Divine Command[∗]

JOHN E. HARE
Yale Univ. Divinity School
john.hare@yale.edu

Within the domain of theological ethics as this has been understood within the Christian tradition, there have been two main accounts of the basis of morality. We can call them natural law theory and divine command theory, though the labels are to some extent misleading. Two very similar alternatives can be found within the theological understanding of ethics within Judaism and Islam. Outside the Abrahamic faiths the notion of divine command gets less salient. In Plato and Aristotle, for example, there is nothing like a divine command theory. The divine functions in Plato and Aristotle as a magnet, drawing the cosmos towards itself, but not by command. This article will proceed by taking as an original model of a divine command theory within Christianity the view of John Duns Scotus (with a few modifications, which will be mentioned, 1265-1308). There are other clearer cases than Scotus, but Scotus's view is historically the most important. The article will contrast this view with the natural law theory of Thomas Aquinas (c.1225-1274). It will then discuss some contemporary modifications of a Scotus-type view that can be found in writing on divine command from the last forty years, and it will reply to some standard objections to the view. It will conclude with a brief section on divine command within Judaism and Islam.

The central tenet of divine command theory is that what makes something right or wrong is that God commands it or forbids it. Two main ways in which divine command theory differs from natural law theory are that divine command theory is standardly non-eudaimonist and non-deductivist. 'Eudaimonism' is the view that we do whatever we do for the sake of happiness (in Greek *eudaimonia*), even though we may not represent this to ourselves as our end. Aristotle gives expression to eudaimonism in the

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first sentence of the first chapter and the first sentence of the second chapter of the *Nicomachean Ethics*. Aquinas is eudaimonist, as in the statement that 'every man naturally wills happiness; and from this natural willing are caused all other willings, since whatever a man wills, he wills on account of the end.' (*Summa Theologiae* I, q. 60, a.2). It is not necessary for a natural law theorist to be a eudaimonist. A contemporary natural law theorist, John Finnis, is not. It is also not necessary for a divine command theorist to be opposed to eudaimonism. Al-Ghazālī (1058-1111) and the Ashʿarite school in Islamic ethics are not. Nonetheless Scotus's opposition to eudaimonism is one of the fundamental motivations behind his theory. By 'deductivism' is meant the view that the moral law can be deduced from human nature. Again Aristotle provides an example of the view in the first book of the *Nicomachean Ethics*, chapter seven, which gives what is sometimes called the 'function argument' for the conclusion that 'the human good turns out to be activity of the soul in accordance with virtue.' Aquinas is a deductivist, at least at a very general level of the moral law, as in the statement that 'all those things to which man has a natural inclination are naturally apprehended by Practical Reason as good and, consequently, as to be actively pursued, while their opposites are apprehended as evil and to be avoided. Therefore, to the order of natural inclinations there corresponds the order of the precepts of the Natural Law.' (*Summa Theologiae* I-II, q. 94, a. 2). Again, it is not necessary for a natural law theorist to be a deductivist. A contemporary natural law theorist, Jean Porter, is not. Nonetheless Scotus's opposition to deductivism provides one of the mainsprings of his theory.

Scotus's opposition to eudaimonism springs from his double account of motivation. He takes from Anselm (1033-1109) the theory that there are two basic affections of the will, what Anselm calls the affection for advantage and the affection for justice. The affection for advantage is the drive towards the agent's own happiness and perfection. The affection for justice is the drive towards what is good in itself, regardless of its relation to the agent. All of us have both affections, and there is nothing wrong with this. We will have both even in heaven. But the key question is the ranking of the two. The right ranking is to pursue the affection for advantage only to the extent permitted by the affection for justice. This view very probably becomes, through Luther and the Lutheran pietists such as Christian August Crusius (1715-1775), the origin of Immanuel Kant's (1724-1804) statement of what he thought was the supreme principle of morality, namely the categorical imperative. In Crusius, the formulation is that there are actions that we ought

to do regardless of any ends we have, even the end of our own happiness and perfection, and moral obligation is restricted to such actions. As in Scotus, there is here a *double* account of motivation. We cannot therefore justify obedience to moral law by saying that it will lead to our happiness, even if it does, because it would not be *moral* law if that were its fundamental justification. In Scotus's terms the moral law is something good in itself, not oriented or indexed to the self. There is, at least in principle, the possibility that we might have to sacrifice our happiness for the sake of our duty. Scotus mentions the possibility that we might have to be willing for the glory of God to prevail, even at the cost of our own salvation. This possible divergence between happiness and duty is what lies behind Kant's argument in the *Critique of Practical Reason* for the postulation of God's existence in order that perseverance in the moral life should not be rationally unstable. A divine command theorist holds that our obedience to the moral law is justified by its being commanded by God. Kant, who is not a divine command theorist of Scotus's sort because he thinks the moral law is necessary, nonetheless says throughout his published corpus that we have to recognize our duties as God's command (e.g. *Religion within the Bounds of Mere Reason* 6: 154), and this is because he thinks we have to believe that it is God who holds our duty and our happiness together.

Scotus's opposition to deductivism springs from his principle that the natural law strictly speaking is either one whose truth-value can be ascertained from its terms or else one that follows from the knowledge of such truth (*Ordinatio* IV, dist. 17). But if we take the second tablet of the Ten Commandments that Moses brought down from Mt. Sinai, it does not seem that they are natural law in this sense. The first tablet has to do with our obligations to God (for example to worship God alone) and it is natural law strictly speaking. But the second tablet, which has to do with our obligations to other human beings, is contingent. Take for example the eighth commandment, not to steal. Scotus points out that this commandment requires the institution of private property. But we do not know just from human nature that humans are to have private property. We did not have it at creation, we will not have in heaven, the church dispensed with it at Pentecost, and (though Scotus does not mention this) Franciscans do without it without ceasing to be human. Scotus acknowledges that private property is very fitting to human nature, especially after the Fall, but it is not *deducible* from it. It is tempting to say that we can deduce the proscription of theft from human nature once the circumstance of private property is added. But

this begs the question, because private property is defined in terms of what it is wrongful for one person to take from another. If we were deductivists, we would have to say that it is impossible even for God to command that humans take the property of another. But, Scotus says, there are cases in the Holy Scriptures where God does command such a thing, as for example when the Israelites took the Egyptians' gold under the threat of the plagues. This is one of a series of what he calls 'dispensations' in which God commands something contrary to the Ten Commandments. The most conspicuous example is God's command to Abraham, contrary to the Sixth Commandment, to kill his son Isaac (or, for Muslims, Ishmael). The Ten Commandments are, for Scotus, a route towards our final good, which is to be co-lovers of God (*condiligentes*), entering into the love that the three persons of the Trinity have for each other. We can know by right reason that obedience to the commandments is good, or conducive to our end, and so fitting our nature. But we cannot *deduce* them from our nature, because there are other possible routes that God could prescribe to that destination. In the case of Abraham and Isaac, Scotus reports the view of Josephus that Abraham told Isaac before they got to Mt. Moriah that God had a plan for Isaac's offspring, and that God would bring Isaac back to life. The central tenet of divine command theory is thus not that what makes something *good* is that God commands it, but that what makes something right or obligatory is that God commands it (though this is not Scotus's own way to put the distinction). Scotus has no objection to saying that the Ten Commandments are natural law in an *extended* sense, as long as this is not taken to imply that they can be deduced from human nature.

There are three objections to deductivism to be derived (directly or indirectly) from Scotus, of which the first two have already been implied. The first objection is that the good is not definite enough to allow a deduction of our obligations from it. The second is that the affection for advantage, if unchecked by the affection for justice, gives us a wrong view of the good, because we see only the good indexed to us, and not the good in itself. The third objection is from Scotus's particularism. God's commands are often to particular people, like Abraham, at particular times and particular places. Scotus holds that each of us has an individual essence (later called a 'haecceity'), which is a perfection of the species 'human' in the same way that 'human' is a perfection of the genus 'animal.' The object of love, Scotus says, is something particular rather than something universal, whereas the object of the intellect is something universal. Each of us not

only has an individual essence, but aims at a particular happiness, unique to each of us. God's commands are a route not just for human nature to its end but for each particular human being to his or her particular happiness. But then these commands cannot be deduced from human nature. This particularism is important to the divine command theory of Søren Kierkegaard (1813-1855) and (following Kierkegaard) of Karl Barth (1886-1968). For Barth, all God's commands are particular, and the Ten Commandments are best seen as propaedeutic, preparing us for what God is going to command us in our individual circumstances.

There is a third difference between Scotus and Aquinas (beyond the disagreements about eudaimonism and deductivism). For Scotus, the will is a superior faculty to the intellect. For Aquinas, the reverse is the case, although the relation between the two theologians is complicated here by the fact that they do not entirely agree on the conception of will. Divine command theory is a version of theological voluntarism, placing emphasis on God's will with respect to the moral law rather than God's intellect. This is consistent with the denial of deductivism, because the moral law is not seen as a truth determined by the creation of human nature and thus an object of God's intellection, but rather as a decision of God about which route to prescribe to us, and thus as an activity of divine will. One place to see the difference in relative priority given to the two faculties in general is in the commentary of Aquinas on Paul's First Letter to the Corinthians, chapter thirteen, in which Paul says that of faith and hope and love (which came to be called the three 'theological virtues') the greatest is love. Aquinas comments that this is true down here, but in the next life the greatest will be an activity of intellect rather than will, namely the beatific vision. For Scotus the greatest is love even in heaven. For both Aquinas and Scotus our destination is a combination of activities of the intellect and of the will. But for Aquinas the activity of the will (love) is consequent on the highest, the beatific vision in the intellect, whereas for Scotus the intellectual vision is preparatory to the highest, the love. Scotus departs from the Aristotle-inspired view that theology is a theoretical science. Rather, he says, it is a practical science, the study of God as one to be loved. For Aquinas, if the intellect is vividly aware of some good, the will inevitably follows it. But for Scotus the will is free not to follow, but simply to not-will. What gives the will freedom is the presence of the affection for justice. Scotus follows Anselm's thought experiment about an angel who had only the affection for advantage, and not the affection for justice. Such an angel's 'choices' would

be determined, and so would be 'by nature' and not free. This distinction between nature and freedom is again a precursor of Kant.

God's commandments are a communication from the divine will to the human will. This leaves open the possibility that God's will and God's command can diverge, as they apparently do in the story of Abraham and the command to kill his son. God provided a ram instead of the human sacrifice, and taught by this that we are not to show our devotion to God by killing our children. Maimonides (1135-1204) suggests that God here respects our desire to worship through sacrifice by prescribing the sacrifice of animals instead (*Guide to the Perplexed*, chapter 32). Our obligation, Scotus says, is to repeat in our will God's will for our willing. This is not quite the same as simply repeating God's will in our will, because of the incommensurability of the two kinds of will. It was, for example, wrong of the Romans to kill Jesus even though it was God's will that Jesus die on the cross.

There has been a striking interest in recent ethical theory in returning to versions of divine command theory to understand the relation between God and morality. There has also been a rebirth of interest in natural law theory, and the debate between the two kinds of theory is alive and well. The following is a very partial list. The first scholar in this recent period to renew the interest in divine command theory was Philip Quinn (1978). He defended the theory against the usual objections (which this article will take up in the next section) and proposed that we understand the relation between God and moral rightness causally, rather than analyzing the terms of moral obligation as *meaning* 'commanded by God.' Though we could stipulate such a definition, it would make it obscure how theists and non-theists could have genuine moral discussion, as they certainly seem to do. Robert M. Adams (1999) first separates off the good (which he analyzes Platonically in terms of imitating the ultimate good, which is God) and the right. He then defends a divine command theory of the right by arguing for a social conception of obligation, that obligation is always obligation *to* someone, and God is the most appropriate person to be such a source, given human limitations. He suggests that we see God's command not as causing obligation, but as constituting it, in somewhat the way H_2O constitutes water, and he holds that what we have obligation to follow are the commands not of just any God, but of a loving God. John Hare (2001 and 2007) gives a historical account of various divine command theories and their merits. Linda Zagzebski (2004) proposes, as an alternative to divine command theory, that we can understand moral normativity in terms of the notion of a good emotion, and

that God's emotions are the best exemplar. William Wainwright (2005) defends the claim that divine command theory provides a more convincing account of moral *obligation* than any virtue-based theory, including divine motivation theory. Finally C. Stephen Evans (2004) traces back to Kierkegaard's *Works of Love* the account that bases moral obligation on divine command, but that combines this with some of the merits of natural law theory.

There have been three main objections to divine command theory, and it is worth spending some time responding to each one. The first objection is that divine command theory is inconsistent with our autonomy, putting us into a position like that of small children obeying their parents rather than, as Kant said, both *making* and obeying the moral law. But compare a student who takes a logic course because it is required by the department (this is Christine Korsgaard's example in 1996, 25f and 105-7). It might seem that she acts more autonomously if she takes the course because she independently sees its merit. But, Korsgaard says, she acts autonomously out of her practical identity *as a student* only if she places the right to make and enforce some of the decisions about what she will study in the hands of her teachers. In the same way a citizen does not pay her taxes *as a citizen* because she approves of the way the government is proposing to use them (though she can *vote* as a citizen for this reason). So the question is whether there is a God who is like a teacher or a ruler, so that one could properly relate to God *as a believer* by freely obeying God's commands, or, as Scotus says, by repeating in our will God's will for our willing. Kant's description of heteronomy in the *Groundwork of the Metaphysic of Morals*, 4: 442-43 is often misunderstood on this point. Kant's target is the view of Crusius that we have 'a natural drive to recognize a divine moral law,' which is a third drive independent of both our drive to increase our own happiness and perfection (like Scotus's affection for advantage) and our disinterested or impartial drive for perfection (like Scotus's affection for justice). Kant's position is that (*contra Crusius*) we do have to bring any purported divine command under the moral concepts. But he does not say that we *create* the law, but that we make it a law *for us*, or appropriate it. As was quoted earlier, he holds throughout his corpus that we should recognize our duties as God's commands. We need to do so, because mature persistence in the moral life requires hope of a certain kind, which we can sum up as hope in Providence, the hope in the eventual proportioning of virtue and happiness. This is like Korsgaard's student persevering in her studies in the hope that

the degree she gets will be worth getting, because she will have been taught what is worth learning and she will get a job. There is nothing infantile in character about this kind of perseverance by the moral agent, based on this kind of hope.

A second objection is that divine command theory makes morality arbitrary, since torturing babies would then be right if God were to command it. Sometimes this objection is tied to the dilemma proposed by Socrates to Euthyphro in the dialogue of that name (*Euthyphro* 10a1ff), whether the holy is loved by the gods because it is holy, or whether it is holy because it is loved by the gods. It is clear that Socrates's view is the former, but he does not in fact argue for his view (see John Hare 1985, 21-23). There are difficulties on both horns of the dilemma. If we take Socrates's view, we seem to be saying that there is something *over* God, by which we measure what God can and cannot command. If we take the view that Socrates opposes, we seem left with an arbitrary morality. Robert Adams's account, mentioned above, that our obligations are constituted by the commands of a loving God, gives us a reply to the dilemma. We can say that all the commands of God are good, in the sense that they give us a route to our final end (in Scotus, to be co-lovers of God). God has, in this way, reasons for the divine command. But nonetheless the right is right *because* God commands it, because God has discretion (*arbitrium*) over which of the perhaps infinite such routes to prescribe for us. This solution depends on the rejection of deductivism that has already been discussed. There are other solutions to the dilemma proposed in Zagzebski (*op. cit.*) and Wainwright (*op. cit.*). Adams's account does not remove all the difficulties. We still need an epistemology, an account of how we know when we are receiving a divine command. This in turn requires an account of revelation and the work of the Holy Spirit, and the task is too great for an article such as the present one.

A third objection is from pluralism. How can it be right to say that obligation is constituted by God's command when we live in a world in which people are trying to lead moral lives with all sorts of different beliefs about the divine, some of them inconsistent with the idea that there is a god or gods at all? One response to this objection is to return to the analogy of water and H_2O. Divine command theory has not been presented as an account of the *meaning* of the moral terms, but as an account of the constitution of the moral properties. Just as people who believe that water is H_2O and people who do not can have perfectly good discussions about water, so with the moral properties. But this answer is not likely to satisfy

the pluralist. John Rawls, for example, in *Political Liberalism* (1993) conceded that the procedure of the original position, in *A Theory of Justice* (1971) was itself ideologically constrained, and he moved to the idea of an overlapping consensus. But even here, he wanted to insist that adherents of competing visions of the good, including religions, leave their particular conceptions behind in *public* discourse and justify their proposed policies on publicly accessible grounds. He described this as the citizen's duty of civility. But it seems false that we can respect persons and at the same time tell them to leave their fundamental commitments behind in public discourse, and it seems false also that some purely rational component can be separated off from these competing substantive conceptions of the good and do the necessary work in founding policy.

The discussion has so far proceeded from the ground of a set of disagreements between Scotus and Aquinas, and so within Christian theology. Many of the positions taken in this disagreement can also be found within Judaism and Islam, and it is important to say something about this, though space constraints do not allow much detail. Within Judaism morality is embedded within the twin conceptions of Law and Virtue. Thus the very first code of Jewish law, the *Mishna* (c.200) contains an entire treatise called 'the Ethics of the Fathers' which is devoted to moral teachings about virtue. Maimonides's *Guide for the Perplexed* is a key text. The overall shape of the theory is Aristotelian, but biblical themes, especially the imitation of God, take priority in the case of divergence. The book contains a long section (Part III, chapter 26-49) on the divine commandments. Maimonides raises the question whether the actions of God are the result of His wisdom or only of His will, without being intended for any purposes whatever. As applied to the divine commandments, this is the question whether they have an object or aim, and consequently there is a reason for each one of the precepts. Maimonides holds that they do (except with some details of the ceremonial law, which may be given us just for the purpose of testing us), although the reason may be unknown to us. He divides the 613 precepts of the Law into 14 classes, and suggests the object of each class, which is either to inculcate some truth, to remove some erroneous opinion, to establish proper relations in society, to diminish evil, to train in good manners, or to warn against bad habits. Maimonides relies here both on revelation in Sacred Scripture and on arguments from Reason. The rival claims of Reason and Divine Command have been emphasized by more recent thinkers such as Moritz Lazarus (1824-1903), who took a Kantian view, and David Neumark (1866-1924),

who took the voluntaristic position that actions are right and wrong only because God commanded them.

Within Islam, also, the heritage from the Quran and from Plato and Aristotle creates a tension. 'Islam' itself means submission, in the sense of active submission to the will and command of God, which is opposed to heedlessness (*jāhiliyya*). Within classical Islam, however, we find rival positions on the place of Reason in ethics. We find the position of al-Ashʿarī (873-935) that actions are right or wrong according only to God's decree, so that if God commanded to lie, it would be right to do so. On this view, God owes nothing to any creature, and God's justice is (as in Scotus) strictly only to Godself. On the other hand we find also the position of the Muʿtazilite school, for example ʿAbd al-Jabbār (935-1025), that the fundamental principles of ethics are built into the structure of the created universe, and are reflected in the ordinary rational intuitions of human beings. God declares things as good or evil, right or wrong, because they are such. Having made this contrast, however, it is important to say that neither the Ashʿarites nor the Muʿtazilites deny the eudaimonistic thesis that we do what we do for the sake of happiness, even though they do disagree about what was called earlier in this article 'deductivism.' A third school, known as 'falsafa' (philosophy), including both Ibn Sīnā (Avicenna, 980-1037) and Ibn Rushd (Averrores, 1126-1198), emphasized (like Maimonides for the Hebrew Scriptures) the role of the Qurʾān in accommodating universal and abstract principles of reason into language accessible to ordinary people.

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