

Wolterstorff on Divine Commands (part 1)

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Introduction

Nicholas Wolterstorff, in his masterful work *Justice: Rights and Wrongs*, presents an account of justice in terms of inherent human rights. In addressing and discarding alternative accounts of justice, Wolterstorff criticises a divine command theory of ethics (DCE). When we have reached the stage of the book where Wolterstorff turns his attention to divine command ethics, there are two major alternatives before the reader: “Social requirement” theories of obligation (which include DCE), and Wolterstorff’s view: a respect account, grounded not in mere rights or duties, but in “inherent” human rights. The reasons given for Wolterstorff’s rejection of DCE, it turns out, are the reasons for favouring his own account of justice. Were it not for these reasons, the very thesis of the book would be at stake. The quality of his treatment of DCE, then, is carrying a lot of weight in the structure of his case, and his case for his overall view on justice is sufficiently important that his treatment of DCE is important enough to attract attention from anyone with an interest in the subject.

Aside from the role that it plays in his own work, Wolterstorff’s treatment of DCE is also important to take notice of because it is new. I am going to argue that the argument against DCE to which I respond here goes awry because of a mere misunderstanding or misrepresentation of DCE itself. Why, some might ask, respond to an argument like this when there are other objections to DCE that do not make this type of mistake? The reason that Wolterstorff’s criticism is worth addressing even if it is mistaken on a fundamental level is that I think the major objections to DCE that continue to reappear in the literature and in lecture theatres have in fact been adequately addressed already. The objection that DCE reduces to an empty tautology has been addressed by Robert Adams.¹ The argument that DCE make moral knowledge inaccessible to all but religious

1 “Divine Command Metaethics Modified Again,” *Journal of Religious Ethics* 7:1 (1979), 66-79.

believers has been addressed by Philip Quinn.² The claim the DCE entails that God could command repugnant and malevolent acts which would then become morally right has been addressed by Edward Wierenga.³ As for the continual appeals to the so-called *Euthyphro Dilemma*, this has been addressed by Richard Joyce among others,⁴ and I have made my own voice heard here as well.⁵ As Matthew Flannagan documents, these responses are merely representative, and there is a plethora of treatments of these and other objections in the literature.⁶ It would be no good, then, to simply present again one of these objections in the hope of undermining DCE. A new line of argument was required, and this is what Wolterstorff has presented. It is therefore eminently worthy of attention, even if only to see what sort of prospects exist for a new critique of DCE in light of the failure of the previous major attempts.

Divine Command Ethics: Setting the Scene

In this short article I'm going to look at one of the initial ways in which Wolterstorff responds to a divine command theory of ethics. Before I do that, let me make some brief comments on behalf of DCE. In particular I will be speaking on behalf of a causal divine command theory, as this is the variety of DCE that Wolterstorff selects for treatment.

A causal divine command theory is the view that all actions that are morally right are so because God wills that we do them, and that actions that are morally wrong are so because God wills that we not do them. If that

2 "Divine Command Ethics: A Causal Theory" in Janine Idziak (ed.), *Divine Command Morality: Contemporary and Historical Readings* (New York: Edwin Mellen Press, 1979), 305-325. See also my "The Epistemological Objection to Divine Command Ethics," *Philosophia Christi* 13:2 (2011), 389-401.

3 "A Defensible Divine Command Theory," *Nous* 17:3 (1983), 387-407.

4 "Theistic Ethics and the Euthyphro Dilemma," *Journal of Religious Ethics* 30:1 (2002), 49-75.

5 "A New Euthyphro," *Think: Philosophy for Everyone* 25:9 (2010), 65-83.

6 "The Premature Dismissal of Voluntarism," *Colloquium* 42:1 (2010), 38-66.

process seems a little strange to anyone, there are human analogies that we can appeal to, which may partially ease this sense of strangeness. All moral duties (with no exceptions) are brought about by God's will, but there are other, *non-moral* duties that can be brought about by human actions in a causal way. The example most obvious to me is the way that decisions of Parliament can cause certain *legal* obligations to attach to citizens. Strictly speaking, only non-moral obligations caused by human commands count as analogous to divine commands. This is because the whole point of such analogies is to provide a model comparable to the model whereby moral obligations are generated (namely, by divine commands). The human creation of non-moral duties can thus be used to illuminate the way that moral duties are created. It would obviously be misguided to offer analogies of how moral obligations are generated which in reality turned out *themselves* be cases of moral obligations being generated. In looking for meaningful analogies, we might think of laws being issued by legislators creating legal obligations, or the will of game-makers (e.g. the people who invented scrabble) resulting in game rules, and so on.

Human commands can also bring about moral obligations, but as a divine command theory stipulates that all moral obligations exist because of the will of God, it only allows that human commands can cause moral obligations if there is an obligation that we have, an obligation caused by God's will, to respond to certain human commands by complying with them. For example, Christians believe that there is a divine command along the lines of "children, obey your parents." This moral requirement, combined with a parent's instruction like "Johnny, brush your teeth," can cause a child to be morally obliged to brush his teeth. To stipulate that the parent's command (or indeed any human command), all alone, generates a moral obligation, would be to simply reject the causal divine command theory altogether.

Questionable Analogies

I point this out because it is here that Wolterstorff makes his first wrong turn in rejecting divine command

ethics. He begins thus:

The divine command account of principles of moral obligation gets its initial plausibility from two facts. First, the Hebrew, Christian, and Muslim Scriptures pervasively present God as issuing commands to human beings. And second, by the issuing of commands, we human beings often generate in our fellow human beings obligations to do certain things that previously they were not obligated to do. By commanding his troops to start the bombardment, the officer places them under obligation to do so. Before he issued the command, they were not obligated to do that; the obligation was generated by the command. It is these two facts that the divine command theory of moral obligation takes and runs with.⁷

There is nothing wrong with this as far as it goes, provided we proceed very carefully. Yes, it is true, the divine command theorist will agree, we can indeed generate obligations in our fellow human beings by expressing our will in commands to them. Some of these obligations are not moral obligations. However, if *and only if* our human commands bring about circumstances about which God has already issued commands (e.g. that children do what their parents tell them in circumstances where they issue instructions), then our commands may generate moral obligations. Our instructions to our children generate moral obligations only because God already wills (*prima facie* at least) that when we issue instructions to our children, they follow them. Human instructions *alone*, a divine command theory insists, never ever generate moral obligations, no matter what.

After identifying two features of DCE that he says give it initial plausibility, Wolterstorff spends a bit of time explaining why some human commands generate obligations and some do not. Generally speaking, some human commands do not generate obligations because the person issuing the command lacks the power or authority to issue the command. In order for a human command to generate obligations, there must be a “standing obligation” already existing whereby those who are the recipients of the command are obliged to do

⁷ Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), 267-268.

what is commanded by the person who does the commanding. Thus there is a distinction to be drawn between this standing obligation – the obligation to do whatever it is a person commands, provided that command is within their power to give (e.g. the obligation to “obey your parents”), and the “new obligation” brought about by a given command by the person who has the authority to give it (e.g. “Johnny, brush your teeth”). When the author refers to the “previous discussion” in the quote that I will make shortly, he is referring to the place where he makes this distinction.

Now, on to the criticism that I want to discuss here. I said earlier that when making comparisons between divine commands and human commands as analogies, we need to proceed very carefully. I do not think that Wolterstorff was careful enough here:

When we approach the theory with the previous discussion in mind, two substantial objections come to the fore. The first is the following. The theory proposes to illuminate how God generates moral obligations by pointing to an analogous phenomenon in human affairs: we generate obligations in each other by, among other things, issuing commands. However, some of the obligations that we generate in each other by issuing commands are *moral* obligations. Hence it is not the case that all moral obligations are generated by God’s commands; some are generated by *human* commands. So the theory is not the general account of obligation that it purports to be; it leaves unexplained the obligations that we human beings generate. The very phenomenon in human affairs that the theory uses to *illuminate* God’s generation of moral obligation is *incompatible* with the theory itself.⁸

This is a misguided criticism. A proponent of a causal divine command theory would not use the human creation of moral obligations as a way of illuminating the way that God’s commands generate moral obligations, for reasons already discussed. A proponent of this theory – by proposing the theory – is stipulating

⁸ Wolterstorff, *Justice*, 272.

that all moral obligations arise because of God's will, and can never be generated solely by a human will. Once this has been realised, the above objection could never arise. In the first place, the obligations that human commands generate are often not strictly moral commands at all, and secondly, where those commands do generate moral obligations it is only because they create circumstances where there is already a standing obligation to God by virtue of his will about what we ought to do when certain types of people issue certain types of commands.

I think that by better spelling out the divine command theory before reaching this objection, Wolterstorff would have been prevented from even raising it. But now having raised it, he does refer to these two facets of the divine command theory as potential responses, but he rejects the responses. I do not think that his treatment of these two responses is effective at all.

The Responses are Undefeated

Here is Wolterstorff's treatment of the first response:

One response would be to claim that the obligations we generate by the issuing of commands are never *moral* obligations; they are military obligations, legal obligations, game obligations, etiquette obligations, or whatever, but not moral obligations. This response to the objection strikes me as having no plausibility. Up to this point in my discussion I have deliberately refrained from saying anything at all about the sort of obligations generated by our well-formed commands; in particular, I have not said that they are moral obligations. But surely many of them are, maybe most of them. When a parent commands (requests, asks) his child to clean up his room, he generates in the child the obligation to *obey* him by cleaning up his room – and hence the obligation, if it was not already obligatory, to clean up his room. Surely, at least the first of these,

the obligation to obey, is a moral obligation, though perhaps only a prima facie one.⁹

This is no good. The divine command theorist has no need to put all her eggs in one basket by saying that the obligations generated by human commands are *never* moral obligations. This response offered by a divine command theorist would only be a way of explaining that a number of obligations that humans can generate are not moral (they might be, for example, legal obligations), and that those obligations can indeed serve as analogies, illuminating the way God generates moral obligations by willing that we do certain things and refrain from doing certain other things.

So in fact Wolterstorff has not shown that a divine command theorist cannot use any obligations generated by human commands to illuminate the way God generates obligations. Instead, he has drawn our attention to a fact that all proponents of a causal divine command theory, I surmise, would grant; the fact that we cannot draw an analogy between the way some human commands create a moral obligation and the way that divine commands generate a moral obligation. This leads to Wolterstorff's next anticipation of a reply. There was a second response a divine command theorist could make, by noting that according to a divine command theory, human commands only generate moral obligations because of some standing obligation brought about by God's will. I think that Wolterstorff's response to this is the worse of the two response that he offers. He says:

Another response to this initial objection to the divine command theory that the divine command theorist might consider is first to concede that, by commanding someone to do so-and-so, we sometimes generate in him the prima facie *moral* obligation to obey the command by doing that, but then to go on to claim that the reason you and I are sometimes *morally* obligated to obey the commands of our fellow human beings is that God has commanded us to obey those commands, thereby generating in us the moral obligation to obey God by obeying our fellow human beings. Absent that divine command and the moral obligation generated thereby, we would never be

⁹ Wolterstorff, *Justice*, 272.

morally obligated to do what our fellow human beings command us to do. So yes, it is true that a human being, by commanding X that X do A, can generate in X the moral obligation to obey him by doing A; but such obligation-generation by a human being is entirely parasitic on, and derivative from, God's having generated in us the moral obligation to obey God by obeying our fellows.¹⁰

This is a fair enough description of the response as I have already presented it. In other words, in the case of moral obligations that we have because of human commands, we only have those obligations because those human commands create circumstances to which divine commands already apply. As such, the moral obligation that these human commands create is not an illumination or analogy of how God generates moral obligations. Instead, these are *actual instances* of divinely generated obligations. This is how Wolterstorff thinks that he can show that there exists a flaw in this reply:

[O]n this analysis of the situation, our human generation of obligations by the issuing of commands can no longer be used to illuminate *God's* generation of moral obligations by the issuing of commands. Given this analysis of our human situation, reasoning to God by analogy would suggest that we are morally obligated to obey God's commands because there is someone other than God commanding us to do what God commands; and so on, *ad infinitum*.¹¹

In view of the description that I have already given of a causal divine command theory, including the way that human commands can (and cannot) be used as analogies of the way in which moral obligations are generated by the will of God, it will be clear at once what is wrong with this response. *Of course* the creation of moral obligations cannot be used as an analogy of the creation of moral obligations (all moral obligations being created by God's will). If the two scenarios were compared in the way that Wolterstorff suggests, then he is

¹⁰ Wolterstorff, *Justice*, 272-273.

¹¹ Wolterstorff, *Justice*, 273.

correct, we would need to think of God as not really generating moral obligations after all, but only creating situations to which the commands of a superior being apply. But what divine command theorist would ever draw this analogy in the first place? The human creation of some obligations can indeed illuminate the way divine commands create moral obligations, but instances of moral obligation cannot. The analogy that a divine command theorist might draw is between the human creation of non-moral obligations on one hand and the divine creation of moral obligations on the other. In the example of a mother telling Johnny to clean up his room, the divine command theorist would not draw an analogy between Johnny's mother's command and a divine command. Instead, he would draw an analogy between God's command "obey your parents" and some human creation of a non-moral obligation (such as the human authorship of a rule like "do not litter here"), and he would then note that Johnny's mother's command places Johnny into a situation where he is able to break or obey God's command (just as having litter in one's hand the place where the "no littering" rule applies places one in a situation of being able to break or obey that rule).

In Brief

Wolterstorff's first criticism of divine command ethics then is, in my view, rather poor. In brief, he has said that DCE gains plausibility from the way that the creation of duties via human commands can illuminate the creation of duties via divine commands. Wolterstorff then finds fault with the analogy, claiming that it really fails to illuminate the way divine command create moral duty after all. However, he has shown a lack of sympathy with divine command ethics and therefore a failure to see the way in which a divine command theorist would think about the applicable analogy between human and divine commands. No divine command theorist would use the creation of moral duties as a way of illuminating the way divine commands create duties, since according to DCE all moral duties are in fact created by divine commands. The fact is, I think that the book in which this poor line of argument appears is a very good book indeed, and I think that the arguments that he offers here are an instance of what I have seen often: very able and reflective philosophers in other subject

areas performing at their worst when criticising a divine command theory of ethics, a theory that is proving a stumbling block to many who resist it. Opponents of divine command ethics need a new candidate for an effective refutation of the theory, but this is not it.¹²

¹² In this section of his book, Wolterstorff presents not one but two lines of argument against divine command ethics. I have focused only on one. My rationale for this is that firstly I think succinctness is a virtue, and secondly I do not want anyone to think poorly of one of my responses and then to dismiss them both, treating the other as guilty by association. The other line of argument (which concerns the origin of our standing obligation to obey God's commands) will wait for another time.