⁰ From the mere fact that there ought to be more x, one cannot derive that someone or anyone is under obligation to produce more x. Thus, a theory under this rubric is ethically hamstrung; it cannot make its 'ought' reach out to encompass *agency*, and this fact relegates such theorizing to axiology alone.

Thus, relation 4 is actually either a denial of axiology or it is an effective denial of b-deontology. The collapse attempts to make two distinct things into one,

¹⁰ A few have attempted to show Hume's claim false (e.g.: Searle 1964). However, each attempt is immediately followed by arguments opposed to such attempts (e.g.: Flew 1964). After all these centuries it appears that Hume continues to get the best of the arguments.

and the attempt results in the denial of one or the other. We see, then, that relation 4 either morphs into something like relation 2 or 3, or it cannot act as a productive ground for ethical theorizing.

Now, having seen what is wrong with relation 4, let us return to relation 1 and show that it is coextensional with consequentialism. As we have seen, good-prior-to-right theories design promotional schemes around the attainment of some good; the moral *agency* is theoretically directed toward some good as an end, and this is what makes them ethical rather than merely axiological theories. This very fact is what makes relation 1 distinct from relation 4.

Now, the designing of a promotional scheme must be consequentialistic: an agent's actions *serve* to promote or detract from the emergence of the core good. But the only possibility for ethically evaluating this *service* is by evaluating the way certain actions (or act types) actually do (or theoretically might) produce results in the world. Only thereby can it be determined if certain actions (or act types) do (or theoretically might) promote the core good. Evaluating this *service* just is the essence of consequentialism. So, good-prior-to-right ethics must be consequentialistic. However, as we have already seen, consequentialistic ethical theories must rely upon relation 1 because the right can only emerge as a function of some formulation of the good.

So far we have established that consequentialistic ethical theories must prioritize the good over the right and that good-prior-to-right ethical theories must be consequentialistic. We see now that, ethically speaking, relation 1 and

consequentialism are co-extensional. We have also seen what is wrong with relation 4: by conflating the right and the good, such an approach collapses the distinction between ethics and axiology, which amounts to either a denial of axiology or eliminates from consideration the *agency* of moral agents and is therefore tantamount to eliminating *ethical* theorizing altogether. All theorizing under this rubric must be either merely ethical or merely axiological. And if axiology is denied there is no ethical difference between relation 4 and relation 3. Now we can turn our attention to some of the DET implications of these various relations.

1.5 The Time-Slice Problem

One of the big appeals for adopting most DETs is that they offer a theoretical account of n-deontology that appears to lack the apparent formalism of Kantian n-deontology and the seemingly bald mysticism of Moorean n-deontology. Thus it would appear on the face of it that DE-theorizing would eschew all things consequentialistic. However, as we will see, not only is this not the case, but some DETs actually appear to embrace a form of consequentialism as a means to avoid what are taken to be otherwise serious problems. Thus, I want to explain a reason why DETs should indeed maintain their distance from anything smacking of consequentialism and solve the apparent problems by other means.

While certain forms of consequentialism, such as utilitarianism, have enjoyed limited popularity among ethical theorists, consequentialism in general, and utilitarianism in particular, has been the brunt of incessant attack. Objections abound, including attacks on the theoretical implications for promise-keeping, punishment, justice, and so on. Indeed, new versions of utilitarianism spring up in direct response to such attacks. However, the most pressing problem I see with consequentialism in general, and this includes all forms of utilitarianism, is what I will call the "Time-Slice" problem. While most of the other objections against consequentialism depend upon thought-experiments themselves having varying degrees of plausibility, the Time-Slice problem strikes at the theoretical roots of consequentialism.

An illustration will be helpful. The story is told (supposed to be at least based on a true story) of certain villagers living on a certain very tiny South Pacific island just at the start of the second world war. Christianity had just begun to penetrate that tribal mentality, and the story is often told in Christian circles to evidence God's watch care over his people.

Now on this particular island the economy was largely dependent upon goats and their products. Thus, wealth and prestige was entirely a function of the size and quality of one's goat herd. Villagers would often visit each other for the purpose of evaluating each other's herds.

One of the islanders had converted to Christianity, and this was something of a novelty among the others in his village; the others frequently compared their

own gods to the Christian God. One day a group of villagers gathered at one edge of the Christian's field discussing with him his herd. One said, "You have had a good year with many kids. Your God has been good to you."

The Christian replied, "Is it good? Is it really good?" And the villagers walked away wondering what the Christian meant.

Later that week a hole appeared in the Christian's fence, and all of his goats escaped into the forest. The villagers gathered around shaking their heads and clucking their tongues, "Oh, this is very bad. Your God did not protect you. Very bad indeed!"

The Christian replied, "Is it bad? Is it really bad?" And the villagers walked away wondering whether or not the Christian was crazy.

Shortly thereafter, the Japanese invaded the island. Upon their arrival, they immediately confiscated all of the goats from the villagers, decimating the entire local economy. Having used the goats for their own supplies, the Japanese moved on. The villagers cried out and moaned, "Oh this is very, very bad. We are ruined!"

The Christian asked, "Is it bad, is it really bad?" And the villagers seriously considered stringing the Christian up!

Shortly thereafter, the Christian's entire herd returned from the forest to his field, entering through the hole in his fence he had not yet repaired. The villagers gathered around in amazement, and with one voice they said, "Your God is very great. He has watched over you, and it is very, very good!"

Now, the story usually ends here, with the summary comment, "And so we see that God is great, and he does take care of his people!" However, the story begs for a more obvious ending: The Christian replies to the villagers, "Is it good, is it really good?"

Now the point to this story is not to suggest some sort of skepticism regarding what the good *is*. I grant for the purposes of the Time-Slice objection that the good is well-defined. The Christian and his fellow villagers well recognized that having goats is a good, and not having goats is a bad. I take the Christian's incessant questions about the good and bad to be aimed at a deeper problem: At what point in time is it appropriate to assess the *net* good or *net* bad of a set of circumstances or events?

Consequentialism has both metaphysical and epistemological dependency upon outcomes that are *later in time* and *result from* actions or act-types. As Williams has stated, the "results from" relation is obscure indeed. However, for the purposes of my argument, I will assume that the cause/effect or "results from" relation is clear enough for consequentialism's definitional needs. So we proceed assuming that causal chains are well-defined, and the axiological terms are well-defined.

All theoretical forms of consequentialism assert that 'right' is a function of some promotional scheme as regards the good, like, "Maximize the good." And so, the metaphysical components of consequentialism's account of 'right' must include an agent's action or act-type, some well-defined good, and some means by which

the agent's action or act-type will (or can be expected to) promote the good.

Consequentialism cannot (and does not) assert something like, "The right is the good." That would be asserting the 4th relation above, which, as we have seen is untenable. The promotional scheme is crucial to making consequentialism an *ethical* endeavor.

Now, the promotional scheme, as we have said, is in time and dependent upon causality. So, the form of a consequentialistic metaphysical account of 'right' goes something like this: An action x is right iff x produces event E^1 , which produces event E^2 ..., which produces event E^n , which produces a net increase in the good. For our purposes I will avoid any issues about the good itself; we will assume that the good is well defined and recognizable. The point at this juncture is that an action has results, ranging from the immediate result E^1 (of which that action is sometimes called the "proximate cause") and through some number (ranging from zero to something approaching infinite) of other results, to produce a net increase in the good. So, the metaphysical weight of the promotional scheme in consequentialism is to intimately join some causal chain, beginning with an action, to some quantifiable amount of the good.¹¹

The Time-Slice problem, then, is that consequentialism cannot in principle define or decide in what time slice (at what point in a causal chain) the assessment of the good should occur. The definitional problem concerns the metaphysical level of the theory, while the decisional problem concerns the epistemological level

¹¹ This notion of quantity can include qualitative analysis, as Mill's consequentialism does.

of the theory. At the metaphysical level, consequentialism is unacceptably vague to baldly state, "Right is that action which produces a net increase in the good," because that "net increase" is meaningless outside the context of a time-slice, and so that time-slice needs advance definition. Anything short of this sort of definition leaves consequentialism open to the charge of wild metaphysical ambiguity. At the epistemological level, consequentialism becomes impossible to apply as long as the time-slice remains undefined; it is impossible in principle for anybody to determine what actions are actually right or wrong as long as the time-slice for performing that evaluation remains undefined.

I say again, this is not a problem regarding the vagueness of what a "direct causal chain" might mean, although that is in itself a seemingly intractable problem for consequentialism. After all, causal chains are like ripples in a pond; one action spawns a host of causal chains, and it defies our imaginations to track the effects of that one action, much less determine which effects are the "relevant" ones for ethical analysis. This is indeed a serious epistemological problem for consequentialism. However, this would merely attack the applicability of the meta-theory solely at a very specific epistemological level. This attack is significant, but the epistemological side of the Time-Slice problem depends upon no such appeal to the limitations of our imagination, and it is not an attack on the vagueness of causality. The Time-Slice problem concerns a dynamic tension between the epistemology and the metaphysics of consequentialism, as I will now develop.

The Time-Slice problem notes the potential for a fundamental arbitrariness in the very metaphysical foundation of consequentialism, an arbitrariness in the most basic means by which consequentialism joins causal chains to the good, even when both are otherwise well-defined. Whatever phrase a theory uses to perform this junction, be it "net increase," or "maximization," or "greatest," etc, there must be some time-slice in which that quantificational determination occurs (even if that is only theoretically rather than practically possible).¹²

Of course, a consequentialistic theory might just set that time-slice to be anything it likes, just to get its non-vague definition off the ground. However, such a move seems the very essence of arbitrariness. What a theory needs instead is some principled reason for setting the time-slice to be what it is.

The most theoretically plausible and principled time-slice would appear to be: The Very Last Time Slice Before the End of Time Itself. Only at this point can the facts of the universe theoretically *sum up* the effects of an action to establish what net good or bad was its result. Any time-slice prior to this one seems to be completely arbitrary and out of keeping with the implicit intent of consequentialism. And this time-slice has the definite advantage that at the metaphysical level consequentialists can be moral realists, claiming that nobody ever needs to know if act x was right or wrong; there is just a fact of the matter

¹² This point does not presume ethical anti-realism. As I will clarify shortly, I do not intend any implication here that *somebody* needs to perform this analysis. I intend only something like, "An analysis is theoretically performed."

regarding act x, and that fact of the matter gets established in that Very Last Instant of time.

However, such a thoroughgoing realism seems the only possible way out, and that exit is purchased at the cost that the theory can provide no account of how anybody could ever know what actions are right or wrong. Again, this point does not concern the vagueness of causality; the concern here is that it is impossible in principle for humans to have *any* epistemological connection to the metaphysical foundations of the theory. The more of a distant and 'realistic' metaphysical claim one makes here, the less robust of an epistemology about the ethical facts one can have. A theory that will have application cannot trade off its epistemology *entirely* for a mess of metaphysical pottage! It is for this reason that consequentialism talks about "proximate causes" and attempts to constrain the theorized evaluation a bit "closer to home." But this talk of "proximate causes," etc., is nothing more than a metaphysically arbitrary means of setting a time-slice that has some epistemological appeal. The "last instant of time" has metaphysical but not epistemological appeal. Here, then, is the Time-Slice problem: the tension between the metaphysics and the epistemology of consequentialism seems intractable—to avoid metaphysical arbitrariness the theory must sacrifice ethical epistemology, and to avoid such a sacrifice, the theory is pushed toward metaphysical arbitrariness.

Perhaps one thinks I am not being charitable toward the possible epistemological replies here. One might say that on a realistic version of consequentialism we just accept that there are moral facts we can never get in touch

with. However, we just estimate the consequences, keeping an eye toward axiological trends, and make our most informed and reasonable guess about how an action is likely to turn out. From there, we get a clue about the moral value of the action. In such an estimation, we are comforted by the fact that the causal 'ripples' are 'dying down' over time, which makes the closer causal chains the more interesting ones anyway. On such a view, the metaphysics are sound and the epistemology is reasonably well developed enough so that we are not left entirely groping in the dark about moral values.

Such a reply seems plausible. However, I simply disagree that the causal ripples necessary die down with distance; here that analogy breaks down. I think that it is often the case that events separated by significant temporal distance can be causally connected to reveal that large-scale happenings often result from seemingly insignificant and temporally distant antecedent causes. Again, notice that this disagreement is not about the vagueness of causality; the disagreement here assumes that the causal connections are clear, and it is about how far 'out and away' from the present action one must consider when evaluating the likely moral value of that action. Because the metaphysics have provided no help in determining this scope, the epistemology is left entirely groping after all. Now the theory is not simply 'realistic' in its epistemology; it seems actually skeptical. Perhaps such points come down to mere differences of opinion. However, what does seem clear is that there is a tension between the metaphysics and the epistemology of consequentialism, and on top of the many other attacks on

consequentialism, I find the Time-Slice problem to be the final reason needed to suggest that DETs should steer well clear of anything smacking of consequentialism, so that they may retain their appeal as n-deontological accounts of ethics.

2. The Command Formulation (DCT)

In 1973, Robert Adams revived contemporary philosophical debate regarding DETs. His chapter, "A Modified Divine Command Theory of Ethical Wrongness," from *The Virtue of Faith* can well be seen as the opening installment of what has become an extremely fruitful and robust literature of DETs. In this first article and throughout the subsequent decades, while many former DC-theorists have become DW-theorists, Adams has remained firmly in the DCT camp.

As the migration from DCT to DWT has continued, one side effect has been that the distinction between the two has become somewhat blurred. It is not merely that some DWTs *call* themselves DCTs, although that is confusing enough, it is that some putative DCTs end up appealing to DWT claims in order to solve certain problems. I will point this out as we proceed. However, as I will argue where appropriate, DCTs and DWTs are really very different animals, and a theorist cannot flip-flop between them to solve problems, all supposedly under the rubric of a DCT. As we shall see, the metaphysical underpinnings of the two require that a theorist settle upon one rubric or the other.

Philip Quinn (1978) was another early expositor of contemporary DCT, and his *Divine Commands and Moral Requirements* is arguably the most rigorous and influential account of DE-theorizing ever produced. Although Quinn has migrated

into the DWT camp over the years, that early work is surely a seminal example of DC-theorizing.

Many others have contributed to the contemporary DCT literature since 1973, and we will consider various works from Swinburne, Wierenga, and others. However, before we can consider such examples, we must get clear about what it is about these examples that we are considering.

Because of the specific nature of our investigation, we will necessarily take a somewhat superficial view of each of the following theories. We will explicate just as much as is needed in order to indicate the axiological/b-deontological relation espoused by each theory. From this evaluation, we will be able to determine which DETs are plausible and which are not.

2.1 Method of Evaluation

There are perhaps many facets of an ethical theory open to assessment. Robert Burch (1980) has argued that there are primarily four: logical, metaphysical, epistemological, and motivational. As Burch casts these 'components,' as he calls them, there is much to recommend such a scheme of evaluation, and one might believe that any assessment of an ethical theory should contemplate all four or something very much like them. However, Burch focuses on showing how a DCT can provide an *objective* ethical theory in contrast with a *subjective* ethical theory. While this is a worthy project, it is not ours. So, much of what Burch argues about

the applicability of the logical and motivational components appears to not concern us here.

However, the metaphysical and epistemological components are fundamental to our evaluation. We are interested in the metaphysical component of various DETs because this component accomplishes more than any other to distinguish between types of DET. So, as we consider what a DET claims *makes a moral judgment true*, we will be considering the metaphysical properties, entities, or relations posited by the DET. The epistemological component is also crucial to our evaluation. As we will see in what follows, DETs are pressed upon by several significant 'puzzles,' and these puzzles attack the epistemological plausibility of the various DETs. The way a theory responds to these puzzles allows us to use the epistemological component of the theory to distinguish it from other theories and evaluate its plausibility. The metaphysical and epistemological components are almost enough for us to proceed. However, to these we must, of course, add our previously mentioned criterion of evaluation: does the theory prioritize the good or the right? With these three modes of evaluation, we are now prepared to examine some DCTs.

2.2 Adams' DCT

It is fitting to begin with Adams' DCT. He says:

It will be helpful to begin with the statement of a simple, *unmodified* divine command theory of ethical wrongness. This is the theory that

ethical wrongness *consists in* being contrary to God's commands, or that the word "wrong" in ethical contexts *means* "contrary to God's commands." (1973: 318)

In this opening passage, Adams anticipates Burch's metaphysical component by providing an *analysis* of "wrong" in terms of divine commands. He explains a bit more by calling the relation between divine prohibitions and "wrong" one of "conceptual priority." Thus, although Adams says, "It might prove fairly difficult to state or explain in what the conceptual priority consists," his notion of a simple DCT clearly metaphysically depends upon some sort of an analytical relation.

What makes Adams' 'simple' DCT in fact *simple* is clarified by the distinction between it and his later more fully developed and defended "modified" DCT. Adams' *modified* DCT arises as his response to what he takes to be the most pressing objection to his *simple* DCT: on the simple version, it would be wrong to disobey God's command to practice cruelty for its own sake. The objector asserts that it would obviously be wrong for God to so command, and it would obviously be wrong for such a command to be obeyed. Thus, any DCT claiming that "right" just means "obeying any command issued by God" would entail that a logically possible situation could arise in which what the theory would have to call "right" would in fact be wrong, and what the theory would have to call "wrong" would in fact be right. Such a theory seems to suffer from almost maximal implausibility.

We should note at this juncture that this objection is just another way of casting the divine arbitrariness horn of the Euthyphro dilemma. The most pressing reason suggested why it could not be the case that God makes something right by his activities (rather than his activities corresponding to and reflecting what is right) is that then God could make right just any old thing, including those things that are clearly not right.¹³ So, the objection states that we can't have God exercising arbitrary power over ethical facts. Thus it seems that God must be constrained in some way by the ethical facts (the other, what I will call the "constrained," horn of the Euthyphro dilemma). Of course, no Judeo/Christian/ Islamic ethicist takes lightly constraining God's power and authority, which makes the constrained horn of the dilemma extremely unappealing, leaving such an ethicist contending with the arbitrariness horn of the dilemma. We will have much more to say about these points in Section 6.2.

Adams argues that the most plausible way around the arbitrariness objection is the addition of a single presumption about God's nature: God loves his human creatures. Because a loving God would never command such things as practicing cruelty for its own sake, the modified DCT is never forced into the position of claiming either: 1) baldly, one must obey God regardless of the morally counterintuitive nature of his commands, or, 2) one might sometimes be morally constrained to disobey God's commands. So, to escape the arbitrariness objection to simple DCT, Adams modifies that DCT by appeal to the loving nature of God.

¹³ Issues of moral autonomy arise in this context as well, but we will reserve this discussion for section 6.3.

Thus, at least the practical (if not logical) possibility of God commanding 'wrong' things, like practicing cruelty for its own sake, is avoided.

That Adams ties this feature of God's nature inextricably to his previous analysis of "wrong" can be seen in the following passage:

I will say that my concepts of ethical wrongness and permittedness could not serve the functions they now serve, because using those concepts I could not call any action ethically wrong or ethically permitted, if I believed that God's will was so unloving (322).

And Adams appears to relativize his DCT's analysis of "right" and "wrong" to only those who believe in a nature of God that has the feature of lovingness:

... he [a modified DCT proponent] will not say that it would be "right," in the sense of "ethically permitted," to disobey God's command of cruelty; for that does not seem to him to be the right way to express his own personal attitude toward an act which would not be in accord with a divine authority. In this way the believer's concepts of ethical rightness and wrongness would break down in the situation in which he believed that God commanded cruelty for its own sake—that is, they would not function as they now do, because he would not be prepared to use them to say that any action was right or wrong (324).

Using this current framework, Adams now demonstrates how interchangeable are the phrases, "X is wrong," and "X is contrary to the command of (a loving) God," in at least Judeo/Christian/Islamic (JCI) circles. Thus, for at least JCI believers, Adams has provided a metaphysical account, in this case an *analysis*, of the ethical terms, "right" and "wrong."¹⁴

¹⁴ That Adams' DCT is not a generally applicable ethical theory is troubling to me, but apparently not to him. It accomplishes what he wanted: it offers a philosophical account of some subset of n-deontology in terms of divine commands. He leaves open the idea that

Even the "modified" theory remains quite simple. A short list of its metaphysical components includes: a (loving) God, a (JCI) believer, and at least one act of commanding by the God. The epistemological components include: a (JCI) believer's attitudes and beliefs regarding the divine nature, a (JCI) believer's beliefs regarding the content of God's actual commands, and a (JCI) believer's values concerning what counts as 'loving' behavior.

Now, from both the metaphysical and the epistemological layers we can see that Adams' DCT makes the good prior to the right. Adams' analysis of ethical terms explicitly depends upon the 'loving' feature of God's nature as well as upon concepts held/used by believers, and these concepts are formulated out of and informed by values held by these believers, values specifically related to what counts as 'loving' behaviors. Thus, both metaphysically and epistemologically speaking, Adams' modified DCT makes 'loving' logically prior to all analysis of ethical terms.

Adams goes so far as to state:

It is therefore not correct to say of him [the believer] that he is committed to doing the will of God *just* because it is the will of God; he is committed to doing it partly because of other things which he values independently.... This may even suggest that he values some things, not just independently of God's commands, but more than God's commands (334-335).

These "other things" are just values related to defining 'loving' behaviors: kindness, fairness, etc. But to analyze 'kindness,' for example, the believer must in

there might be ethical facts that are in no way dependent upon the activities of God, and in this his DCT is indeed quite simple.

turn appeal to other values such as: *in human beings' best interests*, or some such thing. And analyzing such values will in turn appeal to other values such as life, health, freedom from pain, and so on. The problem phrase, "commands cruelty for its own sake," that the *modification* of simple DCT was designed to render not a real possibility, can now be recognized as meaning something like, "commands non-loving behavior for its own sake," where "non-loving" refers to behaviors infringing axiological values such as life, health, freedom from pain, and so on. Thus, the very analysis of ethical concepts logically depends upon and arises out of axiological values. 'Loving' is an axiological component of God's nature. So, the good is prior to the right.

Adams' later works maintain this same relation between axiology and deontology. For example, in 1979, Adams states, "... ethical wrongness *is* (i.e., is identical with) the property of being contrary to the commands of a loving God" (1979: 139). Adams has here moved away from pure conceptual analysis to a metaphysical theory of the identity of properties. Yet, inherent in the identity relation he relies upon is the axiological component of God's nature: loving. For Adams the good is still prior to the right.

In 1989, Peter Forrest argues in precisely this same way for a DCT. Forrest claims that the property of ethical wrongness is identical to the property of being forbidden (via command) by a loving God. Forrest argues for the 'loving' nature of God as an essential part of the property of divine command for the exact same reason as does Adams: in response to the potential for pain suggested by the

arbitrary horn of the Euthyphro. (See: Forrest 1989: 4-5.) Here again, the good is prior to the right.

In 1987 Adams broadens his theory to include a social component that he thinks better elucidates the nature of ethical facts than does his earlier pure appeal to conceptual analysis or his purely formalistic appeal to the identity of properties. Adams at this juncture appears to be leaning heavily on some notion of speech-act theory, whereby the analogy between human speech acts and divine speech acts is the explanation for how and why God's commands result in moral facts. The details are not important for our purposes here, although we will consider these points in more detail in Sections 4.1 and 6.2. What is interesting to us here is that we note in his account of the 'roles' certain actions play in the ethical schema the familiar reference: "... those roles are best filled by properties involving a relation to the commands of a loving God" (1987: 263). And, referring to God's social relations to humans and the implications for the emergence of moral facts, Adams says, "Moreover, divine commands have the *motivational* significance of actual social requirements.... It matters, for the motivational strength of divine command Metaethics, what it is that is demanded of us. And it matters how what is demanded relates to our valuings. It matters motivationally, for example, that we do not believe that God demands cruelty for its own sake" (1987: 272-273).

By "motivational" here, Adams refers to that *sense* of being obligated that arises when one's relationship with an appropriate commander, in the context of being commanded by the commander, leads one to recognize an obligation. In this

sense, "motivational" appears to be an epistemological component of Adam's 1987 theory. Although the verbiage is different here from the 1973 theory, Adams still clearly insists that the 'loving' nature of God is a requisite element of accounting for the ethical facts.

Indeed, the 1987 DCT is much less simple than the 1973 DCT; it refers to many more attributes of both God and people. For example, on page 272 alone we find reference to *requisite* attributes of God including: creator, omniscient, just, beautiful, and wonderful. Of this list, notice that the first two are purely descriptive attributes, the third appears to be a b-deontological attribute, and the last two are clearly axiological attributes. So, the 1987 Adams rests his DCT upon a whole panoply of divine attributes, ranging from descriptive to axiological. As before, however, what remains clear is that the good is prior to the right.

Finally, in Adams' most recent work (2002), he openly and clearly states that his is a good-prior-to-right theory, and he even acknowledges that this fact has what might be considered a negative implication:

If our supreme commitment in life is to doing what is right just because it is right, and if what is right is right just because God wills or commands it, then surely our highest allegiance is to God. But my divine command theory seems not to have this advantage, for I emphasize reasons for obeying God that are grounded in other goods that we are to value for their own sake and independently (to some extent) of our beliefs about God's commands. I am therefore not proposing a commitment to obeying God's commands *just* because they are God's commands, but for other reasons (275).

Because Adams' DCT is a good-prior-to-right account, as we have stated earlier it is a consequentialistic theory. This fact will probably strike many as a shocking and unacceptable result of what I have argued and will motivate them to apply modus tollens to my arguments because of this very result. I must argue, then, for the Time-Slice problem as it applies to Adams' particular DCT.

Imagine a putative divine command, call it α : Jones must torture Smith's only child just for the fun of it. A DET impaled on the arbitrariness horn of the Euthyphro must grant that it is logically possible that God could command α . However, Adams denies that God ever *would* command α , because he is loving (or at least God would never command α of a believer who was aware of God's loving nature). So, on Adams' response, the arbitrariness horn of the Euthyphro is not at all painful because there are no actual practical implications for the theorized divine arbitrariness to ever produce the "wrong" results.

Everything in Adams' response depends upon how the loving nature of God relates to the circumstances surrounding Jones and the Smith's only child. But why should God's loving nature stop there? Can't God's loving nature reach out to encompass all of the circumstances throughout time? What puts Jones and the young Smith in a special bubble of consideration? These questions point to the most pressing question: What defines 'loving' commands as opposed to 'non-loving' commands?

To sharpen this question, let us imagine some further considerations surrounding the putative divine command α . God knows that the young Smith will

grow up to become a soldier and a prisoner of war in a Vietnamese prison camp. In this prison camp he will be subjected to unspeakable horrors and the most frightful tortures, and in spite of this he will remain such a staunchly faithful Christian that he will serve as the primary catalyst for the conversion of his captors and his surrounding prisoners. God, foreseeing that the young Smith's character would have to become as steel, even in the face of pure malice, arranges at the age of ten Smith's encounter with Jones. God knows that only if the young Smith is convinced of Jones' *absolute* malice, is convinced that *no mercy whatsoever* can be expected from Jones, will the young Smith develop the sort of response to torture that will see him through his later and far worse experience.

(It should be noted here that I am not suggesting that God is constrained by moral reasons in his commands. I am here merely noting reasons that would obviously satisfy Adams' requirement that the commands be issued by a 'loving' God, and they we can see that 'loving' does not serve as the sort of filter Adams believed that it would.)

Indeed, the encounter with Jones is the turning point in the young Smith's life; so far from the experience pushing him away from God, as the young Smith grows up after his experience with Jones he becomes unshakably devout, a true soldier of God. It appears, then, that God did what was in the young Smith's best interest, indeed in the best interests of a large number of people, by commanding

what initially appears to be an unspeakable act of Jones. I will return to this point about Smith's best interest in a moment.¹⁵

First, we need to say something about Jones. Even though we might be willing to grant that *God* brought greater good into the young Smith's life overall, and even increased the net good in the world overall, it still seems to us that God commanded *Jones* to do what was *for Jones* a wrong. After all, Jones seemingly had no lofty purpose in his act of torture.¹⁶ He seemingly had no good of the young Smith in mind, regardless of what God had in mind. And, it seems that the most morally distressing feature of the pain that Jones causes the young Smith *is* that Jones is utterly lacking some good intention regarding the young Smith. How can his act be right *just because* God commanded it?

We respond by saying that we need not produce an error-theory of these intuitions about Jones, because we can simply point out that regardless of the counterintuitive nature of this result vis-à-vis Jones, on Adams' theory the 'loving' nature of God apparently fails to filter out the sorts of commands that Adams assumed it would. In God's grand plan for the young Smith, he commanded Jones *in the young Smith's best interest and in the best interest of all involved parties*

¹⁵ Rooney agrees that it is not inconceivable that it could be right to torture young children under certain scenarios: "Torture could be defensible, in Christian terms just as in utilitarian terms, if certain conditions were met" (161). Of course, like virtually all ethicists, those "certain conditions" would prioritize consideration of the good.

¹⁶ It is tangential to my discussion here, but I do wonder why Jones' decision to obey the divine command *just because* it is a divine command (*a la* Kant) is not viewed by most ethicists as a lofty enough purpose (see: Rooney 160). Why must Jones have some "good" intentions toward *Smith* in order for his decision to obey *God* be simply right? I suspect that the answer depends upon epistemological concerns. If so, I will address such issues in Chapter 6.

overall. So, by definition, God's command to Jones springs from a 'loving' God!

So, by definition, Jones does right to obey God!

Surely a 'loving' God might well command any number of counterintuitive things, given his overarching perspective of what constitutes the good. Yet, for our purposes, the question is very pressing: *In what time-slice* is the good to be determined such that Adams' theory can define or assess what counts as 'loving'? At the time of Jones' act of torture, the young Smith can be heard crying out to God as did Job, wondering why this was happening to him and lamenting the agony—apparently very much bad indeed. But, like the Christian in our earlier story, we can ask, "Is it bad? Is it really bad?" Then, at the time(s) of the Vietnamese's act(s) of torture, this same Smith can be heard praising God that he no longer fears the worst that any human can do to him, so steeled is he against the most unmerciful forms of human malice! And, like the earlier Christian, we might ask, "Is it good? Is it really good?" In what time-slice is the 'loving' nature of God to be defined or assessed? Again we see the tension between the metaphysics and the epistemology of all consequentialistic theories.

The point for our purposes here is that by including an axiological component into his ethical metaphysics, Adams has made his theory consequentialistic and has made it susceptible to the Time-Slice problem, among others. However, even by making his DCT consequentialistic, Adams' 'loving' nature of God cannot perform the work of avoiding the pain of the arbitrariness horn of the Euthyphro as Adams intended. Instead, Adams' theory finds itself

caught in the tension between metaphysics and epistemology that must be the fate of all consequentialistic theories.

This point is not to suggest that Adams' DCT is a huge mistake. On the contrary, I find most of what Adams writes regarding DCT to be profoundly plausible. I will develop this point as we proceed. What I reject in Adams' DCT is its making the good prior to the right.

2.3 Quinn's DCT

Philip Quinn's earliest and best-known work in DET is his *Divine Commands and Moral Requirements*, published in 1978 (hereafter referred to as "1978"). Here Quinn develops an extremely rigorous and formalistic approach to DCT, while his 1990 and later works reflect his migration to DWT. So, in this section we will consider only his 1978 DCT work, and we will reserve discussion of his DWT work for the next chapter.

The most interesting thing about 1978 is that Quinn develops a clear distinction between axiological values and b-deontological values. Quinn bases the former upon the divine will, while he bases the latter upon divine commands. Thus, unlike Adams' DCT, 1978 is a purely n-deontological DCT in that there is no intermixture whatsoever between axiology and b-deontology in its metaphysical foundations.

Quinn begins by developing the "kernels," as he puts it, of DCT in general and then proceeds "... in axiomatic fashion. Starting with a few primitive notions, some definitions and a few axioms, we will construct step by step some rather elaborate theory which incorporates the divine command theorist's assumptions about the relations between God's commands and several kinds of moral status" (66). We will not even *begin* to reconstruct Quinn's "step by step" work here. However, we will touch on some high points, and in Section 4.2, we will reiterate enough of Quinn's work to use it in defense of three contentious deontic theses. For now, however, let us begin by looking at Quinn's general kernels of DCT.

Quinn begins, as he should, by getting clear about what he means by the term, "God." The term could be used as a name to pick out a person-like being with certain properties and features that range from descriptive to ethical, and the term picks out the same individual in all possible worlds. The term could be used as a title that designates a set of descriptive properties, and different individuals might be God in different possible worlds. Quinn takes 'God' to be a name, "in that it picks out the same individual in all possible worlds where it picks out any individual, regardless of how that individual may alter from world to world" (25). Quinn adds that God might command different things in different possible worlds, but it will be the same person-like being as God doing the commanding in these different possible worlds. Of particular note at this point is that Quinn does not specify *any* of the attributes of God or say *anything* about God's nature. Quinn's

development of various DCTs does not initially hinge upon any particular theological considerations.

Next Quinn discusses the relations possible between God and ethics. He strips the ethical kernel down to three concepts: requirement, permission, and prohibition. The first DCT Quinn considers is, as one might imagine, what he calls, "The Simple Theory." It is marked by three theorems (1978: 30):

(T1a) It is necessary that, for all p, it is required that p if and only if God commands that p.

(T1b) It is necessary that, for all p, it is permitted that p if and only if it is not the case that God commands that not p.

(T1c) It is necessary that, for all p, it is forbidden that p if and only if God commands that not p.

On this simple theory, Quinn explicitly makes no reference to the nature or properties of God, saying, "...we will ignore this complication," and he sums up this theory's response to the really contentious sorts of commands by saying, "In any possible world where God commands Smith to torture young children, since (T1a) tells us that Smith is required to torture young children there, the material conditional asserting the relation between being commanded to torture and being required to torture will be true" (31). This simple theory, then, is what Quinn calls the most basic kernel of a DCT, and as he states, it can serve as the basis for numerous enhancements into various more complex DCTs.

On Quinn's view the thing that makes a DCT more complex is that it says something about the attributes of God, so in this Quinn parallels Adams. Quinn picks "God is the creator of the universe" as an example attribute of God, but I will paraphrase Quinn's three theorems using a placeholder for that attribute because Quinn explicitly states that it is what goes into such a placeholder that determines the exact nature of a "complex" DCT:

(T2a) It is necessary that, for all p, it is required that p if and only if God has the attribute x and God commands that p.

(T2b) It is necessary that, for all p, it is permitted that p if and only if it is not the case that God has the attribute x and God commands that not p.

(T2c) It is necessary that, for all p, it is forbidden that p if and only if God has the attribute x and God commands that not p.

These theorems, then, comprise the kernel of a "complex" DCT, and one can quickly see that these theorems are consistent with Adams' DCT, where Adams has plugged 'is loving' into the variable 'x' throughout the theorems.

Quinn lists a few consequences of both the simple and complex theories, the most notable being that 'Karamazov's Thesis' is among these implications: "If God does not exist, then everything is permitted." This thesis is extended in the case of the complex theories to include whatever attribute the theorist plugs into the variable 'x,' giving us: "If God does not exist, or he does not have the attribute x, then everything is permitted." Again, the consistency with Adams' modified DCT is obvious, and Quinn makes explicit reference to this fact on page 36 and 37.

The discussion up to now allows us to sharpen a point about the attributes of God. Assuming that a theorist wishes to have a more complex DCT than the simplest ones proposed by either Adams or Quinn, the way both have suggested so far is that she can specify some attribute(s) of God. However, we contrast Adams' and Quinn's example attributes, 'loving' and 'creator of the universe' respectively, and we realize that the former is axiological while the latter is simply descriptive. The former, as we have already discussed, at least implicitly depends upon axiological considerations (and says something about God's *character*), while the latter depends upon purely descriptive facts of the matter (and says something *only* about God's *activities*).¹⁷ As we have previously developed, it is those axiological attributes that will make a DCT into a consequentialistic theory. However, a theory can enjoy any level of complexity without delving into consequentialism, if it will just keep its theorized attributes of God in the purely descriptive realm: creator, omniscient, omnipotent, etc.

Quinn even obliquely alludes to this point as he develops a possible response to a troublesome thesis about what God might command:

¹⁷ It is significant, I think, to note that whenever the Biblical God justifies his own commanding, he does not appeal to axiological attributes of himself (although he does do a good deal of that in other contexts). Instead, he refers to descriptive attributes. For example, in the Sabbath commandment, one of the Ten Commandments, God says, "...for in six days the Lord made the heavens and the earth, the sea and all that is in them...." (Ex. 20: 11). And in another place God reiterates that the Ten Commandments are "his covenant" and that he expects obedience in virtue of the fact that "... the Lord has taken you and brought you out of the iron furnace from Egypt, to be a people for his own possession, as today" (Duet. 4: 13 and 4:20). The Biblical God appears to appeal solely to his authority as creator and owner of his people, which maintains the ground for non-deontological control over the ethical facts.

(42) If God commands someone to kill an innocent person, then he ought to kill that person.

Is this principle a manifestly repugnant one? A theist, arguing on his own ground, need not be driven to agree that it is. From a consequentialist point of view he can maintain that God, since he is omniscient, omnipotent, and perfectly good, can appropriately compensate both the killer and his victim in the relevant felicific or beatific respects either here or hereafter. (15)

In this response, Quinn recognizes both that a certain sort of DCT (appealing to God's goodness) is in fact consequentialistic and that it will *not filter out* such a thesis. Such a response instead attempts to mitigate the initial intuition that any DCT allowing for such a thesis is unacceptably implausible on the face of it. Quinn says, "The most a theist can be forced to concede, provided he is moderately clever, is that (42) *sounds* harsh and inhumane. But then he will hasten to add that this is merely because we do not understand why God commands what he does, though we may trust that it is all for the best" (16). Quinn does immediately acknowledge, however, that at least some non-theists will find such a response "utterly fanciful and quite literally incredible" (16). But he takes this fact to demonstrate the irreconcilable distance between certain non-theists and certain DC-theorists, rather than to grant the claim that he takes Rachels to be making, "... that theistic belief is bound to take the worshipper 'beyond morality' or that theistic beliefs should, in this respect, be regarded as a source of 'severe embarrassment'" (16).

I agree with Quinn that there will always be an irreconcilable distance between certain theists and certain non-theists. However, I am loathe to have DCT pulled either toward consequentialism or to have its responses be *theoretically* implausible in virtue of their appeal to contestable axiological attributes. I will develop these points more fully at the conclusion of this chapter.

The final issue that concerns us in Quinn's discussion of DCT is his account of the relation between axiology and deontology. I have already quoted Quinn regarding how he sets up this distinction, but it might be helpful to quote that passage again here:

The theories I propose to consider may be thought of as consisting of two tiers or levels. The first level is concerned with matters of moral worth or value, and so it might be thought of as axiological in nature. The familiar concepts to be accounted for at this level of theory construction are the morally good, bad, and indifferent (67).

On top of the axiological tier of our theory, as it were, we wish to erect a deontological layer. While axiology has to do with what is, morally speaking, good, bad or indifferent (and perhaps extraordinary as well), deontology has to do with what the moral law requires, forbids, and permits (73).

Quinn builds the axiological layer out of four definitions, only three of which need concern us here. These definitions depend upon the primitive locution, 'Op,' which means, "It ought to be the case that p" (67). From this, Quinn will define the meaning of: 'Gp' ("It would be good that p"), 'Bp' ("It would be bad that p), and 'Ip' ("It would be indifferent that p").

(D1) $Gp \equiv \text{Def } Op \ \& \ \sim O\sim p$

(D2) $Bp \equiv \text{Def } O\sim p \ \& \ \sim Op$

(D3) $I_p \equiv \text{Def } \sim O_p \ \& \ \sim O \sim p$ (67)

"It would be good that p" means, "It ought to be the case that p and it ought not to be the case that not p." "It would be bad that p" means, "It ought to be the case that not p and it ought not to be the case that p." Finally, "It is indifferent that p" means, "It ought not to be the case that p and it ought not to be the case that not p."

Lest confusion arise full-force at the outset, we must immediately clarify that Quinn explicitly refers to this locution of "it ought to be the case" in its strictly axiological sense, implying nothing whatsoever about obligation (see 1978: 93). This "it ought to be the case" locution is baldly axiological in that its variable picks out states of affairs *simpliciter*, with no express or implied reference to what causes those states of affairs to come into or go out of being. This is to say that no *making happen* or *agency* appears here or is implied by this locution.

Now, at this stage, we see nothing about divinity. To integrate the activities of God into this primitive axiology, Quinn introduces another locution: 'Wp' meaning, "God wishes that p," or alternatively, "God wants it to be the case that p," or, "God would have it that p," or so on (69). With this locution, Quinn introduces an axiom by which to convert his secular axiology into a divinity-based axiology:

The appropriate axiom linking God's wishes and what ought to be would seem to be the following:

(A3) $O_p \equiv W_p$

Moreover, we may also derive these consequences from (A3):

(T15) $G_p \equiv W_p \ \& \ \sim W \sim p$

(T16) $B_p \equiv W \sim p \ \& \ \sim W_p$

(T17) $I_p \equiv \sim W_p \ \& \ \sim W \sim p$

Anything good is such that God wishes for it and does not wish for its negation. Anything bad is such that God does not wish for it but does wish for its negation. Anything indifferent is such that God neither wishes for it nor wishes for its negation. (69-70)

Quinn here makes no distinction between what God "wills" and what God "wishes," and as we will see just below, his deontological account makes sole reference to God's commands. So, I now feel comfortable to say that Quinn grounds axiology in the divine will, while he grounds deontology in the divine command.

Let us briefly display the core of Quinn's divine command deontology. Again, we start with non-divine-based locutions and then convert them into the core of a true DCT of deontological requirement:

As a primitive locution for the upper level of our theoretical edifice we will take the expression 'It is obligatory that p', symbolized as 'Lp'. Alternative readings of the symbolic expression are: 'The moral law imposes the obligation that p' or 'The moral law imposes the requirement that p'. In terms of this primitive notion we may lay down the following definitions:

(D6) $R_p \equiv \text{Def } L_p$

(D7) $F_p \equiv \text{Def } L \sim p$

(D8) $P_p \equiv \text{Def } \sim L \sim p$

In (D6) the expression 'Rp' is to be read as 'It is required that p'; in (D7), 'Fp' is to abbreviate 'It is forbidden that p'; and in (D8), 'Pp' is to stand for 'It is permitted that p' (73).

Again, paralleling his earlier account of axiology, Quinn makes the crucial move via axiom:

Let 'Cp' abbreviate 'God commands that p'. The appropriate axiom will then be the following:

(A7) $Cp \equiv Lp$.

What (A7) tells us is that something is obligatory just in case God commands it. From (A7) and (D6)-(D8) we may infer the following important theorems:

(T46) $Rp \equiv Cp$

(T47) $Fp \equiv C\sim p$

(T48) $Pp \equiv \sim C\sim p$

These theorems guarantee that the theory we are presently engaged in constructing is a divine command theory in the sense fixed upon earlier.... Hence, we may say that our present theory is a non-modal version of a simple divine command theory (76-77).

This is enough for our purposes. We see here a simple DCT cast in such a way that axiology and deontology remain distinct yet well-defined. We see how Quinn opens the possibility of more complex DCTs by the inclusion of attributes of God. And we have considered how these attributes will determine the sort of DCT that results, depending upon whether those attributes are axiological or descriptive. Quinn's current DCT can be rendered consistent with Adams' modified DCT, but it need not be. As advertised, Quinn has indeed provided a "kernel" for DCTs, and it is now very clear what modifications can be made and what implications certain modifications will have.

2.4 Other DCTs

Swinburne (1974) develops a DCT that he thinks provides an optimal solution to the Euthyphro dilemma. In it he distinguishes between necessary and contingent moral obligations. The hallmark of this distinction is that it has God as the author of all contingent moral obligations, which amounts to Swinburne's theory accepting what I have called the "arbitrary" horn of the dilemma, but God is *not* the author of necessary moral obligations, which amounts to Swinburne's theory accepting the "constrained" horn of the dilemma. So, Swinburne proposes that there are moral facts that "just are" in some sense, at least these are facts that are not a function of God's voluntary activities.

Swinburne lists only three attributes of God that ground his DCT, God is: omnipotent, omniscient, and unconstrained (which is to say that "his choices are not determined or influenced even in part by causes (as opposed to reasons) over which he has no control" (214).) Swinburne has no need of any axiological attributes of God in order to develop his putative solution to the dilemma. So, although Swinburne's DCT is not "simple" in the sense considered above, at least his DCT is not consequentialistic; his DCT is a n-deontological theory.

Now, by making God the author of only the contingent moral facts, Swinburne's DCT is not just "weak" in the sense Wierenga uses that term (as I will explain it momentarily), it is so weak that it fails to account for a significant body of the moral facts. In fact, it fails to account for the body of moral facts we most desire an account *of*. Furthermore, Swinburne's DCT is just barely a *command*

theory at all. His discussion of the role divine commands play in the emergence of moral facts shows that connection to be very weak indeed.

To see this point, let us begin by briefly talking about the contingent moral facts, those over which God has voluntary control. Swinburne says that it is the combination of God's activities (either by command or by "allowing or sustaining" circumstances) and the necessary moral facts that results in an obligation. The example the Swinburne uses to explicate this idea is that he has a duty to pay the bill from a bookshop where he purchased a book. Why is he thus obligated? Because of the contingent facts surrounding his existence, the bookstore's and its owner's existence, the contingent fact that he *purchased* the book, etc. *and* some (not clearly explicated) necessary moral fact like that one is obligated to pay for what one purchases. Because God voluntarily sustains (and even contributes to) the contingent facts surrounding the case, God "makes" the moral obligation arise by his sustaining (and possibly interactive) activities. Thought of in this way, Swinburne's theory is not really a DCT at all; it is closer to some sort of causal theory.

However, Swinburne does not think that God's commands are completely irrelevant to the moral facts (although the necessary moral facts and most of the contingent moral facts do not depend upon God's *commands*). Should God choose to command in a certain way, that command would itself generate a moral obligation in virtue of two related divine attributes: God is creator, and God is sustainer. Swinburne talks as though these two attributes are just a part of God's

omnipotence and his being unconstrained, e.g., God *can* choose to create and sustain things, and he is *free* to do so if he chooses. Because God is creator and sustainer, we owe him obedience in two ways. First, we owe him obedience in the same way and for the same reason a child owes its parents obedience: "The child owes something to the parent in view of the parent's status. It is not that children have a duty to pay something back to the parent, but that because in an important respect the parent is the source of their being he is entitled to their consideration" (224). Second, we owe him obedience because, being creator and sustainer of the inanimate world, he owns that world and has rights to issue commands (that impose obligations in virtue of his being owner) regarding that which he owns. Swinburne does not mention any ownership relation God might or might not have to his *animate* creation, although the Biblical God, for example, repeatedly talks explicitly about owning his people, but at least we are clear about why Swinburne thinks that God's commands regarding inanimate creation impose binding obligations.

So, to sum up Swinburne's DCT, the command element of it is only a small part (seemingly tacked on for completeness) of a more general theory of obligations, and even in that role voluntary divine activities play only a small part of accounting for the emergence of obligation in general. The most fundamental metaphysical component in Swinburne's account of obligation is the existence of necessary moral facts, and about these Swinburne has nothing to say. Although Swinburne's DCT is a type of n-deontological account of a small subset of

obligations, those that arise directly via divine command, and those that arise out of the coupling of the necessary moral facts and God's sustaining activities, the moral facts that most matter are not a function of God or his activities, and these would continue to obligate regardless of God's existence or activities. Again, this is *barely* a DCT.

Thus, I reject Swinburne's "DCT" as a solution to the Euthyphro because the price of this "solution" is too high for *both* horns of the dilemma. Swinburne puts us on the arbitrary horn by claiming that God's commands do make *some* moral facts arise, but he puts us on the constrained horn by claiming that many if not most of the moral facts are independent of God's activities. However, we pay the philosophy of religion price of being forced to accept such serious constraints upon God's power and scope of authority that this "God" barely resembles the JCI God accepted by most of the world's population. Furthermore, this "DCT" is so weak that God has very little to do with the emergence of moral facts at all. Even though this "solution" is cast as offering us the best of both sides of the dilemma, it actually appears to offer the *worst* of both sides of the dilemma!

Edward Wierenga (1983) places Swinburne's DCT in the "weakest" category, by which he means something like, "...the weakest forms of the divine command theory assert simply that what God commands is coextensive with what is right" (387). Surely this categorization of Swinburne's theory is correct, as Wierenga accurately summarizes Swinburne this way: "But according to this

theory, some of God's commands merely reinforce obligations we would have anyway, and many moral truths are entirely independent of God's will or commands" (387-388).

Wierenga also thinks that Quinn's 1978 DCT is relatively "weak" for the following reason: "Quinn has presented a theory according to which 'divine commands, were they to be issued, would suffice to impose infeasible requirements.' But Quinn's theory does not include the claim that God *has* issued any commands, and it leaves open the possibility that any requirement imposed by a command of God is also imposed by something else" (388). So, Wierenga sets about to develop a more robust DCT, one that has at its core "...a leading feature of the traditional divine command theory, which is that all of our obligations are due to God's commands" (388).

Wierenga wants a DCT substantially stronger than any we have looked at previously, and he casts it in the following principles:

(P1) For all acts *a*, *a* is *obligatory* iff God commands *a*; and if *a* is obligatory then by commanding *a* God makes it the case that *a* is obligatory.

(P2) For all acts *a*, *a* is *wrong* iff God forbids *a*; and if *a* is wrong then by forbidding *a* God makes it the case that *a* is wrong.

(P3) For all acts *a*, *a* is *permissible* iff it is not the case that God forbids *a*; and if *a* is permissible then by failing to forbid *a* God makes it the case that *a* is permissible. (388-389)

Wierenga treats these "makes it the case that" relations as existing between ethical and theological properties. However, he does not think of "makes it the case" as a causal relation, but rather something like a supervenience relation: "I

take 'makes it the case that' to express some asymmetric relation of dependence" (389).¹⁸ So, Wierenga's DCT metaphysically depends upon a supervenience relation between properties, where the ethical properties supervene on the theological properties.¹⁹

We are happy to recognize that nowhere in Wierenga's article does he refer to any particular attributes of God, particularly axiological ones. The term "God" appears to be used as a proper name rather than as a title, and Wierenga does not solve any problems by appeal to God's attributes. In this, I think that Wierenga has the *cleanest* n-deontological DCT of contemporary theorists.

However, when confronted with Abraham's puzzle, Wierenga reveals that for all his talk in DCT terms, his theory is really a DWT:

I should also note that although I speak of God's commands and prohibitions and I call the theory a divine command theory, this is really a convenient shorthand and a courtesy to tradition. I think that the theory is best formulated in terms of God's will and wants or His approval and disapproval. Thus, what makes an act obligatory is that God wants it to be performed (390).

¹⁸ It is notable that Quinn (2000) takes Wierenga's DCT to be causal, although Wierenga flatly denies this is his intention, and Quinn states, "...as far as I know, no one has formulated a divine command theory in supervenience terms" (54). Yet, in the sentence just previous to this passage, Quinn marks the supervenience relation as a possibly fertile ground for exploration just because it is "supposed to be asymmetrical," which is precisely the nature of the dependency relation Wierenga asserts.

¹⁹ If this relation still seems opaque, Wierenga defuses that concern by appealing to the similarity between this sort of supervenience and that required by the widely popular theories of utilitarianism: "Although utilitarianism thus seems to involve some undefined, asymmetric relation of dependence, no one, as far as I know, finds this a reason to accuse the view of obscurity.... Although it would be nice to have an analysis of this relation of dependence, the divine command theorist is under no special burden to provide one" (1984: 312).

Wierenga thinks that the relation he proposes between God's will and his commands solves Abraham's puzzle as follows:

I suggest that the divine command theorist not take God's command that Abraham kill Isaac as indicating God's desire that some particular act of Abraham's killing Isaac be performed. Rather, God issued that command to reveal what He really wanted, or to induce Abraham to do what he really wanted, which was that Abraham, out of desire to obey God, *prepare* to sacrifice Isaac. Hence, although Abraham's actually killing Isaac would have been wrong, his preparing to sacrifice Isaac was obligatory (390).

Now we see that Wierenga has radically changed the import of his earlier deontological principles. In the three above principles, we should properly substitute "wills" every place Wierenga uses the term "commands." But this is not a small change, tossed in just as a "courtesy to tradition!" This change makes one kind of animal into another! In his "solution" to Abraham's puzzle, Wierenga actually makes the content of God's commanding come wildly apart from the content of God's willing, which raises a level of epistemic concern not found in his earlier three principles. Furthermore, by making the switch, Wierenga has completely changed the metaphysical foundation of his theory.

Notice that in his "solution" Wierenga actually violates his first principle, as it was initially stated. God actually did command Abraham to *sacrifice* Isaac, not to simply *prepare* to sacrifice Isaac. Wierenga claims in his "solution" that *actually* killing Isaac would have been wrong. So, by his own first principle, Wierenga has God commanding (thus making an obligation arise) to do that which is wrong. So, God makes obligatory that which is wrong! But this obviously won't do, so we

have to look (somehow) *beneath* the actual command (because those pesky commands are always what seem to cause the troubles) to discern God's *will* (because, if I can delve a bit into sarcasm, the content of God's will is *so* much more clear to us than is the content of his commands), even when that putative will-content is the diametrical opposite of the command-content. Even if, in Quinnian fashion, Wierenga appeals to the notion that God's commands merely give us *insight* into his will, it is boggling to think that we can count on making sense of a divine will that is revealed via divine commands that are the *opposite* of the divine will!

It also seems shockingly disrespectful of God to offer obedience to what one *thinks* he wants instead of what he commands, particularly when these are diametrical opposites: "The wait staff in a restaurant show me benevolence, perhaps, but scant respect, if they bring me what they think I want instead of what I actually ordered" (Adams 2002: 260). Indeed, imagine Adam and Eve's thinking along these lines when solicited by the serpent in the Garden of Eden:

The serpent says that if we eat of the fruit, we will "become as God." And, God did make it clear that he wants us to be like him. He even told us that he created us in his "image." Perhaps God's command to not eat of the fruit is a clever test on God's part, seeing if we can think for ourselves and come to know him well enough to recognize his underlying desires, and we can use our God-given rationality to extrapolate from what we already know about his will to find out other features of his will. Yes, this command is really a clever test to see if we are in touch with his actual will well enough to recognize that he really wants us to do the opposite of what he has commanded, and thereby become more like him. That's it! We will eat the fruit.

Yet, we know that this little bit of "moral reasoning" (if anything like it occurred) was the biggest mistake of human existence. So, I find nothing to recommend Wierenga's "solution" to Abraham's puzzle.

Moreover, as I will more fully develop in Chapter 5, by making the moral facts *supervene* on the divine will, Wierenga's theory is even more susceptible than are other DWTs to the supererogation objection I develop in Chapter 5, insofar as the relation between the divine will and the moral facts is so intimate that there seems to be no room for a distinction between what God wants and what God wills. So, tragically, what started as a robust and purely deontological DCT has been pressured into becoming a species of DWT, and one more susceptible to attack than others. Thus, I will hereafter think of Wierenga's DCT by remembering it in its initial state, rejecting the move to DWT and its attendant "solution" to Abraham's puzzle. In so doing, I can focus on its strengths as a DCT and find other solutions to the puzzles that motivate a move to DWT.

2.5 Concluding Comments About DCTs

This chapter has not been designed as an exhaustive account of DCTs. However, it is a fair and representative overview of contemporary DCTs. We have seen various metaphysical relations proposed to exist between "being ethically required, wrong, and permitted" and "being commanded, forbidden, and not forbidden" respectively. These have ranged from weak relations, such as moral and

theological terms being merely coextensive, to very strong relations, such as property-identity and supervenience, and we have also seen logical relations and analytical relations.

Furthermore, we have seen that various objections, specifically the Euthyphro dilemma (with its attendant concerns about divine arbitrariness) and Abraham's puzzle are pressing concerns for DCT, and that DCTs have responded to these pressures by either adopting an axiological metaphysics or by morphing into a species of DWT. We have already seen the problems inherent in adopting an axiological metaphysics of ethics, and in Chapter 5 we will see a fundamental problem with DWT. What, then, is the hope for DCT?

Both Quinn and (the initial) Wierenga have developed DCTs that maintain n-deontological purity, and other DCT formulations are possible as well. If such formulations can be shown to provide adequate solutions to the objections and concerns that have motivated the moves to axiology and DWT, then we can reject such moves with impunity, thereby maintaining a DCT approach to DETs that is n-deontologically pure and generally more plausible. Thus, the puzzle-solving in Chapter 6 is of paramount importance.

3. The Will Formulation (DWT)

What makes DWT more popular now than DCT? Murphy reiterates and endorses Quinn's claimed motivation for moving to an explicitly DWT, and notes that this motivation is more fundamental than any possible "puzzle-solving" superiority DWT might enjoy over DCT: "It is at the deepest level God's will, and not his commands, which *merely express his will*, that determines the deontological status of actions" (Murphy 9, quoting Quinn 1990: 293). So, while DWT is taken to have a certain puzzle-solving superiority over DCT, the most significant motivation behind DWT is that there is something deeply intuitively compelling to theists about wanting to be in conformity with God's *will*, which is to say wanting to live a life that is in harmony with everything God *wants* so that one's life is most satisfying and thereby glorifying to God. DWT is firmly grounded in that theistic intuition and, in effect, substitutes that intuition for DCT's appeal to the strength of the speech act analogy. Thus, both Murphy and Quinn argue that divine commands are *only* significant insofar as they reveal God's will (where the real metaphysical work gets done).

Although DWT has become more popular than DCT, it is somewhat more difficult to say exactly what it is. While earlier DCTs have been developed with clear differences between them in terms of metaphysical commitments, current DWTs are extremely vague in terms of their metaphysical commitments. Murphy,

along with Quinn (2000), notes that various sorts of metaphysical relations might be held to exist between moral obligation and God's activity of willing. These include "identity, or causation, or perhaps supervenience" (Murphy 3).²⁰ Quinn also mentions analysis, referring to Adams' earliest work. However, these metaphysical relations prove to be quite insignificant in current DW-theorizing, and Quinn (2000) is quite offhanded in quickly turning the project of DE-theorizing toward addressing objections and finding positive reasons for DE-theories that will appeal to even non-theists. It appears that the metaphysical details of DWTs are viewed as *mere* details that can be worked out later, after the "task of determining what specific formulation [DET] should receive" (Murphy 3) is accomplished. By "formulation" here, Murphy is explicitly referring to "the issue of what states of affairs involving God should be taken to be fundamental to DWT" (3). And Murphy goes on to say that his article is intentionally silent on metaphysical relations because he wants to focus strictly upon the question: "What is the act of [God's] willing that is relevant?" (4)

A survey of the literature finds nothing along the lines of a DWT equivalent to Quinn's 1978 DCT work, or to even the less rigorous but still clearly defined

²⁰ Current DET references to causation should not be confused with the causal version of DETs I mentioned in the Introduction. Causal DETs posit a one-time act on God's part in which all the moral facts were created; there is no reference in such theories to God's *ongoing* activities. Such a theory is consistent with a deistic notion of God and posits a static panoply of moral facts, while current DETs imagine a theistic notion of God, where his ongoing activities and relationships with human beings produce more or less dynamic moral facts. The latter DETs lack the fundamental epistemological difficulties inherent in the former, the "occultish" flavor of the former. Current DETs talking about causation tend to denote specifying necessary and sufficient conditions for the emergence of moral facts in, as I have said, a more or less dynamic fashion. (See: Quinn 2000.)

metaphysical relations that are seen in Adams' and Wierenga's works. The approach DW-theorizing has adopted makes distinguishing between various DWTs on a primarily metaphysical basis virtually impossible. So, rather than to delineate between DWTs by author and metaphysical type, as I did in the previous chapter, in this chapter I will distinguish between the two primary theoretical approaches according to their claims about the nature of God's willing. I think that this approach is the best way to demonstrate what differences do exist between the two extant DWTs. Thus, like the literature, we will continue by using Murphy's distinction that is based upon the *nature* of God's will-act that "produces" (in some metaphysically undefined way) moral obligation.

In his abstract (3), Murphy distinguishes between the two different DWTs, calling them *DCT2* and *DCT3*. This naming convention will be confusing for our purposes, so when quoting Murphy or referring to these theories, I will, for consistency with my current naming convention, call them *DWT1* and *DWT2*, respectively. Murphy says:

On DWT1... moral obligation depends on God's willing that S be morally obligated to Φ ; on DWT2... moral obligation depends on God's willing that S Φ . I argue that... the positive reasons brought forward in favor of DWT1 support only a weak formulation of DWT1 that is indistinguishable from other theistic moral theories. DWT2 is, however, a distinctive theory that theists have strong reasons to affirm.

We see that the distinction between these two DWTs depends upon the actual *content* of God's willing. On DWT1 God wills that an agent be obligated to

do something, while on DWT2 God just simply wills just that the agent do something. Murphy claims, "I know of no plausible will formulation of [DET] other than DWT1 and DWT2" (10), and we will continue our discussion now presuming that DWT can be construed as a dichotomy between these two versions.

Murphy proceeds to undermine DWT1 over the course of six very dense pages. His discussion seems to me non-condensable, so I encourage the interested reader to peruse that section of his article. For our purposes, we are interested in seeing the most plausible current DWT, and Murphy takes that to be DWT2. Both Quinn (2000) and Adams (2002) refer to Murphy's article as an exemplar of their current beliefs regarding DWT (although, obviously, Adams continues to believe that DCT is superior), and so I take it that Murphy's arguments have proved compelling enough to the DET community that Murphy's DWT2 is now the standard by which DWTs are to be judged. We now continue by explicating DWT2.

Let us consider DWT2's formulation of obligation: "S's being morally required to Φ depends upon God's willing that $S \Phi$ " (Murphy: 16). We are not clear about this dependency relation (which Murphy has expressly stated is not his project) or about the sense in which Murphy means "willing," but Murphy recognizes this second issue: "The difficulty that lurks in specifying such a sense is this. If one specifies a sense of willing that is too strong, it would follow that no one could possibly violate a moral requirement; if one specifies a sense of willing that is too weak, it does not seem appropriate to connect that sense to moral

obligation; and it is not easy to specify a sense of willing that falls between these unacceptable extremes" (Murphy: 16).

Murphy correctly states the problem with DWTs in general: on the one extreme, whatever God wills, God gets; but surely when God wills in a moral sense, God does not always get that. On the other extreme, "willing" is a sort of "wishing" or "pro-attitude". But that seems much too weak for moral obligation. Murphy summarizes the problem by noting that some sort of distinction does seem to be necessary between axiology and deontology: "Does it not seem that God's wishes should be reserved for the explication of moral goodness, while a stronger notion should be put into place to account for moral obligation?" (Murphy: 17)

But, DW-theorists are committed to making divine will do all the work, and so Murphy attempts to find some way between the extremes: Aquinas' famous distinction between God's antecedent will and God's consequent will. Briefly, God's antecedent will is what He wills without actual states of affairs (particularly human choices) taken into consideration, while God's consequent will is what He wills taking all states of affairs (including human choices) into account. For example, God antecedently wills that all humans live, but he does not consequently will this (justice, for example, might preclude this outcome). So, God does not always get what He antecedently wills, yet, according to Aquinas, God always gets what He consequentially wills. Given this distinction, Murphy suggests that moral obligations are dependent (via some not yet explicated metaphysics) upon God's antecedent will:

"These [God's antecedent intentions] might be thought to have the requisite strength to be associated with moral requirements, and since not all of God's antecedent intentions need be fulfilled, this association would not have the unwelcome implication that necessarily no moral obligations are violated" (Murphy: 18).

Murphy takes this view to have four advantages over all other DET contenders. We will consider and respond to each:

The first has to do with the range of moral reasoning techniques that are sanctioned by DWT2; the second has to do with DWT2's ability to provide a satisfying account of the distinction between *prima facie* and *ultima facie* (or "all things considered") moral obligations; the third has to do with the fact that DWT2 entails certain commonly held and quite fundamental deontic principles; and the fourth has to do with the attractive picture of the moral life that is suggested by the particular interpretation of DWT2 that I have defended (19).

1) The first advantage is supposedly seen particularly in contrast with DCTs. Murphy asks us to assume that a person has at their disposal all of the divine commands ever issued. Then the person's moral reasoning is "slighted" insofar as all there is left to think about is "what actions are necessary to carry out those commands" (20). By contrast, DWT2 supposedly allows the person to continue moral reasoning: the person can use principles of rational willing to extrapolate from God's commands what might be his will on "other matters." Murphy says, "The primary example of such thinking that comes to mind here is analogical reasoning, which is widely used in judicial reasoning to come to legal judgments by extrapolating from explicit expressions of legislative will" (20).

This advantage, it seems to me, presumes that DWT has a tidy answer to the supererogation objection (see Chapter 5), which I deny that it does. Because I believe that only DCT can offer an account of supererogation, I believe that DCT can offer a better account of this "further moral reasoning" than can DWT. While the DW-theorist is extrapolating to figure out what the moral facts *are* (which raises, I believe, *huge*, even intractable, epistemological issues), rendering this "further moral reasoning" actually, I think, a hopeless effort to figure out what obligations one even *has*, the DC-theorist is reasonably clear what her obligations are and is devoting her "further moral thinking" to determining what would please God even more than just barely getting over the bar of basic moral expectations!

Furthermore, I think that the thought experiment under which we imagine that a person "knows all the divine commands" is one of those thought experiments that is so outlandish as to be inapplicable in any way to the real world to which these theoretical exchanges are supposed to apply. In the real world, what we actually have is relatively limited knowledge of what all the divine commands have been and might be. Thus, according to the DC-theorist, we start our moral lives getting clear on some of our obligations, and then we can do the very sort of extrapolation Murphy suggests to get clues about where to more fruitfully look for additional obligations, and we also have some sense of what these obligations might look like. In addition, there is the huge issue of distinguishing between genuine obligations and merely putative obligations. One of the filters by which a DC-theorist can distinguish between genuine and merely putative divine commands

is by extrapolating what sorts of "revealed will" God might employ consistent with his other commands. So, it seems to me that a very great deal of genuinely moral reasoning can take place in this real world, even if DCT did utterly *eliminate* moral reasoning about already-known obligations.

2) The second advantage is supposedly that DWT2 gives an account of the distinction between *prima facie* and *ultima facie* (or "all things considered") moral obligations. I will let Murphy explain this for himself:

According to DWT2, moral obligation depends upon antecedent intentions. Antecedent intentions are, however, relative abstractions; and since there are various levels of abstraction to which we can ascend in the ascription of such intentions, there will be a variety of levels of antecedent intentions. We may characterize one's *ultima facie* moral obligations – those moral obligation by which we are bound, all things considered – as depending on God's antecedent intentions concerning one's actions which take into account all circumstances of action apart from what one actually chooses to do. One's merely *prima facie* obligations, on the other hand, depend on those of God's antecedent intentions concerning one's actions that abstract even more completely from the particular circumstances in which one must choose what to do (20).

Murphy proceeds to use the famous "chasing axe-murderer" example by which Kant himself might find that he has an *ultima facie* obligation to lie in order to protect the axe-murderer's intended victim. Thus, we see that this "advantage" is based upon a very contentious view of moral obligation itself, one that smacks of a certain relativism. I, for one, find Kantian deontology very appealing *in virtue of* its absolutism. Far from being an *advantage* of DWT over DCT, I find this

application of the implications of DWT quite odious and a decided disadvantage!

This "advantage" will only seem so to those ethical theorists who think of morality in terms of the distinction between *ultima facie* and *prima facie* obligations (may Heaven help them, I say only partially tongue in cheek).

3) Because I devote an entire section (4.2) to this "advantage," I will forego its discussion here.

4) Fourth, DWT2 is supposed to paint an "attractive picture of the moral life," more attractive, supposedly, than does any DCT. Again, I will Murphy explain this point himself:

The fourth consideration in favor of DWT2 as a formulation of [DET] is that it fits easily into what many [DE] theorists might take to be an attractive view of the human role in God's creative activity. God, many theists believe, is provident: He has plans for creation, He orders things in a particular way, He governs the world. With regard to most aspects of God's plan, His intending can make it so. But we might think that this is not the case with regard to those aspects of God's plan that include free human actions: God's intending cannot simply make it the case that humans freely do what God wills. Rather, humans will have to choose freely to carry out the divine intentions. There is a sense, that is, in which the fulfillment of God's plan requires human cooperation. Note, though, that this view of the human place in God's creative activity goes some way toward making morality, as described by DWT2, intelligible within a theistic worldview: God's commands make known to humans what they need to do in order to cooperate with God in His creative activity (21).

Murphy immediately admits that this "is no decisive argument," but he then immediately follows that observation by stating, "From a theistic perspective it may be the strongest consideration in favor of DWT2 as the preferred formulation of [DET]." I don't think that this argument is either decisive against DCT or that it demonstrates any DWT advantage whatsoever in terms of possible world-views.

Everything that seems advantageous about this argument hangs on one sentence: "God's commands make known to humans what they need to do in order to cooperate with God in His creative activity," where this is taken to mean something like, "God's commands make known to humans how they can best integrate themselves into the vast web of the moral order that God is making come to pass via human cooperation in the obedience of his revealed (or, presumably, extrapolated) will." So, the "theistic world-view" that Murphy imagines is that God is *creating* (with an emphasis on coming-to-pass) the moral order, dynamically, just as quickly as human beings discover his will and comply with it. God's will, then, establishes the parameters, if you will, of what this moral order will ultimately be like, and his commands (along with human extrapolations) enable humans to come to know more and more about the parameters of the moral order they are helping to create.

This is certainly a nice, and is certainly a theistic, world-view. However, I have two questions: 1) why should we suppose that this world-view is somehow "nicer" or "more theistic" in some way than alternative world-views; 2) why should

we think that no version of DCT can fit nicely within this world-view? Let's consider these questions in order.

Imagine instead another "nice" world-view that is also clearly theistic. On this world-view, God's will (which is, as the Bible says, unchanging) has already created the axiological order, and he has fired up the free-moral-agent part of creation along with *immediate* revelations in the form of commands by which to establish the (as Murphy would call them) *ultima facie* moral facts. One might think of the Ten Commandments as examples of such commands, and there is evidence to support human knowledge of the Ten Commandments in various places in Genesis, long before their formal appearance on tables of stone. Thus, on this world-view, the goods are utterly static and are utterly independent of human existence or choices.²¹ On the other hand, the moral facts are dynamic, established by God as appropriate for the development of human beings and humans' increasingly complex and thoroughgoing involvement in his creation. Thus, the moral facts have a "hard core," upon which are added additional (and, I claim, consistent) moral facts to accommodate human development. Yet, on this view, the moral facts always arise via revelation (commands), and they then take their place in the increasingly complex web of God's created moral order.

The difference between these two world-views is on the role imagined for the human agent. I wonder: why is it that people always seem to want to make

²¹ This is the sense, we might think, in which God declared his creation "good" in Genesis. Rather than God recognizing, as though comparing his works to some independent axiology, that his works were "good," instead God literally *declares*, ostensibly defining, as it were, that his works are good.

humans more powerful and important than they are? Murphy's moral order has humans as an active part in God's creation (verb), while my suggested world-view places humans as an active part of God's creation (noun). In the former, humans help create; in the latter God needs no help *creating*, and humans are in fact mere creatures who have been granted the amazing right not granted to the rest of the animal kingdom of *choosing* whether or not they will be in harmony with God's revealed axiology and his express commands. I do not read, for example, the Bible placing humans in the former role. But the Bible, I think, clearly puts humans in the latter role.

Regardless of which world-view you prefer, the point is that Murphy's is certainly not an obviously "nicer" or even more correct world-view than any number of others that could be imagined and be seen as more or less consistent with various sacred texts. So, far from Murphy's world view grounding a "decisive" argument in favor of DWT2, as he acknowledges that it does not, that world-view is just one among many that a theist can find appealing, and many of these world-views will be consistent with or more strongly indicative of some version of DCT.

My second question is even more pressing to Murphy's argument than was the first. I ask: why should we think that no version of DCT can fit nicely within this world-view? Even on Murphy's account of his world-view, he opens the door for commands to play the very role a DC-theorist might imagine them to play. Granting that the human agents are helping God create the moral order, why should

they not be doing so by obeying God's commands (independent of God's will)?

Murphy himself says: "God's commands make known to humans what they need to do in order to cooperate with God in His creative activity," and I cannot see why that cannot be interpreted as saying that God's commands are themselves creating (and revealing) the moral order with which humans may choose to cooperate.

Surely Murphy is not suggesting in his world-view that if humans choose to disobey God's commands (or will), that God's creation of his moral order *fails!* This would certainly run afoul of Murphy's earlier attack on the speech-act analogy for DCT (which we will closely examine in Section 4.1); Murphy states that that analogy makes God's ability to create moral facts "unacceptably contingent." So, even on Murphy's world-view, humans are not creative agents in anything like a *strong* sense! At best, humans can be *cooperative* in God's plan, but that is a separate question from whether the ground of the moral facts is to be found in God's will or his commands!

So, I do not see in Murphy's world-view any reason to suppose that it favors a DWT over a DCT. Coupled with the fact that this is certainly not the only, or even necessarily most appealing or correct, world-view a theist might wish to adopt, I see no advantage in Murphy's fourth point for DWT over DCT.

To sum up: DWT is considerably less metaphysically developed than is DCT. It currently comes down to two formulations, and the community has largely adopted Murphy's DWT2. What makes this formulation most appealing is the way

Murphy has utilized Aquinas' distinction in order to explicate how the moral facts relate to God's activity of willing. In Chapter 5 we will see that this formulation does not yet solve a fundamental problem for DWTs, but, on the face of it, DWT2 does at least address the problem of finding a sense of God's will that is not too strong and is not too weak. Murphy offers several reasons to think that DWT2 is superior to DCT, but we have seen that these reasons are not very persuasive, much less compelling. In the next chapter, we will defend against Murphy's objections to DCT. Finally, we will be in a position to discuss what is really wrong with DWT, and then we can go about solving the three classic puzzles.

4. Defending DCT

The weight of popularity is on the side of DWT. Its defenders claim its superiority over DCT because of its supposedly superior capacity to solve certain puzzles and problems as we saw in various places in Chapter 2, it is supposed to have certain "advantages," as we saw in Chapter 3, and because it is believed that particular objections threaten DCT that do not threaten DWT. Murphy's article does such a nice job of developing two primary objections that I will use his article as an exemplar of current DWT thinking on this subject. Thus, although in this chapter I will be responding directly to Murphy's article, I take this response to be more generally directed at the sort of DWT thinking that motivates Murphy's article.

4.1 Murphy's First Objection

Murphy's first objection attempts to undermine any analogy between human commanding and divine commanding. He believes that the speech-act analogy between human and divine commanding is the primary reason to prefer DCT over DWT—only if this key analogy holds. However, he argues that the key analogy does not hold. Therefore, DCT loses its major appeal, rendering DCT less preferable than DWT.

On Murphy's view of the speech-act analogy, God can only effectively command those members of a "highly specific, theocratic" society who are aware of the "institutional rules" and who recognize a putative command of God as complying with those rules. In this "institutional" sense, then, God's capacity to command humans would be contingent on human social practices. On Murphy's view, both the existence of a "theocratic" society and the awareness of its members of the "institutional rules" governing God's putative commands are necessary conditions for God to succeed in commanding. However, Murphy thinks that such conditions either never have been, or are not now, satisfied, which leads him to conclude that the key analogy breaks down. Finally, even if it could be argued that the analogy does not break down, Murphy believes that the "institutional" contingency introduced by the analogy is an unacceptable byproduct, further undermining the appeal of the analogy.

So, the objection has two aspects: first, Murphy doubts if the analogy can withstand the 'fact' that the requisite society has never obtained or does not now obtain; second, Murphy believes that even if the analogy can hold it relegates moral obligation itself (as produced by divine commands) to the vagaries of human social practices, which makes God's capacity to impose obligations upon humans a function of humans themselves.

Let us address these concerns in order. First, why should we think that the requisite society has never been, or is not now, in existence? We can respond with a claim to which most people would agree: God has succeeded in commanding via

at least the Hebrew/Jewish society that has been the basis of sacred scriptures acknowledged as normative by the majority of the world's population.²² Even if the beliefs and practices of many such believers have been in error, it seems plausible to think that the requisite society has been and even now is in place through which God can successfully command. Certainly the burden of proof is upon Murphy to explain exactly how each of these putative requisite societies fails to enable God to impose obligations. So it appears to me that the first aspect of Murphy's objection is non-threatening at present.

Now, although the foregoing response leaves open the possibility of God's commanding being unacceptably contingent, we can further claim that the requisite social structures Murphy requires have been universally in place since, and in light of, creation. Such a claim could work like this: God, being unwilling to find himself in the position of losing normative contact with a world full of people he has just created, ensures that he also creates the logical rules, social structures, etc. (just as Murphy suggests) so as to guarantee that his commands do in fact generate moral obligations binding upon his new creation. Not only is this not unreasonable to suppose, it would be shocking to find out that God had allowed his creation to slip utterly beyond his grasp in just the way that Murphy suggests.

At this juncture one could well question, "What would it be for the institutional rules that make the utterance of certain words obligation-constituting

²² Here I include Judaism, Christianity, and Islam (which holds at least the Torah as normative).

to be in place since creation?"²³ To formulate an answer we should remember that Murphy agrees that in certain contexts (like the military, for example, when a superior has issued a command) the human speech act of commanding produces genuine moral obligation. It is not difficult to imagine a similar context in which God initially contacts his newly created people and ostensibly places them into something like a military context: "Look around you and see all that I have created. I am your God, and you are my people. I am the only one you must ultimately obey, and I will make it clear to you that I have commanded by using the means I am about to describe to you. Furthermore, let me tell you now that your very logic, your very means and structures of relating to each other are reflective of my means of relating to you." And so on. I cannot see how this is not analogous to what Murphy grants would be obligation-producing human commanding. The only difference seems to be that we think of human obligation-producing contexts as limited in scope, while I am suggesting a way by which God could similarly—but universally—impose obligations.

So, given the universal scope of creation and the sweeping nature of such divinely imposed structures, we could reasonably assert that any moral facts produced in the (universal) scope of such structures obligate every individual, even in the absence of any particular person's awareness of the source or implications of such structures.²⁴ This fact seems to deflect much (if not all) of the potential threat

²³ I thank an anonymous referee at *Faith and Philosophy* for raising this point.

²⁴ The fact that many people today do not recognize such an agreement between God and early humans does not establish that God's commands could not still be

arising from the contingency aspect of Murphy's objection. After all, contingency cannot be completely avoided, since the speech act of commanding involves certain contingent components of the one being commanded. By deigning to communicate with (and command) humans at all, God is constrained to meeting us where we are (where he placed us, according to the foregoing argument), but this level of contingency seems not to limit God in any way beyond the limitations he imposes upon himself. Surely this is not "unacceptably contingent," as Murphy claims.

Thus, it seems that the speech-act analogy can hold. At this juncture, then, it seems that Murphy's first objection does not provide sufficient reason to reject DCTs. However, there is one final perturbation to the discussion of Murphy's first objection; his objection can play a second, subtler role.

Let us consider the main point of Murphy's objection, even though his particular argument against the speech-act analogy does not appear successful. After all, it certainly seems possible that *some* argument could be formulated that would convince us that the speech-act analogy cannot hold. In such a case, the main point of Murphy's objection would still require us to recognize that DCT could no longer be preferred over DWT.

Murphy suggests that the speech-act analogy provides either the sole or the strongest reason for preferring DCT to DWT. With this reason removed, in order to prefer DCT over DWT one would apparently be forced, as he says, to baldly assert: "There is a moral principle that one ought to obey God's commands"

obligation-producing (unless one is prepared to argue for moral anti-realism alongside the empirical facts).

(Murphy: 7). Murphy responds by asking, "...why one holds that view rather than the view that (perhaps) there is a moral principle that one ought to obey God's will" (Murphy: 7). And by this one question, Murphy presses home the first objection's main point: with the speech-act analogy gone, DC-theorists are left just lamely *asserting* that DCT is preferable. Thus, whether or not Murphy's particular attack on the analogy is successful, some such attack certainly could be successful, and so Murphy's first objection has left the impression that DC-theorists stand on very shaky ground indeed.

However, this impression presumes that DWT stands essentially problem-free, which, as I will demonstrate in Chapter 5, is not the case. DWT is so fundamentally flawed that, regardless of the state of the speech-act analogy, I must prefer some DCT over any DWT. Thus, Murphy's first objection is not worrisome either because it actually does fail to undermine an excellent reason to prefer DCT over DWT or because, regardless of such success or failure, it does not consider the most pressing reason to prefer DCT over DWT.

4.2 Murphy's Second Objection

Murphy does present one potentially extremely serious objection against DCT, and if this objection proves to be as serious as it seems, and it cannot be adequately answered, then I must agree with Murphy that DCT is inferior to DWT. Murphy writes as follows:

DCT3²⁵ is also attractive in its fruitfulness: it is capable of providing defenses of several commonly held deontic theses that DCT1 cannot. Consider the following three moral theses: (1) if one is morally obligated to Φ , and Ψ -ing is a necessary means to Φ -ing, then one is morally obligated to Ψ ; (2) if one is morally obligated to Φ , then it is possible for one to Φ ("ought implies can"); (3) if one is morally obligated to Φ and is morally obligated to Ψ , then one is morally obligated to Φ and to Ψ ("the agglomeration principle") (Murphy: 20).

We see that Murphy's attack claims that only a DWT can provide a "defense" of these three theses and that a DCT cannot. I do not believe that these three theses can be plausibly rejected or left unaccounted for. Thus, I believe that this sort of attack, were it successful, would seriously (perhaps fatally) undermine the plausibility of DCT.²⁶

However, Murphy never does explain exactly *how* DCT cannot "defend" these three theses, nor does he explain what would count as a passable "defense." In previous drafts of this chapter, submitted as an article for publication, I have responded in various ways to various interpretations of Murphy's second objection, with a very revealing result. Various readers and referees take Murphy to be saying different things, with the result that no matter what response I give, the various readers agree that I have responded to "my" Murphy, but that what I responded to was not what Murphy "really meant." After several such iterations, I have come to

²⁵ Murphy's "DCT3" is what I have been calling "Divine Will Theory," while his "DCT1" is what I have been calling "Divine Command Theory".

²⁶ As a referee at *Faith and Philosophy* has noted, Murphy does not seem to place as much weight on his own objection as I do. I find this objection potentially more devastating than Murphy has suggested that it is. Perhaps a DCT could simply fail to explicate these theses but remain plausible in every other way. Nevertheless, I would find such a DCT unacceptable.

conclude that Murphy's second objection is even more opaque than I had originally imagined; it is at present a genuine "moving target." However, I will attempt to respond to Murphy's second objection as best I can, even if it is only "my" Murphy to which I am responding. Perhaps in the future, Murphy will clear up what he really intended to say with this objection.

One referee at *Faith and Philosophy* has suggested that Murphy meant that these deontic theses are immediate implications of DWT in a way that they are not for any DCT: "If one wills that X, one knows that Y is necessary for X, and one is rational, then one wills that Y. But it is not true that if one commands that X, one knows that Y is necessary for X, and one is rational, then one commands that Y. (One might have all sorts of reasons for not giving a command about Y-ing.) So a rational commander might command one to phi, know that psi-ing is necessary for phi-ing, yet not command one to psi."

This suggestion of what Murphy meant, while a good one, does not seem to address the actual content of the deontic theses in question. The theses are about the relations between obligations, not about *how* those obligations arise. I see nothing related to a "defense" of these deontic theses in this suggestion. On this suggestion of what Murphy meant, at most Murphy might be noting a certain symmetry between DWT and these three theses that is not quite so neat with DCT. That is certainly an interesting point, but, again, it says nothing whatsoever about whether or not DCT can produce or imply these theses. As I will develop just below, DCT certainly *can* produce or imply these theses, even if not so

"symmetrically" as DWT. So, if what the referee suggests is really what Murphy meant, then I see in Murphy's second objection nothing more than an interesting, non-threatening side-note.

However, I take Murphy's objection to be a bit more threatening than that. I believe that Murphy is suggesting that these three theses cannot "follow from" or "be developed" (or some such thing) by DCT. So, I will respond to that sort of a claim in what follows.

In Quinn's 1978 formulation of DCT he develops a quite thorough logic of requirement incorporating divine commands, and he there provides the groundwork to explicate and "defend" all three theses in strictly DCT form. I will take it that a successful "defense" will have been mounted just in case each thesis can be derived from ethical axioms that are not in dispute, provided that each thesis can be derived from *within* the constructs of the DCT in question. So, let us explicate all three theses in order, and let us do this from within the constructs of Quinn's 1978 DCT.

In order to appeal to Quinn's work in such derivations, we must begin by getting clear on the first crucial feature of Quinn's primitive locution (1978: 93). Here Quinn introduces 'Op' as 'it is obligatory that p'. And, to avoid any confusion, Quinn here makes it clear that he is talking about genuine moral obligation rather than a more axiological reading, like, 'it ought to be the case that p,' or, 'it would be good if p were the case'.

We can now denote what Murphy's first thesis (of course, not yet in DCT terms) would look like in Quinn's primitive locution, and we will call it 'Murphy's Thesis 1':

MT1: $(Op \ \& \ (p \supset q)) \supset Oq$

In Quinn's locution, this says that if the truth of p is an obligation, and if the truth of q is a necessary condition for the truth of p , then the truth of q is an obligation.²⁷ MT1 seems to be an acceptable formulation of Murphy's first thesis.

Now, our goal is to cast MT1 in DCT terms, and we can do this using one additional primitive locution from Quinn: ' Cp ' means 'God commands that p ' (1978: 76). We will call this (DCT modified) version of MT1 'Command Thesis 1':

CT1: $(Cp \ \& \ (p \supset q)) \supset Oq$

This says that if God commands that p , and the truth of q is a necessary condition for the truth of p , then the truth of q is an obligation. It seems clear that CT1 captures all the intentionality of a DCT version of MT1 that Murphy could desire.

Murphy seems to suggest that nothing like MT1 can be derived in the form of our DCT formulation CT1. So, we will demonstrate that if MT1 is really true, we can cast it in DCT terms.²⁸

²⁷ Let us not get too concerned about the "truth of" locution. Quinn takes the variables to pick out declarative sentences, leaving the truth conditions unspecified. Of course, our common sense view here would suggest that these variables pick out actions performed by agents.

²⁸ In what follows, I will modify some of Quinn's theorems slightly to drop out the ' Mp ' connective (which means, ' p is logically possible'). While this connective is useful to Quinn's project, it introduces unnecessary complexity into this discussion, and I presume

To begin, we must note the fact that MT1 is a theorem of a DCT. In his Deontic Logic chapter (1978: 113), Quinn introduces three standard deontic axioms, and from these he proves that MT1 follows; he calls it '(T2)' (1978: 114). We need not duplicate his somewhat involved proof here, but it is clear that MT1 is an immediate result of a standard deontic logic, including one consistent with Quinn's DCT. So, we feel justified in using MT1 as the first line of our proof, thereby simplifying our derivation and making it consistent with the notion that if MT1 is true, then CT1 can be derived from it.²⁹

1.	$(Op \ \& \ (p \supset q)) \supset Oq$	MT1
2.	$Cp \supset Op$	(T8)(1978: 95) ³⁰
3.	$Cp \ \& \ (p \supset q)$	Assump.: Cond. Derivation
4.	Cp	3, Conjunction Elimination
5.	$p \supset q$	3, Conjunction Elimination
6.	Op	2, 4 Modus Ponens
7.	$Op \ \& \ (p \supset q)$	6, 5 Conjunction Introduction
8.	Oq	1, 7 Modus Ponens
9.	$(Cp \ \& \ (p \supset q)) \supset Oq$	3-8 Cond. Derivation

So, it does seem that, given MT1, which is in fact an immediate result of any standard deontic logic, it is actually not difficult at all to derive a DCT version of it. If something like this does not count as an adequate "defense" of Murphy's

that for purposes of this discussion, whatever is obligated is in fact logically possible. So, for example, Quinn's (T8) theorem will be simplified from ' $(Mp \ \& \ Cp) \supset Op$ ' to ' $Cp \supset Op$ '.

²⁹ The same anonymous referee from *Faith and Philosophy* quoted above also accuses me of "helping myself" to MT1 as the first line of my derivation, stating that "proving" MT1 in DCT terms *is* the issue. I simply disagree with the referee about what *is* the issue. Quinn "proves" MT1, and from it CT1 can be derived. What more "in DCT terms" does CT1 need to be in before it counts as a "defense" of the first thesis?

³⁰ This theorem says that if God commands that p, then p is obligatory. There should be nothing surprising about this theorem, since such a claim is the essence of any DCT. Of note, however, is that this theorem is actually quite weak. Here God's commands are sufficient but not necessary conditions for the emergence of moral facts.

first thesis, then it is not clear to me what more Murphy might desire. Furthermore, it is not clear to me why in principle the DC-theorist could not produce a parallel derivation to *whatever* derivation could be produced under a DWT that could "defend" the thesis. Thus, there seems to be no reason that DCT should be threatened by its purported inability to "defend" Murphy's first thesis.

Now, regarding Murphy's second thesis, Quinn (1978: 94) actually proves a stronger DCT formulation of "ought implies can" than Murphy explicitly requires:

(T5) $Mp \equiv CpIp$.

What (T5) says is that it is possible that p if and only if the requirement that p would be indefeasibly imposed if it were the case that God commands that p. Divine commands could extend exactly as far as logical possibility does.

The "CpIp" notation means, "The requirement that p would be imposed if it were the case that God, who is the powerful and loving creator, commands that p" (Quinn 1978: 94). We need not explicate Quinn's proof of this theorem³¹, but it is clear that Quinn's (T5) is a stronger biconditional, and DCT version, of Murphy's second thesis.

At this point, much depends upon Murphy's meaning of "possible" in his second thesis. If Murphy means mere logical possibility, then Quinn has already provided a "defense" of a command formulation of Murphy's second thesis.

However, if by "possible" Murphy means something more than logical possibility

³¹ On page 94, Quinn briefly denotes his proof as following from his definition (D2) on page 92 and his theorem (T2) on page 91, coupled with his axiom (A3) on page 94. I leave further investigation to the interested reader.

(like, *physical* possibility), then that is seemingly a higher bar than mere logical possibility, although that reading of "possible" is not obviously to be drawn from his own elucidation of the thesis:

It is a tenet of rational intending that one does not intend what one believes to be impossible. If God believes that it is impossible for S to Φ , then it is impossible for S to Φ , and God (being rational) does not intend that S Φ (Murphy: 21).

Granting that God is rational, and that He believes that all logically impossible things are in fact logically impossible, the more stringent elucidation of the second thesis says nothing whatsoever about what God might or might not believe about (or command regarding) *physical* possibility. So, if Murphy is here talking about *physical* possibility, he does not clarify that fact. Indeed, we are left wondering if he also intends the corollary: If God believes that it is (physically?) possible for S to Φ , then it is (physically?) possible for S to Φ .

Now, let's assume anyway that Murphy does mean both logical and physical possibility. Murphy has here equated *impossibility* with what God believes. But this leaves open the question of whether or not God could be mistaken about what is physically *possible*. Quinn (1978: 96) does note that his own formulation leaves open the question of whether or not God ever commands anyone to do that which is *physically* impossible. However, he also notes that, "Theists may, of course, trust that God never commands anyone to do anything which he is unable to do...." And Murphy has himself defined impossibility in such a way that God never commands that.

Furthermore, it is hard to take seriously the 'theist'³² who would deny that *whatever* God believes is physically possible is in fact physically possible, making it obviously logically possible. (Such a 'theist' would have to imagine that God is at times simply mistaken about such things! But if we're talking about, for example, the same God who created all things, it is difficult to see wherein such mistakes might occur.) Surely if God commands a lame man to take up his bed and walk, then it is physically possible for the man to take up his bed and walk (it is obviously logically possible). Anything God commands, he can certainly make physically possible!

Thus, there is no reason I can see justifying Murphy to assert that DCT is *unable* to explicate the thesis that whatever God commands must be possible (on any reading of "possible").

Now, regarding Murphy's third thesis, Quinn (1978: 91) takes it as axiomatic that:

(A2) $(pRq \ \& \ pRs) \supset pR(q \ \& \ s)$.³³

Any proposition would require the conjunction of all of those propositions such that it would require each of them.

Quinn's 'pRq' notation here means, "The requirement that q would be imposed if it were the case that p.... It is to be noted that the subjunctive mood is

³² We are not talking about a deist here, and I'm not sure what such a 'theist' would be like. Certainly this 'theist' does not herald from the Islamic or Judeo-Christian traditions.

³³ Quinn actually uses the variable 'r' where I am using 's'. As we proceed, it will become obvious why this change adds clarity when combining (A2) with (T6) just below.

an essential ingredient of our reading of this locution" (1978: 90). Of course, Quinn's (A2) is just Murphy's third thesis, so blissful harmony reigns on the point of the axiomatic nature of Murphy's third thesis. But (A2) coupled with Quinn's additional formulation of theological commitment, "(T6) $Mp \supset CpRp$," would produce a DCT version of it as:³⁴

$$(CpRq \ \& \ CpRs) \supset CpR(q \ \& \ s)$$

which is to say that if God were to command such that q would be required and God were to command such that s would be required, then God would command such that q and s would be required. Quinn prefers the subjunctive mood here because he wants to leave open that the notation "...does not assert or entail that God exists or that, if he does, he issues any commands" (1978: 94).

However, we can obviously move from the subjunctive mood to a formulation of the relation between actual commands and actual obligation, if necessary, beginning by recasting Quinn's thesis as: $(Cq \ \& \ Cs) \supset C(q \ \& \ s)$, which is to say that if God commands that q and God commands that s, then God commands that q and s. Then, via Quinn's earlier mentioned, (T8) $Cp \supset Op$ ³⁵, we are entitled to claim that $C(q \ \& \ s) \supset O(q \ \& \ s)$, producing by hypothetical syllogism the command formulation of Murphy's third thesis: $(Cq \ \& \ Cs) \supset O(q \ \& \ s)$. So, in

³⁴ For notational simplicity, I am here again assuming that the antecedent of Quinn's (T6) is satisfied, namely that what God commands is in fact possible (see again, 1978: 94). This leaves us with the simple formulation: $CpRp$, which is to say that were God to command that p, then p would be required.

³⁵ Again, for simplicity, we drop out the Mp (it is logically possible that p) notation.

either mood, I do not see how Murphy can legitimately claim that only his formulation of DWT can supply an explication or "defense" of his third thesis.

We see, then, that all three of Murphy's theses can find adequate "defense" in a command formulation, and that the early Quinn himself has provided the tools by which to offer the "defense". Thus, we find no merit in Murphy's claim that only a will formulation can provide us with a DET basis for his three theses.

In light of these responses, I conclude that Murphy has given no reason to think that DCT suffers from a problem sufficient either to overthrow it or to recommend his DWT as its alternative.

Now, in the next chapter I want to develop an objection against DWT that I think will demonstrate that DWT is not only inferior to DCT but that DWT should be rejected. Also, as promised, this discussion will act as my final definitive response to Murphy's first objection, regardless of the state of the speech-act analogy.

5. The Supererogation Problem For DWT

One of our deepest intuitions about morality is that the realm of the *right* and the realm of the *wrong* are mutually exclusive, collectively exhaustive categories.³⁶ Coupled intimately with this intuition are the further notions of *good but not required* (within the realm of right, but supererogatory) and *bad but not forbidden* (also within the realm of right, but nevertheless discreditable). As we have seen, Quinn (1978) calls the distinction between right and good and between wrong and bad a part of the distinction between deontology and axiology.

5.1 The Axiology/Deontology Distinction Revisited

A fundamental problem with DWT is that because it claims that the divine will is the *sole* factor determining the realms of right and wrong as well as the realms of good and bad, the distinction between right and good, as well as the distinction between wrong and bad, collapses.³⁷

To put this point in another way, in 2.3 I have explicated how Quinn has developed an extensive account of axiology based upon divine will, followed by a deontology based upon divine commands. DWT collapses that distinction, making

³⁶ Of course, this claim considers that "right" encompasses both "permissible" and "required." This point will be further developed as we proceed.

³⁷ Robert Adams has raised this objection (1996), although I do not believe he has adequately pressed the point home. Also, in (2002) he has raised this issue again, but, as we will see, has virtually capitulated regarding the threat inherent in the objection. I will develop below the ways in which I believe the objection still has teeth in its bite.

both axiology and deontology a function of divine will. The following discussion of supererogation will show that this collapse is a mistake fatal to DWT.

Consider a classic example. Jones comes upon a burning house. A distraught bystander informs Jones that the mother of a child trapped in the house has already died in her attempt to rescue the child. The child's cries can be heard from an upstairs window. What are the moral facts relative to Jones in this situation?

If Jones' takes it upon himself to attempt a death-defying rescue of the child, whether or not he succeeds, we applaud Jones as a hero; he has performed a supererogatory action. This is to say that we commend Jones just because he has *exceeded* what the realm of right *requires* and has acted over and above the call of duty. But DWT must deny that Jones has exceeded the requirements of right; as we will see, this is because DWT so utterly ties the requirements of right to God's will.

To see this denial of supererogation, assume that God wills that the child not die. Presumably, then, God also wills that by some means the child be rescued. Presumably, given that Jones is capable and apparently willing to attempt rescue, let us say that God wills that Jones rescue the child. Of course, teasing out the complexities of God's will in such a case seems beyond the range of mere mortals, but that is a purely epistemological complaint. The real problem for DWT here (if it is correct) is that if Jones attempts rescue, DWT seems to have no account of the rightness of Jones' action other than that he did his duty, defined by the fact that

God so wills; so, supererogation collapses into requirement, and Jones *merely* did his duty. What would be *good* for Jones to do collapses into what would be *right* for Jones to do.

On the other hand, if God wills that Jones rescue the child, but Jones simply stands there wringing his hands, able to rescue the child but unwilling to risk himself by so doing, our intuitions might agree that Jones acted discredibly (perhaps he was a coward for not even trying), but DWT must assert that Jones does *wrong* to not rescue the child. Discreditable (bad) collapses into forbidden (wrong). Jones is forbidden to simply stand by doing nothing; he is duty-bound to attempt to rescue the child. Jones does wrong by not doing his duty to attempt rescue. His cowardice is not simply discreditable, it is wrong!

In his article, Murphy does not claim that his distinction between God's antecedent and consequent will solves this problem; in fact he never mentions supererogation. However, Quinn (2000: 56) later appeals to Murphy's distinction in these few lines to sweepingly dismiss Adam's mention of the supererogation problem:

And it seems possible for there to be an action that is preferable from God's point of view whose performance is not antecedently intended by God. Hence I do not think placing the ground of obligation in the divine antecedent will has undesirable consequences if we operate with a sufficiently nuanced conception of God's antecedent will.

Quinn does not further develop this point, and Murphy does not give an adequate account of how morality is supposed to "depend" upon God's antecedent

will. Indeed, perhaps some DE-theorists, despairing of the antecedent/consequent will distinction emerging as a way out of the supererogation objection, will already find sufficient grounds to reject DWT. However, those continuing to put their hopes in DWT might look for the sufficiently nuanced account of God's antecedent will, or they might choose to abandon supererogation/discredit. I will now attempt to close off both of those options.

Somehow, according to Quinn, God's antecedent will is supposed to account for morality and solve the supererogation problem. We find a clue to what Quinn might presently have in mind in this much earlier passage: "What is supererogatory for a given person is what is impersonally obligatory but what he is not obligated to do and not obligated not to do" (Quinn 1978: 93). It appears, then, that Quinn might imagine God's antecedent will as having not only a universal mode (in which deontology must be grounded), but also general (the "impersonal") and particular modes. Supererogation (and presumably discredit), then, must be grounded in an individual's response to God's *general* (but not universal) antecedent will, and that only when God has no *particular* antecedent will regarding that individual.

Returning to our thought experiment, on this view of God's antecedent will, God might generally (not universally) antecedently will that *somebody* attempt to rescue the child from the burning house (and this is not universally willed because that would make it a universal duty binding upon every agent that he or she attempt to rescue the child). But God does not particularly antecedently will that the

attempted rescuer be *Jones*. On this view, then, if Jones does attempt rescue, he has done a supererogatory act because *he* did that which was merely *generally* willed but neither universally required nor particularly required *of him* by God.

This nuanced notion of God's antecedent will seems to give the DW-theorist everything: he seemingly gets deontology grounded in God's universal antecedent will, and he is seemingly not forced to give up supererogation.

There is, however, a significant problem. Everything in this view depends upon the three-way distinction between the universal, general, and particular modes of antecedent will. Yet, we will see that the three-way distinction actually fails to explicate.

God's universal antecedent will is straightforward enough; it is the sort of antecedent willing Aquinas apparently had in mind, and it is the sort of antecedent willing that Murphy apparently uses to ground deontology. If God universally antecedently wills against murder, then murder is wrong always and everywhere, although some agents do commit murder anyway. We see that this notion of antecedent will is "strong" enough to ground deontological moral facts without being so "strong" that God just gets His way on the subject. Furthermore, just as we would expect, this mode of antecedent willing admits of no supererogation or discredit. One either complies with or violates one's universal duty; regarding universal duties, one is either right or wrong.

Supererogation and discredit must lie in the relation between the general and particular modes of antecedent willing. Where there is no universal duty, but

where God generally wills without particularly willing, there is the realm of supererogation and discredit. However, I will now explain why I think that the distinction between general and particular modes of antecedent willing will not serve to ground supererogation/discredit. In this context, I will also explain why rejecting supererogation and discredit carries too high a price tag.

Let us again imagine that Jones comes upon the burning house, and this time God has generally antecedently willed that somebody attempt to rescue the child. Moreover, let us imagine that as soon as Jones comes upon the scene, God particularly antecedently wills that Jones attempt to save the child. This last step is not difficult to imagine. Indeed, it seems a violation of the principle of rational intending³⁸ to posit that God has a general intention, and yet this intention does not fix itself upon the most immediately appropriate particular candidate for its fulfillment. In that case one has to imagine the content of God's willing as something like this: "Oh, won't somebody attempt to save the child? If only somebody would attempt to save the child! *Jones* is here, and *Jones* is the most immediate and appropriate candidate to attempt to save the child, but, no, (for no particular reason) I don't wish that *Jones* would attempt to save the child. If only *somebody* would attempt to save the child." I personally find it inconceivable that

³⁸ I take this principle to be something like: "He who wills the end wills the means to that end." (See Rooney 152.) Of course, countless issues surround such a principle, but I believe that even this crude a principle will serve. If God generally wills that someone attempt to save the child, and Jones is in fact a *someone* who can attempt to save the child, then a rational God particularly wills that Jones save the child. If God has reasons why Jones should not be the one to attempt rescue, then God has particular intentions with respect to Jones that make Jones particularly disqualified from attempting rescue. And in that case it does not seem that Jones does right, much less that which is supererogatory, to attempt rescue.

God could ever have general antecedent wishes that do not always fix themselves upon immediately appropriate particular means for their fulfillment.

Now, surely if God's universal antecedent willing produces universal obligations, then God's particular antecedent willing produces particular obligations.³⁹ So Jones is now *personally* obligated to attempt rescue. But we are now back where we started with the problem: if Jones attempts rescue he merely does his duty, and if he refuses to attempt rescue he violates his duty. Again, Jones either does right or wrong, and the possibility of supererogation/discredit disappears. Good collapses into right, and bad collapses into wrong. Again, this result violates our most deep-seated intuitions because our thought experiment is a classic example of a case in which we believe that supererogation/discredit can arise.

It appears that the purveyor of the three-way distinction view of God's antecedent will cannot maintain typical intuitions about supererogation/discredit while maintaining the principle of rational intending. In every case that God has a general antecedent will, a particular antecedent will awaits application to any immediately appropriate individual, and in every case that God has a particular antecedent will supererogation/discredit cannot arise. But, as we have seen, this is tantamount to simply rejecting supererogation/discredit, and such a result renders the general/particular distinction useless.

³⁹ This does not seem a contentious assumption. Indeed, the puzzle arising from the case of Abraham's attempted sacrifice of Isaac arises only in the context of such an assumption.

Now, the referee from *Faith and Philosophy* to whom I have repeatedly referred has suggested that I am confused about what Quinn meant by referring to an act that is "preferable from God's point of view [but] whose performance is not antecedently intended by God." The referee states that, "Quinn suggests that the work of distinguishing the supererogatory from the obligatory can be done by a distinction between what God prefers and what God antecedently intends." Murphy himself seems to allude to something like this when he writes (as previously quoted), "Does it not seem that God's wishes should be reserved for the explication of moral goodness, while a stronger notion should be put into place to account for moral obligation?" Adams (2002: 259) even grants that some level of "abstraction" in God's antecedent will "may do the trick for [Murphy]," and on this basis, Adams considerably weakens his earlier stance regarding the supererogation objection. Perhaps DWT can appeal to a distinction between "wishing" or "wanting" and some other divine will act, and perhaps, as Adams takes Murphy to suggest, this "abstraction" can be a function of how tightly God's will is tied to particular circumstances.⁴⁰

It seems that there are only two ways a DW theorist might attempt to formulate this distinction: 1) draw a three-way distinction between wanting,

⁴⁰ It should be noted here that Wierenga's strong supervenience relation (see: Section 2.4) seems to preclude appeal to such a distinction. Not only does he explicitly collapse God's wanting and God's willing in his definitions, but the *tightness* of the supervenience relation between God's wants/wills and the moral facts seems to demand that it is God's *state of mind* (rather than some intentional activity, such as "willing," whatever "intentionally willing" might mean) that underlies the emergence of the moral facts.

antecedently willing, and consequently willing; 2) collapse Aquinas' distinction and simply distinguish between wanting and willing. I think that in light of this dissertation so far it is quite clear that the second approach founders. The second approach is not able to distinguish between God getting whatever he intends, axiology, and deontology, and it obviously cannot make room for supererogation/discredit. It does appear that DWT must depend upon something like Aquinas' distinction. So, the first approach seems to offer the only hope.

Of course, that approach to this distinction is not really a "sufficiently nuanced" version of Aquinas' distinction, since the important work for supererogation/discredit would get done entirely outside of that distinction. However, this is a niggling point merely about terminological clarity, but it might excuse my confusion about Quinn's suggestion if something like this approach is indeed what he had in mind.

The referee suggests that this distinction might work by "...appeal to other divine 'mental states' that are desire-like but are not intentions. One might say that the good is what God wants, for example." So the current suggestion is that, again, there are three things (since, as we have seen, two will not get the job done): wants, antecedent intentions, and consequent intentions. And Adams takes Murphy to be suggesting (and perhaps something like this is what Quinn has in mind after all) that the continuum between God's wants and his willing would be a function of the "completeness" with which God considers the "actual circumstances of the event" (Adams 2002: 259).

Given that the divine consequent will is taken off of the table (what God wants in this sense is what God gets), we are left with divine wants and divine antecedent intentions, respectively providing the grounds for axiology and deontology. Everything in this approach depends upon a genuine qualitative distinction between wanting and intending.

Now, I reply, just as the referee thought I might, that the distinction between wanting and willing is a distinction without a difference. The referee supports the difference by appealing to an analogy between divine and our own mental states: "One reason to think that there *is* a difference is that our own mental states exhibit it: there is a difference between one who wants his or her child to follow some career path and one who intends that the child do so; the criteria for ascribing this want differs from the criteria for ascribing this intention."

Let us grant that the analogy holds. Does it explicate a genuine difference in the distinction between divine wants and intentions? What *are* the differences in criteria between ascribing a state of wanting and a state of antecedent intending to a human? It seems to me that at best we might imagine a continuum of preference, where at the extreme 'want' end one might think it would be something like 'pretty neat' for one's child to pursue a certain career path, and at the extreme 'intend' end one might offer financial and other support only if the child pursues a certain career path. However, this sort of distinction merely denotes a level of commitment to a particular preference, which is a quantitative analysis within the realm of

preferences, rather than a qualitative difference between wants and intentions, which is what DWT needs at this point.

The distinction fares no better considering the divine mind. Certainly the distinction offers no additional help in grounding axiology and deontology. Again, it seems that the best one might hope for here is a continuum of divine preferences ranging from 'wants' to 'intentions.' This more nuanced notion of the divine antecedent will might have value in grounding notions like good, better, and best, thought of, as Adams' Murphy suggests, as denoting divine consideration of an increasing scope of relevant circumstances. However, that is a different result entirely than is needed by DWT.⁴¹ Technically, all of these mental states would count as intentions (in the antecedent sense), again leaving no wiggle room for supererogation/discredit. I await an account of "wanting" that is so *unintentional* that it counts as a different thing from willing. As Anscombe has said, "The primitive sign of wanting is *trying to get*."⁴² And it seems baffling to me that a principled distinction could possibly be drawn by appealing to an *omniscient* God's less, and then more and more and more, detailed consideration of the "circumstances surrounding an event." So, it seems that my earlier arguments still

⁴¹ It will not do to ground supererogation in the good, while deontology is grounded in the best. It is easy to imagine cases in which the 'best' would also be the supererogatory, where that 'best' would still be above and beyond the call of duty. Furthermore, good, better, and best, all seem to fall within the axiological realm; and this must be distinguished from the deontological realm. The divine antecedent will, including wanting, does not seem big enough to encompass all that DWT needs.

⁴² Anscombe, G.E.M., *Intention* (Cornell University Press, Ithaca, NY, 1963), p.68.

apply, and the want/will 'distinction' fares no better than a monolithic antecedent will.

At this stage, I do not see how (even a quite nuanced version of) Aquinas' distinction can provide a ground for supererogation/discredit, and this leads me to doubt its value in distinguishing between deontology and axiology. For DWT to work, somehow God's will has to be explicated as not so strong that what God wills He gets, and yet it must not be so weak that (as Quinn's 1978 view suggests) it merely grounds axiology rather than deontology. At this stage of my objection, I see this as an extremely pressing problem for DWTs. However, there does *appear* a way out. One might simply abandon supererogation/discredit.

5.2 Abandoning Supererogation/Discredit

Perhaps at this stage DW-theorists will see denying the existence of supererogatory and discreditable actions as a relatively small price to pay for their formulation. By rejecting typical intuitions on this matter, DW-theorists can just accept that, for example, Jones either does his duty or violates it. Even Adams, the author of the contemporary supererogation objection (1996), now rather weakly says: "It is controversial within theistic religious traditions whether God in fact has left anything supererogatory; but I think it no virtue in a theistic metaethics to rule out supererogation as impossible by the very nature of obligation" (2002: 260). This weakened stance is surely a result of, as we have seen, his uncertainty

regarding how successful Murphy's appeal to the antecedent/consequent will distinction might be. However, we have seen serious difficulties with that distinction, and I therefore believe that *much* more weight should be placed on the supererogation objection than even Adams now does, for two reasons.

First, the supererogation objection merely denotes the more fundamental collapse of deontology and axiology. As we have noted above, DWT must make God's will do all the work, and this means that no theoretical distinction between what God wills and what God commands can arise to provide the axiological/deontological distinction.⁴³ Even if one is prepared to reject supererogation entirely, as we have discussed in Section 1.4 one cannot so lightly overlook the *agency* that is inherent in b-deontology that is entirely lacking in axiology. If the good *simpliciter* is a function of divine willing, we await the account of *agency* that also inheres in divine willing. It will not do to say that God's will grounds the good and then add something like, "One of the goods is to pursue the good," or, "It is good to seek the good." Such is simple equivocation on "good." What the DW-theorist needs here is something like, "It is right to seek the good," but we await the developed account (rather than mere suggestion or assertion) by which the right and the good can be distinguished using the divine will alone. So, it appears that a rejection of supererogation amounts to a rejection of the axiology/deontology distinction.

⁴³ Quinn (2000: 55) has recognized that on DWT, God's commands merely reflect his will; they do not act to provide a new category of ethics: "As I see it, it is at the deepest level God's will, and not divine commands, which merely express or reveal God's will, determines the deontological status of human actions."

As we have previously discussed, it seems quite implausible to bite *that* bullet. DETs have enough problems seeming plausible to the wider philosophical community to add this measure of implausibility. Surely theists should not be in the business of formulating more and more generally implausible DETs while developing ones they might find the most personally satisfying. Surely the goal should be to develop more and more generally plausible DETs, ones more and more appealing for their overall explanatory power, even as theists work out theoretical issues of interest primarily to theists of different stripe. Thus, biting the bullet in the face of such deeply held intuitions should only be done alongside a thoroughly developed error theory of those intuitions, an error theory that would prove plausible even to non-DE theorists. I have yet to hear any plausible error theory about our intuitions regarding supererogatory and discreditable actions, or about the distinction between deontology and axiology. And, for the reason I develop just below, I am convinced that no such error-theory will be forthcoming.

Second, at least a fairly traditional reading of the Bible (among other putative inspired documents) demonstrates a distinction between what is required and what is supererogatory and between what is forbidden and what is discreditable. I will not take the space to give examples of the latter distinction⁴⁴ because there are such powerful examples of the former distinction. We will consider two.

⁴⁴ Examples do abound. Consider the case of Jehu: 2 Kings 10: 18-36.

5.2.1 Divorce and Supererogation

Consider first the clear distinction between God's expressed will and His actual commands regarding divorce, particularly in light of Christ's comments about this distinction. Christ is put to a pharisaical "test" regarding his position on divorce. He responds with a question: "What did Moses command you?"⁴⁵ The Pharisees reply that Moses had commanded that a man could divorce his wife by writing her a letter of divorce and "sending her away." Strictly speaking, they are correct, as we will see momentarily. However, Christ then expounds upon the actual will of God concerning marriage relations, and it becomes clear that God's will does not include divorce *for any reason*. Indeed, the apostles are so shocked by this revelation that in Matthew's account of the story, we find them responding, "If the relationship of the man with his wife is like this, it is better not to marry."⁴⁶ To this expression of shock, Christ responds without apparent sympathy: "Not all men can accept this statement, but only those to whom it has been given."⁴⁷ In effect, "The bar of God's intention regarding marriage is indeed this high, and so if you are not prepared to view marriage with the level of sanctity that God intends it is indeed better not to marry."

⁴⁵ Mark 10:3. All Biblical passages are quoted from the New American Standard Bible.

⁴⁶ Matt. 19:10.

⁴⁷ Matt. 19:11.

Now, we must carefully consider the scriptures presupposed by the entire discussion. In Deuteronomy 24:1-4 we find the actual Mosaic command⁴⁸ regarding the issue of marriage and divorce. Here we see that a man may "put away" his wife for the cause of finding "some indecency in her." We find what is the nature of this "indecency" from the earlier passage in Numbers 5:11-13, where it is clarified that the "indecency" is that she has had sexual intercourse with another man. Here in Numbers the Mosaic law is further explicated in that we find that the man need not actually divorce his wife for this cause, but that "if a spirit of jealousy comes over him," he can put her to a particular test and even place upon her a curse. The details of these passages need not concern us for our purposes here. However, what is most significant is how the Numbers passage ends: "Moreover, the man shall be free from guilt, but that woman shall bear her guilt."⁴⁹ So, even in his "spirit of jealousy," the man is not guilty of any wrong.

We now have enough material to put forward a view. The Mosaic Law *allows* divorce in the case of adultery (we, of course, currently do not distinguish between male and female initiation of the divorce). However, nowhere is a person *commanded* either to divorce an unfaithful spouse or to remain married to an

⁴⁸ Let me here close off the possibility that Christ's reference to this Mosaic command should be taken to suggest that this passage is merely the Law of *Moses* rather than the actual divine moral law regarding divorce. Whenever Christ asks, "What did Moses command you?" he always treats the Law of Moses with deference and as the standard expression of God's law. Without exception, Christ treats the Law of Moses as the explication of *righteous* living, and this subject contains no exception. In fact, although it is far beyond the scope of this paper, the case can easily be made from the New Testament that Christ was the person of "God" that gave the entire Mosaic Law to Moses. I would say that especially Christians are put to their last trumps to avoid where this discussion is heading by claiming that the Mosaic Law and God's Law come apart regarding this subject.

⁴⁹ Num. 5:31.

unfaithful spouse. Divorce is merely *permitted* by the law in the case of an unfaithful spouse. So, we can sum up this part of the subject by saying that the law states that it is within the realm of right (permitted) to divorce an unfaithful spouse, and there is no explicit command to not divorce an unfaithful spouse.

However, we do see that the realm of right as revealed by God's explicit command on this subject does come apart from God's revealed will. Christ indicates this difference, saying that it was because of the "hardness of your hearts" that God *permitted* divorce, even though divorce was not and never has been His will. What exactly is God's *will* regarding marriage? Both the Old and New Testaments reveal that God's will has always been: once married, *always* married. It was this unequivocal, monolithic will regarding marriage that caused the apostles to balk, as they thought that the bar of God's *will* was set so high that nobody could hope to rise to it.

Of course, theists strive to conform to God's expressed *will*. Far better to live an exemplary, supererogatory life than to be constantly trying to live just above the minimal bar of requirement; the one with an attitude of living just at the lower edge of requirement can expect to frequently fall below it. In the context of Christ's statement, the Law of Moses was the undisputed standard of right and wrong, but it was possible to rise above what the law commanded. And in the Old Testament we have a poignant example of a man who did rise above the *command*, loving his wife according to God's *will*.

Hosea was a man who did not suffer from the "spirit of jealousy" mentioned in Numbers or from the "hardness of heart" mentioned by Christ. God told Hosea to take a wife who was a prostitute. He did, surely hoping that she would then remain faithful to him. However, as might be expected, she did not, and the book of Hosea is a deeply compelling metaphor of God's love and solicitude for His people. He takes to Himself a people who are spiritual prostitutes, loving them so tenderly that He hopes they will remain faithful. However, as might be expected, they are not faithful. Unlike humans, not reflecting human "hardness of heart" and a human self-centered "spirit of jealousy," God forgives and takes His people back. Time and again He forgives and takes His people back. Divorce is not in God's nature or in His will. We see that God does not merely treat people as would be *right* for Him, but He treats people as He *wills* that people would treat their own spouses: with softness of heart and a ready-forgiving spirit, even in the face of egregious crimes. But both the Old and New Testaments acknowledge that not everybody rises to the bar of supererogation. As Christ stated, it takes a special person to rise to such a bar of forgiveness, and divorce for the cause of sexual infidelity is still permitted by command as within the realm of right.

So, as it is *commanded*, divorce is right for the cause of sexual infidelity. However, God *wills* that a marriage should last forever. Thus, we find in the subject of divorce a clear Biblical example of supererogation as defined by a distinction between God's revealed will and His expressed command.

I do not see here any possibility of escaping this conclusion by appealing again to the three-way antecedent will distinction. God's antecedent will is that marriages last forever. And this appears to be a universal rather than merely general intention. The recent Quinn (2000: 55) even agrees that God's commands reveal something about His will, and the command in this case appears to have universal application. However, even considered generally, God wills that marriages last forever, and the very context of Christ's statement stands in the face of *particular* spousal unfaithfulness. Indeed, the disciples clearly understood Christ's statements to have particular application. So, the three-way antecedent will distinction fails to explicate in this case.

5.2.2 Christ's Sacrifice as Supererogation

Consider finally the sacrifice of Christ, of course considering this as a judiciary sacrifice of a guiltless, divine life in exchange for the lives of sinners. It clearly was God's will (on *any* account of that will) that Christ sacrifice himself for a race of sinners (not at all unlike our "Jones" thought experiment). If any version of DWT is correct, this fact puts Christ, for example in the garden of Gethsemane, in a very strange position relative to the moral facts. He is innocent, without sin, having never done anything wrong. He bears no guilt of any kind, and, as man, has not yet agreed to take upon himself the guilt of the human race. Indeed, making this very decision is the essence of the Gethsemane struggle. So, there is no sense

in which God's justice can possibly *require* Christ's death; God's justice actually can be satisfied much more easily and apparently by the deaths of the guilty. Yet, if a DWT is correct, then the very first wrong act ever committed by Christ would have been if he had simply decided to not, as it were, rush into the fire.

Christians accepting current DWTs will have to be willing to assert that Christ's *duty* must have been to go through with his self-sacrifice, that Christ would have actually committed his first *sin* by refusing to sacrifice his innocent life in exchange for those of the guilty. But this assertion makes a mockery of divine justice and deflates the value of Christ's love. On such an assertion, Christ merely did his duty, but we await the account of God's justice that is consistent with such a sacrifice being Christ's *duty*.

What, then, was the essence of God's will that Christ sacrifice himself? In fact, God *willed* that Christ sacrifice himself because God loves the guilty, but God did not *require* that Christ sacrifice himself because God loves justice. Christ would have been absolutely *right* and *in harmony with divine justice* to simply wipe off the bloody sweat and ascend back to Heaven, leaving the guilty to suffer their just punishment. But, because God loves sinners, he willed that Christ save them, and, because Christ loves sinners, not because he was duty-bound, he agreed to that sacrifice. Any 'Christian' claiming that Christ would have done *wrong* to let humans suffer the punishment of *their own guilt* entertains a very strange notion of justice indeed. So, even though God *willed* that Christ sacrifice himself, that divine will cannot in any sense correlate with a moral *requirement*. Christians must view

the sacrifice of Christ as the most magnificent example of supererogatory action, and they among all theists should be most vociferously unwilling to adopt any ethical theory that collapses the distinction between required and supererogatory actions.

Notice, finally, how useless the three-way antecedent will distinction is in the case of Christ. God generally antecedently willed that somebody sacrifice himself for guilty humanity, and only a member of the godhead could suffice. The general antecedent will casts about briefly and fixes itself upon the immediately appropriate means of its fulfillment. There can be no question that God *particularly* antecedently willed that Christ sacrifice himself. Yet, as noted above, that particular will cannot have resulted in obligation. So we see that the three-way antecedent will distinction again fails to explicate.⁵⁰

We have seen that Murphy's attacks on DCTs are not threatening. We have also seen that current DWTs lack an account of supererogation/discredit and that it is not an acceptable option for DW theorists to abandon supererogation/discredit. Perhaps some "sufficiently nuanced conception of God's antecedent will" will yet be developed that can solve this problem, or perhaps some other DWT can be developed that entirely avoids appeal to Aquinas' distinction. However, I find in the supererogation objection an insuperable problem for all current DWTs, and I

⁵⁰ An interesting modus tollens argument presents itself at this junction, and this argument threatens grounding moral obligation to even universal antecedent willing: 1) If universal antecedent willing produces universal obligations, then particular antecedent willing produces particular obligations; 2) it is not the case that particular antecedent willing produces particular obligations; 3) therefore, it is not the case that universal antecedent willing produces universal obligations.

believe that the supererogation objection is sufficiently sweeping and powerful that it can be formulated to threaten forthcoming version of DWT. Meanwhile, although the supposed "puzzle-solving" abilities of DWTs over DCTs might appear appealing to theists, we will see in the next chapter that DWT is not superior to DCT even in this. So, it seems that DE-theorists would better spend their time solving the puzzles in the context of developing plausible DCTs.

6. Puzzle Solving With the Command Formulation

6.1 Abraham's Puzzle

As we noted in the Introduction, Abraham's puzzle reveals two potential problems in DETs: first, the story reveals the potential for divine ethical arbitrariness, with its attendant problems; second, the story appears to present a specific example of divine ethical arbitrariness insofar as the JCI God appears to be commanding Abraham to commit murder, which is clearly wrong and which is certainly in contradiction with what this same God clearly commands throughout the rest of the Bible.

I will address the first problem in detail in the next section (6.2). However, as we have seen, avoiding the particular inconsistency suggested by this puzzle has driven some DC-theorists into the DWT camp, notably Wierenga (see Section 2.4). After all, no DE-theorist wants to be found lacking an account of how the JCI God is to be properly understood in this story. So, in this section, we turn our attention to explaining the underlying nature of Abraham's puzzle in such a way that the second problem is defused. In so doing, our goal is to show that DWT does not offer a "better" solution to Abraham's puzzle, that DCT is *not* put to its last trumps to explain Abraham's puzzle, and that a DCT solution to this puzzle can be produced that is apparently superior to that offered by DWT.

From the outset, let us not look for a solution in the temporal ordering of events, i.e. claiming that God commanded Abraham to sacrifice Isaac *prior* to the Ten Commandments and therefore *prior* to a universal prohibition against murder being in force. Not only would such a reply not directly address the more general concerns of divine inconsistency, but such a reply would open the door even wider for charges of divine arbitrariness. On such a view, the JCI God would be seen as playing with his creatures, making up counterintuitive tests for some of them and then later saying, "Just kidding! Really this is what I want from you." Furthermore, as we have already noted, the Bible itself seems to preclude such a move, since God clearly condemns murder long before Abraham's puzzle⁵¹, which means that a fairly traditional reading of the Bible forces one to see the problem of divine inconsistency arising in Abraham's puzzle long before the Ten Commandments. No, appealing to the temporal ordering of divine commands would indeed be a "last trumps" attempt at a solution!

The puzzle arises in full force when it is assumed that Abraham recognizes a divinely commanded, universal prohibition against murder, and nevertheless Abraham recognizes in a particular divine command an injunction that he must sacrifice Isaac. This is the way we will consider the puzzle here.⁵²

⁵¹ See the story in which Cain murders his brother, Abel, and is cursed by God for it (Gen. 4:8-15).

⁵² It is extremely interesting that in his 2002 response to Abraham's puzzle, Adams simply cannot come up with a solution to the Biblical Abraham consistent with his appeal to the goodness of God. So, his entire chapter on the subject is about a pseudo-Kierkegaardian Abraham: "The Abraham of whom I wish mainly to speak here is not the Biblical Abraham, however. He is not exactly Kierkegaard's Abraham either, but he is modern enough to share the latter's agony over the thought that it is ethically wrong to

By the end of this section I hope to have shown that DCT can offer a satisfying solution to Abraham's puzzle that completely disarms the charge of divine inconsistency, and that without appeal to the divine will and the attendant problems we have seen with Wierenga's DWT attempt at a solution.⁵³

First, there is one other DWT attempt to solve Abraham's puzzle that I am aware of. Hanink and Mar attempt a solution to Abraham's puzzle (249-250) that is very similar to Wierenga's. Along with Wierenga, they argue that Abraham must look beneath the command to God's will. They claim that the *person* of God enjoys property-identity with the property of Perfect Righteousness. Thus, God is "logically precluded from being a murderer," and this fact means that Abraham can be secure in his knowledge that whatever God commands will not count as a murder.

I think that this "solution" must be profoundly dissatisfying to any non-theists hearing it, and I think that even many theists hearing it must be concerned. First, it offers no possible answer to the deep epistemological problems dogging all such attempts to "look beneath God's commands to his will." Second, it seems to

sacrifice his son" (280). Adams' solution to his version of Abraham's puzzle is to finally deny that the putative divine command to sacrifice Isaac was in fact of divine origin, since a good God simply would not have issued such a command (see p.290).

The Bible, however, does not appear to leave that option open to us, and we are most interested in the puzzle when we *grant* that God did command Abraham to sacrifice Isaac. As we see from Adams, merely appealing to the goodness of God offers very little to work with in solving the actual Biblical puzzle!

⁵³ We find that Murphy (9) makes reference to Wierenga's "solution" as an example of the power of DWT to "solve puzzles." However, he also states: "There is something troubling about the idea of God's commanding us to do something that He wills that we not do" (23 n.17). And Adams rightly jumps on this point: "Troubling indeed: the inconsistency seems grounds for doubt that either the volition or the command involved in it could be serious enough to constitute an obligation" (2002: 260).

purchase an "answer" to Abraham's puzzle at the expense of the even more thoroughgoing concerns about divine arbitrariness that we will consider in the next section (6.2). Finally, and I think worst of all, it seems to utterly beg the question against the concerns of Section 6.3, where the likes of Rachels contest that DETs offer no protection against a "God" who wills/commands that which is evil. It certainly will not do to respond to that concern, as do Hanink and Mar, that whatever God commands must be right because his will is certainly perfectly righteous! We want to know in what sense we can come to see it as righteous, and that particularly when he commands that which seems to be murder! It is no answer to respond to that question by saying, "It couldn't be murder, because God is perfectly righteous."

So, as with Wierenga's "solution," I reject all attempted solutions that insist that we "look beneath God's commands to his will."

So, what is the best solution to Abraham's puzzle? Interestingly, Kierkegaard was not far off, I think. However, we can make sense of his paraphrase of Abraham's thinking: "I nevertheless believe that [I shall have Isaac], namely on the strength of the absurd, on the strength of the fact that for God all things are possible" (75) without committing ourselves to his descent into the absurdity that results from his requisite "movement of resignation" in which Abraham must first be convinced that he will utterly lose Isaac and then *also* convinced that he will have Isaac. We can do it without claiming that Abraham "overstepped the ethical altogether" (88) and resigning ourselves to an account of

faith that says, "Faith begins precisely where thinking leaves off" (82). We can do it without joining Kierkegaard's Abraham in accepting the contradiction inherent in the two propositions: "I will murder Isaac, yet, nevertheless, I will get to keep Isaac" (60, 75). However, to see how Kierkegaard's "I will have Isaac" line can offer the key, we must carefully consider the context of Abraham's puzzle.⁵⁴

Earlier (Gen. 15:1-6), God promised to Abraham and his wife, Sarah, that they would have a baby boy and that this boy would grow up to satisfy the promise that Abraham would have descendents "from [his] own body" (Gen. 15:4) as countless as the stars of the sky. Years passed, and Abraham and Sarah had no children. Thinking to help God out in keeping his promise, Sarah proposed that Abraham sleep with her handmaiden, Hagar, and thereby produce offspring "from [his] own body" that could go on to become a "great nation" (Gen. 16:1-3). Abraham and Hagar did produce a son, Ishmael, but God rejected Ishmael as being the "son of the promise" (Gen. 16:10; 17:18; and 17:19-21) and reasserted that the "son of the promise" would be borne to Sarah rather than Hagar. God even named the son of the promise, "Isaac."

At this reassertion of the promise Abraham was one hundred years old, and his wife, Sarah, was "advanced in age" and "past childbearing" years (Gen. 18:11). Both Abraham and Sarah laughed at the reiteration of the promise, but God

⁵⁴ The translator himself alludes to the solution I will present: "Abraham's trial is to show that he believes that he and Isaac will be living together again even after he has sacrificed Isaac" (19). In recognizing this solution, I have also benefited from the account of Abraham's puzzle found in *Patriarchs and Prophets*, which specifically refers to the Biblical passage of Hebrews 11:19, "He considered that God is able to raise men even from the dead; from which he received him back as a type."

rebuked them, saying, "Is anything too difficult for the Lord?" (Gen. 18:14). And, indeed, as promised, the following year, when Abraham was yet one-hundred years old, Sarah bore a child and named him Isaac (Gen. 21:1-7). God acknowledged this child as the son of the promise. Abraham and Sarah stood corrected for not trusting God to keep his promise. They now looked to Isaac for the fulfillment of God's additional promise to make Abraham's descendants as the stars of the sky.

Thus, by the next chapter (22) when God tests Abraham, we know a number of things along with Abraham: 1) Isaac is *the* promised son; indeed, God calls Isaac Abraham's "only son," as yet a further rejection of Ishmael, in the very command to sacrifice Isaac; 2) Isaac is the *very* son through whom God will keep his additional promise to make Abraham's descendants as the stars of the sky; and, *crucially*, 3) Abraham is very sensitive to the rebuke, "Is anything too difficult for the Lord?"

Now let us consider the actual content of God's command to Abraham. The verbiage here is significant for those who have traditionally oversimplified both the context and the content of the command: "Take now your son, your only son, whom you love, Isaac, and go to the land of Moriah; and offer him there as a burnt offering on one of the mountains of which I will tell you" (Gen. 22:2). Notice that God refers to Isaac by not only name but by definite descriptions designed to *most* press home to Abraham that Isaac is *the* son of the promise. Also, notice that Abraham is not commanded to directly *murder* Isaac. This fact is often overlooked, as later in the chapter (vs. 10) we find Abraham taking the knife to "slay his son" before God stops him, making it appear that Abraham is prepared to

murder Isaac. Also, we know from the laws of burnt offerings, given to the Israelites later, that the supplicant was to use a knife to slay the animal himself and then allow the priest to present the dead animal to the Lord (Lev. 1:1-9). So, it is easy to conclude that Abraham took God to be commanding him to murder Isaac and then present him to the Lord, and his actions appear to indicate that Abraham believed that he would have to do the actual killing himself, which appears to be tantamount to murder.

However, there are good reasons to think that Abraham did not believe that God expected him to murder Isaac. Abraham did not believe that Isaac would *end up* dead from the event, which is the part that Kierkegaard got right.⁵⁵ Abraham believed that whatever he did to Isaac on that mountain, Isaac would not end up dead and that "God [would indeed] provide for Himself the lamb for the burnt offering," which is exactly what did happen as Abraham found a ram for the sacrifice caught in a thicket (vs. 13).

Here are the good reasons for thinking that Abraham did not take God to be commanding him to murder his son. First, a murdered son could not go on to be

⁵⁵ To make his existentialist claims about ethics more plausible, Kierkegaard actually "goes beyond faith," the very thing he warns against. By adding to the proposition that Isaac would not end up dead the claim that Abraham was *resigned* to Isaac's death, to utterly losing Isaac, Kierkegaard does insist upon Abraham accepting an absurdity. This *absurdity* is what Kierkegaard claims drives the "knight of faith" beyond ethics to true existential freedom. Yet, Kierkegaard makes Abraham's trial out to be even harder than it actually was. Without belittling Abraham's profound faith that "nothing is too difficult for the Lord," a faith strong enough to *risk* his son's life on that proposition, a faith that few humans have ever evidenced, this Biblical notion of faith does not demand that Abraham embrace the Kierkegaardian absurd! Abraham was not *resigned* to losing Isaac! The glory of Abraham's faith is simply (although no less profoundly) that he was so *utterly convinced* that the Lord would keep his word and make of *Isaac* a great nation.

the son of the promise and make Abraham's descendents as the stars of the sky. Second, by then Abraham was *utterly convinced* that "nothing is too difficult for the Lord," and so nothing he could do to Isaac could result in Isaac's ultimate death and God's failure to make of *Isaac* the son of the promise. Third, prior to taking Isaac up the mountain for sacrifice, Abraham told his own servant to, "Stay here with the donkey, and I and the lad will go yonder; and we will worship and return to you" (Gen. 22:5), clearly indicating Abraham's conviction that Isaac would not end up dead from the events. Finally, there is Abraham's statement to Isaac that God would provide the lamb for the sacrifice, which should not be taken as Abraham shielding his son from the truth that he would just moments later reveal to him. Abraham did not shield Isaac from the truth. The imagination boggles trying to picture the ancient man binding his young, robust son and getting him up onto the alter without that son's consent, and the story most clearly states Abraham's faith in God when Abraham's statement about God's providence is taken at face value.

What did Abraham think would happen as he proceeded to obey God's command to "sacrifice" Isaac? We cannot know for sure, but some speculations are consistent with what we know about the whole story. Perhaps Abraham thought that he would plunge the knife into Isaac with no effect whatsoever; Isaac would not end up dead. Perhaps Abraham thought that God actually would stay his hand, perhaps even on the down-stroke of the knife; Isaac would not end up dead. Perhaps Abraham even imagined that Isaac would be killed by the knife but would

be immediately resurrected; Isaac would not end up dead.⁵⁶ However, of one thing we can be sure: Abraham believed that Isaac would not end up dead!

Now, does a surgeon *murder* when she stops a patient's heart and breathing, rendering the patient "dead" in the *hope* (not certainty!) of "resurrecting" the patient after a transplant procedure? Even if the hoped-for "resurrection" does not occur, does the surgeon commit *murder*? No, the surgeon's intention is *opposed* to the outcome that the patient will end up dead. The surgeon has faith (one might even say that the surgeon is *convinced*) in the "resurrection" of the patient, and it is in the strength of this faith that the surgeon stops the patient's body's normal life functioning. Likewise, Abraham had faith that Isaac would not end up dead, and his intention was utterly opposed to that outcome. Furthermore, Abraham was *convinced* that God's intention was opposed to that outcome. So, Abraham was in *no* sense "resigned" to losing Isaac, as Kierkegaard claims! Abraham did not take God to be commanding him to *murder* Isaac, and the actual content of the command does not tell Abraham to *murder* Isaac, because God knew and Abraham had faith that Isaac was the *only son* of the promise and that Isaac would not end up dead! Thus, even if Abraham had plunged the knife into Isaac's chest, the worst that we should think of Abraham (and God) is that Isaac was (perhaps) caused pain. But there is no divine prohibition (or traditional secular ethic) against causing pain.

⁵⁶ Hebrews 11:19 suggests this very scenario as the content of Abraham's belief. We might take this scenario to be consistent with Kierkegaard's "lose Isaac and get Isaac" conception, except that Kierkegaard imagines Abraham *completely resigned* to the fact that Isaac *ends up* dead and yet does not *end up* dead, which is a very different implication.

The context of the story and the actual content of God's command indicate that God did not command Abraham to *murder* Isaac, and Abraham did not take God to be commanding him to *murder* Isaac. Thus, there is no inconsistency in God's commands, even considering this story alongside the granted universality of the divine command prohibiting murder. This explanation defuses the "puzzle" apparent in the story, and it does do in strictly DCT terms without appeal to the divine will on any level. This explanation demonstrates that a DCT account of Abraham's puzzle is not only not inferior to a DWT account of it, but this explanation is, I think, the best explanation (and the one most consistent with the various passages of the Bible) in any theoretical context, which means that the DCT account of this story is actually the superior one. I conclude that this solution undermines the suggestion that the JCI God did specifically command inconsistently in the story of Abraham's puzzle. Of course, this solution leaves open the question of whether or not God *could* command inconsistently or even immorally, and to those questions we turn next.

6.2 The Euthyphro Dilemma

DW theorists have implied that DWT can provide a better response to the supposed painfulness of the arbitrariness horn of the Euthyphro dilemma than can DCT. We will examine the one strictly DWT (that I am aware of) attempt to do so. However, I want to show how DCT can give a very satisfying account of the

arbitrariness horn of the dilemma, and that it can do so better than this DWT. This discussion about arbitrariness will also be further developed and reach its culmination in Section 6.3 below.

Hanink and Mar have argued for a "simple believer's" DWT in which "an act's being morally right consists in its being in accord with God's will, and an act's being morally wrong consists in its being contrary to God's will" (241). They claim that their account actually goes between the horns of the dilemma, although, as we will see, they actually devote significant effort to responding to the arbitrariness problem.

The first point of their account notes that Euthyphro's notion of "God" was actually a plurality of gods (all demonstrating conflicting wills and often terrible characters and social skills), while the JCI DW-theorist believes in one God who perfect righteousness personified (242 & 245). This last point demands some clarification, because Hanink and Mar place great weight upon it:

To say that God *personifies* righteousness is to say that He is *Righteousness*. Hence, His acts are righteous simply by being in accord with His will. Finally, to say that God is *Perfect Righteousness* is to say that God's righteousness is complete in and of itself. Thus, to say that God personifies Perfect Righteousness is to say that his actions are completely and self-sufficiently righteous in that they are in accord with His will (245).

So, very early in their argument, Hanink and Mar have a very different "God" to talk about than did Euthyphro and Socrates; this God is *one*, lacking "internal" conflicts, and this God *just is* Perfectly Righteous, lacking the character

imperfections that so plagued the Greek gods. The next step is to claim a simplicity of God's internal states and activities: "In God will and wisdom are one" (246), and this leads Hanink and Mar to state: "Confessing that God is both a person and Perfect Righteousness, the simple believer concludes that the property of Perfect Righteousness is a person. Of course, Perfect Righteousness is not just any person, but rather the Perfect Person" (246). From these claims, Hanink and Mar come to this conclusion (which they call their preferred approach to the problem, and which they take to amount to passing between the horns of the dilemma):

On this view the charge, that it must be the case that *either* God wills an act because it is right *or* that an act is right because God wills it, breaks down. Neither disjunct is true, since 'because' fails to capture the insight that God personifies Righteousness. And the righteousness of one's action just is its sharing in the Perfect Righteousness who is God (246-247).

I confess to being baffled by this "way through the horns of the dilemma." I have no idea what it could conceivably mean for my action to "share in the Perfect Righteousness who is God," when the strict and simple identity relation Hanink and Mar have drawn between the person of God and the property of Righteousness makes it the case that *my* righteous action has the property of righteousness iff *my action is God!* But this point is an aside, because Hanink and Mar offer an alternative "property as essential attribute" strategy (that they don't prefer nor develop enough to properly assess) that they claim has many of the merits of the earlier strategy without the property-identity metaphysics. For our purposes,

however, the really interesting part of the article comes as Hanink and Mar defend against the charge of divine arbitrariness. They cast the problem this way:

The criticism, then, is that [DET] reduces morality to the commands issuing from a subjective will (albeit God's) and makes God party to an ethical framework that countenances, at least in theory, a deep moral inconsistency. But ethics just could not be like that. If morality is objective and if God is righteous and just, then the believer must be the first to look for another standard of right and wrong (248).

Hanink and Mar begin their response to this problem by talking about the consistency between God's creative and legislative will (249). God created human beings to be happy. For us to be happy, we must enjoy and participate in certain goods. By enjoying and participating in such goods, "human beings flourish." Of course, the sorts of goods that will promote our flourishing are a function of the sort of nature we have, and that is a function of God's creative will. God also legislates such that human beings will flourish. Thus, he legislates in order to encourage us to enjoy and participate in what will promote our flourishing and avoid our demise. So, God's creative will and legislative will are consistent.

Now, the problem of arbitrariness remains: "For what if God were to will the reverse of what He now wills with respect to human acts? In that case our morality would be turned inside out" (250). Hanink and Mar respond that God's will is unchanging, immutable, and this basic metaphysical claim about God's nature precludes his willing something for us other than what he has willed: "DWT is no more arbitrary than God is Arbitrary" (251). Since God's nature is

unchanging, his creative (and therefore legislative) will for us is unchanging, and we can thus be secure that God will not "change his moral mind" at some point.

Finally, the question remains: what if God had willed other than he did, which is to ask what if God had willed evil? For example, "What if God had always willed that we practice cruelty and violate innocent life? Surely we would not accept the implication of [DWT] that if God so willed, cruelty and the violation of innocent life would be right" (251). Here, Hanink and Mar appeal back to the consistency of God's creative and legislative will in order to make the point that, "God's creative will has given us a nature that cannot be perfected by such acts, nor could God do otherwise in light of His nature. So God's legislative will could not mandate such norms. Why is this so? God, the simple believer insists, is love. And God is goodness, the personification of goodness" (251).

Again and again we see the axiological appeal. DC-theorists appeal to it. DW-theorists appeal to it. Everywhere it is the catch-all response to problems and objections. I do grant that this appeal is extremely intuitively satisfying. But, as always, such appeals make the theories into consequentialistic theories, and it is either trivially true (and thus not an answer) or question-begging and still potentially false (if "loving" is cast in axiological terms) to claim that "God is love" as a response to questions about what God has commanded or might command. I do think that Hanink and Mar are on the right track in appealing to God's creative and legislative consistency, and I will appeal to the same thing in a different way as we proceed. However, as I have already argued, and as I will further develop in

this chapter, I believe that axiological appeals are utterly wrong-headed. "Looking beneath God's commands to his will" is a fundamentally flawed approach, yet it is what the DW-theorist has at his disposal.

So, what is DCT's best response to the arbitrariness problem of the Euthyphro dilemma? As we have seen from Murphy (Section 4.1), the speech-act analogy between human and divine commanding is a strong reason to prefer DCT over DWT. As we have also seen, Murphy has given us no reason to reject that analogy. Here we will see another reason to prefer DCT over DWT in virtue of how it can use the speech-act analogy to render painless the arbitrariness horn of the dilemma.

There are two ways in which divine arbitrariness can appear threatening. First, God might issue inconsistent commands. A DET lacking protection against divine inconsistency is, as we have said, maximally implausible. Second, God might command that which we pre-theoretically know is wrong. Here the tension between what our theory says is right and what our pre-theoretical intuitions say is right can become intense enough to motivate us to discard the theory as implausible. We must respond to both threats.

Let us begin with the problem of divine inconsistency. We will see that a DCT can provide a means by which to disallow divine inconsistency while not running afoul of philosophy of religion concerns about the sovereignty and authority of God. In doing so, we will appeal to a *command* version of the Hanink/Mar notion of creative and legislative consistency.

We have already agreed with Murphy that God's "ability" to command is contingent upon certain social structures and conventions, and this means that God must command in accordance with the rules of the game of commanding, as that game is played by his intended audience. We have seen that this fact poses no significant threat to God's capacity to issue to human beings any commands he chooses, because "A practice of commanding exists in virtually all human communities" (Adams 2002: 266). We find in this constraint no threat to the sovereignty and authority of God because we can agree with the Bible that God put into place the social structures that support all speech acts, including commanding, and we can find that the conventions surrounding the speech act of commanding are ultimately a function of God's creation. However, even granting that God plays by the conventional rules of commanding, so to speak, there is another level at which God might fail to successfully command; and this level represents an additional constraint upon God's ability to command human beings.

As Searle has argued, I think successfully, the *meaning* of an utterance inheres in the sort of speech-act that it is, and that is determined in part by contingent circumstances surrounding the utterance. We have mentioned the social and conventional circumstances that constrain the speech act of commanding. However, in the case of the speech-act of commanding, we find that the legitimacy of the expectations of the commander is a necessary condition for the commander to succeed in actually commanding. For a speech-act of *commanding* to take place, the commander must actually and reasonably expect to be obeyed. This

expectation is one of the primary marks distinguishing a command from, say, a request or even a plea.

Now the most basic part of an expectation to be obeyed must be an expectation to be understood! Adams (2002: 268) quotes Grice (98) on this point: "one cannot have intentions to achieve results which one sees no chance of achieving." The implication is, as Adams says:

Under normal circumstances, for instance, one could neither command nor intend to command a subordinate to load a truck by saying, in English, "Bring me a cup of coffee." And that is because one could not intend to issue such a command in English without knowing enough about commanding and about English to know that no one (in normal circumstances) could understand "Bring me a cup of coffee" as a command to load a truck. Using signs that one knows no one could understand as a command to do *a* does not count as commanding anyone to do *a* (2002: 269).

We see, then, that even if we grant that God uses signs with the right *syntax* in accordance with the social constraints surrounding the speech act of commanding, there is a *semantical* component as well. To be *understood*, a commander must know something about and comply with a hearer's expectations regarding the semantics of the utterance. So, not even God can reasonably expect that just any old flow of verbiage will constitute a command, as Adams says:

This is not to say that God is a transcendent Humpty-Dumpty who can give any arbitrary meaning at all to any sign at all. There are constraints from the side of the audience" (2002: 266).

The semantical expectations of an audience generate constraints upon successful commanding in quite sweeping ways. Not only must God comply with

these expectations insofar as term-meaning goes, God must comply with the underlying logic that enables human understanding at every level.

Some examples of the levels of reasonable expectation of obedience will be helpful. A speaker cannot *command* a rock to do anything because a rock cannot reasonably be expected to obey. Such a putative speech-act of commanding breaks down due to contingent limitations of the rock itself: it cannot hear or understand the utterance, and it cannot act volitionally of itself. A speaker can *make* a rock do something, but not by merely commanding it of the rock. Knowing the contingent limitations of the rock constrains the speaker by constraining what reasonable expectations of the rock the speaker may have.

A speaker cannot *verbally* command a deaf and blind person to do anything. It is a contingent fact that the deaf and blind person can act volitionally, and so such a person might be physically able to obey. However, it is also a contingent fact about such a person that they are unable to "get" the "command," which means that it is just as unreasonable for the speaker to expect obedience of the deaf and blind person as it is for the speaker to expect obedience of the rock.

As Adams has noted, a speaker cannot command a person to load a truck *by* commanding the person to produce a cup of coffee. Even though the hearer is physically able to obey both commands, and the hearer is physically and intellectually able to "get" the command, there is a fatal disconnect between what the commander supposedly intended the hearer to do and the hearer's expected semantics of the actual utterance. Because the commander did not comply with the

hearer's semantical expectations, the "intended" message was not conveyed; the utterance was not an actual command because the speaker could not reasonably expect the hearer to understand the "intended" message.

A speaker cannot command a person to capture one spherical-cube each day. Even though the contingent facts about the hearer include his ability to hear and understand the "command," the speaker cannot reasonably expect the hearer to obey because it is logically impossible to obey.

So, we can sum up by saying that a speech act of "commanding" can be successful *as* that sort of speech act iff the speaker is reasonably entitled to expect that the hearer is in principle able to receive, understand, and obey the command. There is no such thing as an actual command that is in principle impossible to receive, to understand, or to obey (because of either logical or physical considerations). All of these considerations constrain even *divine* commanding. Since a DC-theorist asserts that the moral facts depend upon the speech-act of commanding, it follows that the constraints upon successful commanding constrain the emergence of moral facts as well. This is the very point at issue in Murphy's first objection, as we considered it in Section 4.1. However, it is this very point that allows the DC-theorist to provide the best response to the apparent *inconsistency* pain of the arbitrariness horn of the Euthyphro dilemma.

If we posit a *supremely* power God, the creator of *everything*, just as is asserted by the religious tradition of the majority of the world's population, JCI theists, then we find that *nothing* escapes the scope of his power and authority. Not

only are all the *physical* facts under his sway, but all the *logical* facts are under his sway.⁵⁷ On this model, we are created in a "box" of God's design, and there is no escape from that "box." We are not gods, and so we see and understand the world under a construct, and even that construct is a divine creation; we are indeed living life inside a box of God's creation. From these points, coupled with the nature of the speech-act of commanding, we are able to produce a powerful result: the contingent facts surrounding the speech-act of commanding do constrain God's ability to command humans, primarily, the contingent facts of God's creation make it the case that God cannot successfully command in contradictions.

God cannot put us in the sort of logical box that he has ("intuitive" box, if you are sympathetic to Kant) and then command a person to do that which violates logic. God might have put humans in a different sort of logical (or "intuitive") box than he has, but in the box we currently occupy, God cannot reasonably expect commands to be obeyed that violate the logic of *this* box. His issuing of such a command would lead us to respond only that we recognize that he is *speaking*, but not that he is *commanding*. If God cares to communicate with us in *this* box, he cannot simply "rattle our cage," as it were, and then call that "commanding."

⁵⁷ This is a somewhat contentious proposition, but it is not indefensible. Morris and Loux have independently argued for the notion that God is the creator of *all* the logical facts, including modality. Quinn (2000) thinks that two modal counterexamples suffice to refute the proposition and argues for "a little less absolutism." I do not agree, but this discussion leads us far afield. Let us at least grant a slightly weaker proposition for the purposes of argument, because, even if *all* the modal facts are not a result of God's creation, the claim that *most* of the logical and modal facts are a result of God's creation does not run afoul of even Quinn's objection, and that slightly weaker proposition will suffice for my purposes.

Thus, God cannot successfully *command* in contradictions. He cannot, for example, universally command a prohibition against murder and then require a particular person to commit murder. The fact that there is a good answer to Abraham's puzzle is not enough to support the foregoing claim. That answer only demonstrates that we have no evidence that God ever has so commanded in this world. To demonstrate that God cannot so command in any possible world is a function of the nature of the speech-act of commanding itself, which is itself in part a function of the nature of our logic.

However, such a constraint upon God's abilities is not a threat to his sovereignty or power; the constraints are *self-imposed*, as they are just the means by which God has chosen to relate to his creatures within the box of his own creation. So the *DC*-theorist has an excellent reason to suppose that God will not attempt to command in contradictions. And we here see a way of appealing to creative/legislative consistency that has no axiological component.

Now, with the inconsistency threat behind us, let us consider the possible tension that might arise between a divine command and our pre-theoretical intuitions. Again we see the problem in the example possibility that God might command someone to torture a small child just for fun. Again, let us remember that appealing to the "goodness" of God or to any other axiological attributes of God is a very problematical response. So, how can a DCT close off the possibility that God could issue wildly counterintuitive commands? This problem does not seem to fall so neatly to our speech-act answer.

I see two ways an objector might intend to cast this problem. On the one hand, the objector might find it troubling (even implausible) that a DET on the arbitrariness horn has the implication that God might command that which is (merely) *counterintuitive*. On the other hand, the objector might find it troubling (even implausible) that a DET on the arbitrariness horn has the implication that God might command that which is known to be *wrong*. In both cases, the objector puts significant weight upon moral intuitions. However, clearly much greater intuitive weight is presumed in the first case.

The distinction seems to be about the *sort* of evidence one has opposing a putative divine command. In the first case, the intuition is pre-theoretical; it is properly a *feeling* or *impression* that something is amiss. In the second case, we might have, for example, *rational* or *theoretical* reasons for thinking that a putative divine command is wrong. In the first case, the tension is between a putative divine command and a feeling or impression. In the second case, the tension is really between a putative divine command and some theory of ethics.

It will not do in either case to respond that we have no evidence to suggest that God ever *has* commanded that which is counterintuitive or wrong. In the first case, there are many Biblical instances of God issuing what were obviously counterintuitive commands, and those commands would be even more counterintuitive if God issued them to us today. Just consider the sacrificial laws, the divinely directed killings, even the divinely directed *genocide* appearing in the Old Testament. In the second case, even if it were true that God has not yet

commanded a theoretically indefensible wrong, that fact offers no theoretical protection against the possibility of God doing so, and that possibility alone is sufficient to motivate rejection of DETs on the arbitrariness horn in favor of some other ethical theory, particularly one that elevates *human* moral autonomy.

Because the issue of God potentially commanding what is *wrong* is properly cast as a distinction between divine authority and human moral autonomy, I will reserve that discussion for the next section. However, let us turn our attention to the implications of God commanding that which is counterintuitive.

Cast in this way, the objection is quite weak indeed. Pre-theoretical feelings or impressions are notoriously unreliable bases of adjudication. As long as a theory can provide a plausible error-theory of counter intuitions, we reasonably expect that a theory will educate intuitions rather than the other way around. Indeed, the appeal to intuition that is so commonplace in the ethical literature today is largely a function of bouncing one theory off of another, veiled in the garb of intuition, and the claim that an ethical theory has a counterintuitive implication usually smuggles in the claim that some (usually popular) theoretical presumptions are at issue and have been violated by the theory.

The fact is that our moral intuitions are (in a more or less distorted way) reflections of the moral facts as we (in our limited capacity to see the big picture) understand them under some theoretical rubric. We do not have moral intuitions in a vacuum. When a moral intuition is threatened, teasing out the theoretical, social, and conventional underpinnings of that intuition is not a trivial task.

The point here is that I see no in-principle threat to DETs that they concede the possibility or even actuality of the existence of counterintuitive divine commands. It is an integral part of a DET that God communicates with humans in such a way as to educate them about the moral facts. It is no surprise that some of that education will be counterintuitive, given human perspective limitations. Furthermore, as is asserted by JCI theorists, human moral intuitions are fundamentally unreliable insofar as they arise from a "fallen" and degenerate moral nature. On the JCI view it is evidence of God's constant interaction with humans that *any* of our intuitions correlate with the actual moral facts. To deny this is a *theoretical* claim rather than a purely intuitive one! A JCI DET predicts that God's commands might well be *often* counterintuitive, and it is deeply circular to object to that theory solely on the basis of counter intuitions. Intuitions alone, then, cannot act as a significant threat to DETs on the arbitrariness horn. The really threatening "arbitrariness" objection is seen when DETs are pitted against human moral autonomy, which is really a conflict of theoretical underpinnings. That is the subject of the next section.

In summary, the arbitrariness horn of the Euthyphro dilemma is most appealing to DE-theorists. However, accepting it opens a DET to an objection of divine arbitrariness. That arbitrariness appears painful insofar as the possibility apparently exists that God could command inconsistently, counterintuitively, or wrongly. A DCT, appealing to the conditions surrounding the speech act of commanding, offers an excellent reason to think that God cannot command

inconsistently. The very nature of moral intuitions is such that a DET gives good reason to think that divine commands and human moral intuitions can come apart, and this potential for disconnect appears to be no immediate threat to DETs. The remaining objection is that God can possibly command that which is wrong, and it is to that objection that we now turn.

6.3 Rachels' Objection

Rachels' objection denotes the perceived implausibility inherent in the DET claim that a human moral *agent* is obligated to obey *whatever* God wills or commands. We have narrowed the scope of the objection down to the problem of the possibility of God commanding that which a properly autonomous moral agent knows is wrong. Rachels' ethical point is that a properly autonomous moral agent must hold even divine commands up to the moral light to see whether or not they ought to be obeyed; no divine command ought to be obeyed *just because* God commanded it. Such "holding up to the light" presumes a morality independent of God, inhering in some way *in* the autonomous agent rather than *in* the activities of God. So, we can see that the struggle here is over which disjunct is true: 1) the moral facts inhere in divine activities and arise as a consequence of them, or 2) the moral facts are a function of human activities or perceptions in some way. On Rachels' view, to be a properly autonomous moral agent one must accept the responsibility of (2). So, the challenge for a DE-theorist is to give a plausible and

satisfying account of human moral autonomy and at the same time not weaken the obligation to obey God's commands (or will).

We have already seen and rejected the Hanink/Mar DWT response to this objection. In this section I will argue that DCT can provide a very satisfying response, and so DCT is not threatened or inferior to DWT in virtue of this objection. Let us begin by looking at what I will call the Quinn/Adams responses to Rachels' objection. In this response can be found the elements of a very successful DCT answer to Rachels' objection.

Quinn (1978) sharpens and clarifies Rachels' objection this way:

We are faced, according to Rachels, with 'a conflict between the role of worshipper, which by its very nature commits one to total subservience to God, and the role of moral agent, which necessarily involves autonomous decision making' (Rachels 1971: 332). In other words, there is, roughly speaking, supposed to be a conflict between regarding some being as worthy of worship and being a human moral agent (4).

Quinn then argues (at a length that precludes inclusion here, even in condensed fashion) that Rachels does not successfully threaten the existence of God. Quinn's success regarding this aspect of Rachels' objection is outside of our concern, since we are not concerned with the question of God's existence.

However, the final implication of Quinn's argument is significant for us. He says:

In other words, an autonomous human moral agent can admit the existence of God if he is prepared to deny that any putative divine command which is inconsistent with his hard-core reflective moral judgments really is a divine command. He can resolve the supposed role-conflict by allowing that genuine divine commands ought to be obeyed unconditionally but also maintaining that no directive which

he does not accept on moral grounds is a genuine divine command (6-7).

Here we see that Quinn shifts the sort of moral autonomy in question. Rachels (*a la* Kant) was assuming some sort of metaphysical moral autonomy, where the human agent is the *ground* of the moral facts. In response, Quinn offers a sort of epistemological moral autonomy, where the human agent is the *evaluator* of what counts as a moral fact. Quinn accepts only a weak form of (2) above: the moral facts are a function of human activities or perceptions in some way. However, Quinn denies that a Kantian account of moral autonomy is correct, arguing that a theist is not logically compelled by Rachels' objection to deny that the metaphysics of morality are grounded in divine activities or that God exists, and yet human moral autonomy (not the moral facts themselves) is a function of the human *perception* of the moral facts.

While this shift might undercut Rachels' claim that a we are *a priori* precluded from accepting that God exists and grounds the moral facts, it is a shift nevertheless, and Quinn grants that "it does raise some philosophical questions which have not yet been dealt with adequately" (8). Among these questions is the epistemological question: What justifies a theist to assert that a putative divine command either is or is *not* in fact a divine command? So, Quinn has shifted the area of concern regarding moral autonomy from metaphysics to epistemology.

I think that this shift is profoundly right-headed, and I will later develop an account of exactly what I think is right about it and how it can be made to work.

However, Quinn replies to the epistemological concerns by appeal to the infamous axiological attribute of God, he is perfectly good, by saying, "It seems open to anyone who accepts this claim to argue that, because [necessarily, a being is God only if he is perfectly good] is true, any command which is not acceptable to a well-informed and autonomous human moral agent could not be a divine command" (8). And this approach to the problem of justification seems to me profoundly wrong-headed.

As we might expect, we see this same approach to the problem in Adams (2002):

One who serves goods that he cares about is more autonomous, in an important way, and more admirable, than one who obeys commands or rules without caring about any goods but those of obedience as such.... Apart from such an embedding of the morality of obligation in its relation to goods that we may reasonably be expected to love, it will be hard to have any attractive conception of it (274).

I cannot consistently conceive of [devotion to God] as unquestioning commitment to an individual being, independent of one's evaluation of that being's character and demands. The devotion to God that I favor must be understood as based on the divine perfection in such a way as to be profoundly shaped by one's own moral sensibilities (275).

So, the early Quinn's and Adams' work on autonomy both argue for an epistemological autonomy in which the agent *evaluates* the right in terms of the good. While this approach to the problem of justification might undermine the *logical* force of Rachels' objection, and it might even initially appear satisfying as

an account of human moral autonomy, the Quinn/Adams model suffers from at least one significant problem: it is inapplicable in principle. Of what value (and how plausible) is a purely theoretical account of ethical justification that cannot be used by any real-world agent to actually justify any ethical belief?

The problem is an epistemological variation of the Time-Slice problem. If God does command that which is initially counterintuitive, on the Quinn/Adams view the autonomous moral agent has *prima facie* reason to deny that the command is in fact divine or ought to be obeyed. This reason is grounded in, as Adams says, "one's own moral sensibilities," particularly where those moral sensibilities are themselves grounded in the agent's perception of what is good. So, on the Quinn/Adams view, any putative divine command that violates an agent's perceptions of the good is *prima facie* rejectable, and the agent must carefully reflect along the lines of the question: Is there any conceivable way that a perfectly good God would issue this command? This is to ask: Is there any conceivable way that this command serves any "goods that we may reasonably be expected to love?" The weight of justification for rejecting the putative command as divine increases in direct proportion to how inconceivable it is that the command serves some "goods that we may reasonably be expected to love." Again, let us grant that the good is well-defined and that the agent is not degenerate regarding the goods that he loves. The Time-Slice problem still emerges as we see that the agent's capacity to *conceive* of how the putative command might serve the good is stuck in a time-slice that might or might not be relevant to God or to morality.

If anything, the epistemological version of the Time-Slice problem is more troubling here than is the metaphysical version, because the human agent cannot *conceivably* appeal to the catch-all "end of time" slice as the one that grounds the net goods. The Quinn/Adams model precludes what would be an *ad hoc* retreat to realism. Furthermore, even beyond the Time Slice problem, human agents are extremely imaginative, and they can *conceive* of all sorts of ways that a particular command might or might not serve the good, given enough or too little time in which to let consequences occur. Dishonesty and degeneracy aside, even the most scrupulous and thoughtful human agent cannot in principle know how a perfectly good God might be planning to work out the ultimate good he has in mind, and a perfectly good God might well (and we have much Biblical reason to think he does) command in wildly counterintuitive ways, ways that are counterintuitive just in the way they violate widespread human intuitions of how the good will work itself out in time as a result of obeying God's commands.

I claim that the method is so *utterly* unreliable that human agents can place *no* weight of justification on the method. The best a human agent can ever say after reflection is: "I *think* that this is how the good/bad works out as far as I can see, and based upon that assessment I will accept/refuse this putative command as having divine origin." But then, what entitles the agent to then think that he is *justified* in that assessment, given that he knows that he cannot possibly be in possession of all of the relevant facts? This problem is not simply that we are prone to mistakes in ethical evaluations. The possibility of making mistakes in ethical evaluations is

ever with us, regardless of the model of justification we employ. The problem with the Quinn/Adams model of justification is that we have no evidence to suggest that we *ever* get such evaluations right! Thus, on the Quinn/Adams model we have no reason to believe that we are *capable* of using our "moral sensibilities" about the good to determine what is or is not a divine command.

Biblical examples of this problem abound, but I will use just one. In Daniel 3 we find the story of Shadrach, Meshach, and Abednego, whom we will entitle (as has been repeatedly done), "the three worthies." The king of Babylon has erected a giant statue fashioned after a dream he has had, and he has gathered everybody who is anybody in his kingdom to a vast plain to dedicate the statue. The horde of people gathered contains many Jewish captives who have made it into the ranks of governmental service (i.e. Daniel, who is apparently away on the king's business), and of this group are the three worthies. When the great crowd has assembled, the king orders that at the sound of the musical signal everyone shall fall down on the ground and worship the great image. The king further warns everybody that the penalty for disobedience to this command will be certain and painful death in "a furnace of blazing fire." The music plays, and everybody falls down and worships the image. Everyone, that is, except the three worthies. They disobey the king's command and stand erect, quite noticeable among the sea of prone bodies, refusing to worship the image.

All of the Jewish people on that vast plain knew that God had commanded that they must not make or worship any images, for such is counted by God as

idolatry. Indeed, when the king questions the three worthies prior to throwing them in the flaming furnace, giving them a final chance to comply with his command, they reply: "Let it be known to you, O king, that we are not going to serve your gods or worship the golden image that you have set up" (vs. 18). We don't know the percentages, but we do know that there were many Jews on that vast plain, and yet only three stood against the king. We cannot accurately speculate about what various types of justifications might have been going through all those Jewish minds, but we can imagine how the Quinn/Adams justification might play out in the mind of one of those Jews:

Surely the second commandment is not applicable in this case. After all, if I disobey the king's command, I will surely die, and that death will be a painful one indeed. Needless pain is never a good, nor is my death. Surely no good can come of my family losing its provider, particularly now that we are captives in this foreign land filled with heathen. I can see no good that can ever come of my painful death, and surely a perfectly good (and kind and benevolent) God would never command this of me. So, this situation must not be an instance of the second commandment's applicability. I will obey the king and bow.

Even if we grant the accuracy of the Jew's assessment of what the goods and bads actually were, it becomes clear from the story that this Jew completely misread the way consequences would work out over time to produce goods or bads.

As the story goes, the king has the three worthies bound, the furnace is heated to ten times its original heat, and the three worthies are thrown into the furnace (which has the unintended side effect of the intense heat killing the poor soldiers who toss the worthies into the furnace). Yet, the three worthies do not die

a painful death. Instead their bonds are burned off, and they walk freely around in the furnace--joined by a fourth figure that even the king exclaims "is like a son of the gods!" (vs. 25) Christians believe that this fourth person was Jesus Christ himself, come to honor the three worthies for their obedience to his commandment, an obedience rendered in utter disregard of what seemed to them to be the most likely consequences.

The clearly intended point of this story is that God expects to be obeyed, regardless of how we humans evaluate the consequences of obedience. That this story "has a happy ending" is immaterial for the force of the Time-Slice problem. From a standard human agent's point of view (like all the Jews except three), it was *inconceivable* that obeying the second commandment in that context could have a happy ending. Indeed, in verse 18, the three worthies tell the king that *regardless of outcome* they will not obey his command! Yet, as we have seen, under the Quinn/Adams model, it is trivially easy to justify seeing the second commandment as non-applicable in this context, and indeed, the *prima facie* weight of evaluation of the goods (as well as every normal human intuition) would justify obeying the king instead of the second commandment. Indeed, if God had initially issued the second commandment only at the same time as and alongside of the king's command, most of the Jews could have used the Quinn/Adams model to determine that the second commandment was not actually a divine command, justifying instead obeying the king's command.

So, even if we are capable of evaluating what the *goods* are, we are incapable of evaluating *when* the goods are, and this problem renders the Quinn/Adams model inapplicable in principle. Given that theists *should* adopt an epistemological response to Rachels' objection, they will have to ground their epistemology in some more reliable aspect of human autonomy than on human assessments of the good.

As I have repeatedly denied appeal to axiological attributes of God, both metaphysically and now epistemologically, it appears that I have precious little left with which to work in grounding an epistemological response to Rachels' objection. However, I don't think that the situation is as bleak as all that. There are a host of non-axiological attributes of God at my disposal, including that he is the creator of *everything* (as I have mentioned above, along with the implications for consistency), he is rational, and for him to command at all is to comply with speech-act theory. Furthermore, I have one other appeal up my sleeve. Of all things, I will appeal to Kant himself to resolve the "Kantian" notion of autonomy in Rachels' objection.

We are familiar with the standard, textbook exegesis on Kantian ethics, which I will call the "Autonomy Position." However, what is not widely known is that there is good reason to think that Kant imagined an ethical program bearing many similarities to a current DCT. This reading of Kant I will call the "DCT Position." I believe that the DCT position can provide one possible epistemological

model by which Rachels' objection can be satisfactorily answered in strictly DCT terms.

In this section I will be referring largely to a recent article by A.T. Nuyen, who compiles a nicely representative body of supporting textual evidence for both the Autonomy Position and for the DCT Position.⁵⁸ He cites the primary defenders of the DCT Position, and he argues that the DCT Position cannot be merely swept aside, as has been commonly done in favor of the Autonomy Position. Nuyen's view is important because it seeks to reconcile the apparently conflicting passages in Kant's various works, without doing violence to any of them. Nuyen does portray Kant as a unique sort of DC-theorist, and in so doing he seeks to show Kant passing between the horns of the Euthyphro. Whether or not Nuyen is successful in all that he attempts is beside the point for our purposes. We will simply be looking to Nuyen's Kant for an epistemological model grounded on something more reliable than human perceptions of the good.

Now, any genuine DCT must have morality grounded solely on divine commands, in the sense that the existence of the moral facts is grounded on (in some sense, depending on the flavor of DCT) divine command facts. Nuyen must clarify how Kant establishes this connection, while at the same time he must explain the countless passages in favor of the Autonomy Position.

⁵⁸ See also: Palmquist, who argues that Kant's entire philosophical system, particularly his ethics, is consistent with "Christian" (whatever that is) notions of Divine authority.

Nuyen accomplishes this feat by recognizing a subtle distinction usually overlooked in Kant. When Kant talks about morality "being determined by" divine commands, or when Kant talks about morality "being determined by" practical reason, Nuyen says that we must realize that Kant uses "determined" in two different senses. According to Nuyen, Kant expresses the relationship between morality and divine commands in one sense of "determined" and the relationship between morality and practical reason in another sense of "determined". (Kant is certainly famous for this sort of terminological sloppiness, which makes Nuyen's distinction at least initially plausible.) Once we recognize Kant's distinct senses of "determined," Nuyen shows how Kant can be both a DC-theorist and maintain something like the Autonomy Position.

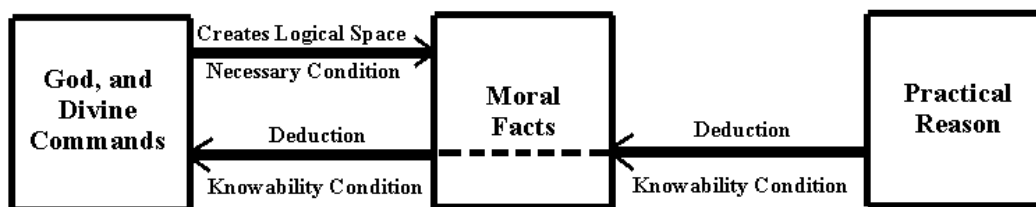
In Kant, "being determined by" expresses a dependency relation, and there are two primary ways that B can be "dependent" upon A. First, A might be the necessary condition of B, where "necessary" here means "logically necessary". In Kantian terms, this relation makes A the *ratio antecedenter determinans* of B; for simplicity and for the sake of using English, we will call it simply the *necessary condition*. Second, B can be unknowable or unintelligible in the absence of A. In Kantian terms, this relation makes A the *ratio consequenter determinans* of B; for simplicity and again for the sake of using English, we will call it the *knowability condition*.

Nuyen claims that Kant posits divine commands as the *necessary condition* of morality, in that "Through his commands, God creates the logical space for

morality to be possible.... Thus, God is the logical grounds of morality” (Nuyen 449). This “logical space-creating” version of the *necessary condition* relation makes divine commands the "logical essence" of morality. This is the metaphysical side of the model.

However, Nuyen also says that Kant posits that practical reason is the *knowability condition* of both the moral facts *and* divine commands, and it is *this* relation that is important to us in responding to Rachels' objection. Nuyen has Kant saying that practical reasoning about morality is the basis of how God can even be understood, in that God and his commands would be unknowable or unintelligible in the absence of autonomous practical reason. This is the epistemological side of the model, and is the one that most concerns us.

So, Nuyen’s take on Kant looks like DCT because divine commands are the logical basis of morality, while it also looks much like the Autonomy Position because autonomous practical reason is the only means by which we even *think* about God and his commands. Because Nuyen uses phrases like "logical grounds" and "creates the logical space" so often, it can be difficult to grasp what he means by these logical relations. However, his three-way relationship can be illustrated in the following way:



The logical relationships, then, assert a symmetrical, transitive relation between divine commands and autonomous practical reason, as follows:

If x is divinely commanded, then x is a moral fact.

If x is a moral fact, then x is deducible by practical reason.

If x is divinely commanded, then x is deducible by practical reason.

And:

If x is deducible by practical reason, then x is a moral fact.

If x is a moral fact, then x is divinely commanded.

If x is deducible by practical reason, then x is divinely commanded.

On this view, the moral facts metaphysically depend upon divine commands much like DCT would have it, and the moral facts epistemologically depend upon autonomous practical reason much like the Autonomy Position would have it. This three-way relationship ensures that autonomous practical reason recognizes as moral facts just divine commands, and divine commands are the logical basis of just those moral facts recognized by autonomous practical reason. Morality depends upon divine commands for its logical ground, its metaphysical basis; and morality (indeed, even our perceptions of God's attributes) depends upon autonomous practical reason for its knowability, for its epistemological intelligibility.

Nuyen's view seems to solve a number of difficulties. First, morality is metaphysically accounted for in that it is logically grounded in divine commands. Yet, the resulting DCT is saved from charges of arbitrariness by the fact that the commands and the resulting moral facts *can only be known* through autonomous practical reason.

Second, according to Nuyen, Kant passes between the horns of the Euthyphro. There is no pain from the constrained horn because God's commands are indeed the necessary condition for morality; he does not merely command the right *because* it is right. The right is right *because* of his commands. However, there is also no pain from the arbitrariness horn because God's commands cannot be even *thought of* as arbitrary; to think of divine commands just *is* to think of them in harmony with autonomous practical reason. The very nature of God is known through his commands, and these are seen in the moral facts, as they are known *by* autonomous practical reason.

Finally, derivative from the second point, we can be certain that God would never command us to do that which is evil. Given the way God has designed our logic and our practical reason, there is now no possible world in which, for example, God commands that we torture little babies for fun, and this assurance has nothing whatsoever to do with axiological attributes of God. "We can be sure that God would not command evil because practical reason tells us so.... No such possible world is conceivable by practical reason. For to conceive of a God that commands evil is to be involved in a patent contradiction.... Thus, we would not

recognize any command to do evil as a moral command coming from God” (Nuyen 451). And, now we can see how the Quinn/Adams approach, yet instead grounded in practical reason rather than an axiological assessment, can provide a robust account of human moral autonomy.

Now, is Nuyen correct in his reading of Kant? Actually, for our purposes it doesn't really matter whether or not Nuyen is correct about *Kant*.⁵⁹ Even if he is not correct, for our purposes we can call such a view a "neo-Kantian DCT" and appeal to its epistemology all the same.⁶⁰ It does provide an epistemological account of autonomy that answers Rachels' objection, and that even by providing much of the intuitive appeal of the traditional Autonomy Position. On this view, it seems a fine, purely theoretical point to note that the metaphysics of the view qualify it as a DCT, because it seems that someone like Rachels *almost* gets his full

⁵⁹ Others who recognize Kant's references to divine commands have a completely different take on what Kant is trying to accomplish in the contested passages. Westphal's alternative view has Kant failing to offer a robust notion of autonomy: "Kant's official view of divine legislation is designed to do three things. One is to allow for an expansive moral feeling, such as the sense of gratitude for our existence that might overtake us at a relaxed moment amidst the beauties of nature, or the sense of obedience when we put off pressing affairs in order to fulfill our obligations, or the sense of humility when we realize that we have violated our duty. Another is to provide support for our possibly wavering commitment to achieve the highest good. A third is to provide support for our possibly wavering sense of, and capacity to act from, respect for the moral law. Unfortunately for Kant's moral world view, each of these is inconsistent with his analysis of autonomy, and none of Kant's attempts to finesse the point are adequate" (Westphal 154). Westphal has earlier given an accurate description of Kant's principles of autonomy, and it does seem that Westphal is correct that Kant's view on divine commands is not consistent with his own principles of autonomy. If this is the case, call the view Nuyen is floating "neo-Kantian DCT," and abandon Kant's traditional picture of autonomy. This neo-Kantian DCT still answers the epistemological problem in the Quinn/Adams response to Rachels' objection.

⁶⁰ There are, I think, profound metaphysical problems with this neo-Kantian DCT, and so I do not appeal to the metaphysics of the view. However, that God is now constrained to command consistently and in accordance with out practical reason (which he is responsible for) seems to me correct.

measure of human moral autonomy, and something like this view does offer a satisfying epistemological account.

Objections to this sort of DCT (focus upon the epistemological aspect) will tend to be charges of formalism, akin to charges levied at the traditional Autonomy Position. Someone like Adams is sure to find such a DCT unappealing just in virtue of its formalism and its utter, very Kantian, repudiation of the theoretical appeal Adams finds in God having and promoting axiological values "we can reasonably be expected to love." However, we are now debating *within* DCT, and theorists are left to decide what implications and attendant problems they find most appealing. One thing is clear: a DCT need not be even threatened by Rachels' objection, must less forced to abandon a very robust notion of human moral autonomy.

We see in Rachels' objection nothing that should threaten the plausibility of certain sorts of DCTs. That a DCT is not found floundering and inferior to DWT in virtue of Rachels' objection should now be established.

7. Conclusions

We have covered a lot of ground in our comparison of DWT and DCT. However, what is most striking is how many side-issues, tangents, implications, and related questions clamor for our attention as we attempt to deal with the limited issues we have considered here. Our consideration of basically one primary reason to prefer DCT over DWT has but scratched the surface of the complexities involved in ethical theorizing in general and DE-theorizing in particular. However, we have gotten clear about a few things.

I have argued against DWT and in favor of a certain sort of DCT. We have seen how a clear distinction between axiology and b-deontology can be developed and sustained in DCT terms, and we have seen how DWT collapses that distinction. We have seen that axiological appeals in b-deontological accounts result in consequentialistic ethical theories, and that such theories are deeply troubled when cast as DETs. So, I have argued for a formalistic approach to DCT, separating (as does the early Quinn) accounts of axiology and deontology.

We have seen that DW-theorists have a number of motivations for preferring DWT over DCT, and we have seen that, among them, the objections against DCT are not threatening to it. We have seen that DWT is not, as advertised, better at "puzzle-solving" than DCT, and that, in fact, its "solutions" are

considerably less plausible and considerably more problem-filled than are DCT solutions.

A number of issues emerge from and otherwise surround this discussion that I have not been able to address *in* this discussion, and these issues certainly deserve further consideration and development. Certainly the contrast between axiological and formalistic approaches to ethics is a huge issue in its own right, and must be a part of *all* ethical theorizing. Yet, I have not been able to do justice to the myriad arguments and views related to this issue. (I am obviously more optimistic about what Kant got right in his approach to n-deontology than are many other ethicists.) I have also supposed a certain moral absolutism, although I have not explicitly argued for it, and certainly DETs can be developed along more relativistic lines. I have said virtually nothing about the implications for DETs that arise just in virtue of whether they are more relativistic or absolutist.

I have also said virtually nothing about issues of authority itself, which have huge implications for the sort of speech-act approach to DCT that I have emphasized. Speech-act theory itself, particularly as I have employed it, is a contentious subject in its own right, and much, much more could be written about exactly how a DCT should properly appeal to speech-act theory.

Another point about authority and speech-act theory that could impinge upon current DCTs is that the strongest analogy between human commanding and divine commanding would, it seems to me, suggest a much weaker DCT than has traditionally been put forward. For example, one could imagine a hierarchy of

authorities (and thus legitimate commanders), with God at the top of the hierarchy. Moral facts would emerge whenever a legitimate command was issued, and one aspect of legitimacy could be that command's consistency with the hierarchy of commands issued by the hierarchy of commanders over it. On this model, humans could generate genuine moral facts analogous to the divine generation of moral facts. This would have divine commands being a sufficient, but not necessary, condition for the emergence of moral facts, and the model could have God's commands being the only ones in the hierarchy that produced indefeasible moral facts. I find such a model extremely appealing, particularly as it further strengthens the speech-act analogy and makes DCT even more plausible to the secular ethical community. However, in this discussion I have been able to say nothing about such points.

The list could go on and on, as this discussion has just barely touched upon the complexities of developing a broadly plausible DCT. However, I have argued, I think plausibly, that DCT is a better approach to DE-theorizing than is DWT, and that a more formalistic approach to such theorizing is better than prioritizing the good over the right, as the axiological approach does. My hope, then, is that the DET community will reconsider its current preference for DWTs and its current emphasis upon axiological rather than formalistic approaches to such theorizing.

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