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# HUMAN RIGHTS, MORAL OBLIGATIONS, AND DIVINE COMMANDS

Ton van den Beld

The principal question which I set out to answer is whether, since moral rights and obligations stand or fall together, the latter can stand, that is, whether they are real and inescapable. The argument initially unfolds as a running comment on the development of Bernard Williams's moral thinking. The reason is that his thought nicely exemplifies an interesting connection between a particular religious and moral scepticism. A first conclusion is that a morality of real, inescapable and—for the agent—sometimes costly obligations and their correlative rights, while being at home in a theistic metaphysic, fits in badly with metaphysical, atheistic naturalism. The second conclusion is that Christine Korsgaard's impressive ethical project, which is neutral towards theism and atheism, fails to give a satisfying account of such obligations. My final claim is that a theistic account in terms of a strong divine command theory succeeds where non-theistic and atheistic accounts seem to founder.

## *Introduction*

Richard Rorty's 1993 Oxford Amnesty Lecture on human rights is perhaps the most challenging work on human rights to have appeared in a long time. In it he rejects the idea of human rights being based one way or another in human nature. There is no knowledge of human nature, nor of any other kind that philosophers like Plato, Aquinas, and Kant hoped to get, to support human rights. In fact human rights are altogether without foundations.<sup>1</sup> Yet Rorty acknowledges his pride in being part of the human rights culture, his pride being no more external to his self than is his "desire for financial or sexual success." But his pride and his being part of the human rights culture are contingent matters. They are beyond the reach of justification. He happens to be in favour of that particular culture. His sentiments have been manipulated, like those of his students, in such a way that he and they can imagine themselves in the shoes of the despised and oppressed. Thus, Rorty avers: "The more youngsters like this we can raise, the stronger and more global our human rights culture will become."<sup>2</sup>

Rorty's support of the human rights culture reminds us of his backing of Western liberal democratic ideas in his *Contingency, Irony and Solidarity*. Here too the arguments are avowedly circular, part of a new vocabulary which happens to convince people. "There is," says Rorty, "no *neutral*,



noncircular way to defend the liberal's claim that cruelty is the worst thing we do, any more than there is a neutral way to back up Nietzsche's assertion that this claim expresses a resentful, slavish attitude. . . . We cannot look back behind the processes of socialisation which convinced us twentieth century liberals of the validity of this claim and appeal to something that is more 'real.'"<sup>3</sup>

I must confess that I have a somewhat divided mind with regard to Rorty's position on human rights. In my secular, naturalist musings I feel drawn to a Rortyan, sceptical view of moral rights. How could there be, within the confines of a neo-Darwinian, naturalist view of the world, anything beyond the modern, Western rights vocabulary? I am perfectly willing to disregard the use made of it by "relentless fat egos" (Murdoch's phrase) claiming their rights to work, paid vacations, the enjoyment of art and, ultimately, their right to happiness. Let us rather take the decent and compassionate people who claim for near or distant strangers their right to be granted asylum and immigration status in order to be protected from persecution and starvation. Yet, what is there to their claims other than a contingent narrative which one might hope to be rhetorically effective? Of course, if such rights have been recognised by a well-organised political community, there *is* something beyond the vocabulary. Then the rights are founded in and are derivable from laws and regulations administered by a capable government. But when those rights lack the support of enforceable laws and regulations, what remains is a more or less effective vocabulary. The best that moral philosophers, working within a Rortyan naturalist philosophical framework, seem to be able to do is influence people's attitudes so as to expand their altruistic, compassionate sentiments.

On the other hand—and now the other soul dwelling in my breast, shall I say my 'real' self, is speaking—I am deeply worried about such scepticism regarding the status of human rights as moral—as distinct from legal—rights. To overcome it, my proposal is to seriously consider reintroducing God into morality. My proposal will take the form of an argument, but not of a compelling kind, of course. Nevertheless, it is more than a mere suggestion which you can take or leave.

Before I proceed, a preliminary point must be made. I assume that the most important rights are claim rights. It seems a reasonable assumption. Anyway, it is these rights which are the topic of my paper. If strangers have moral rights, then others—let us say we Westerners—have moral obligations.<sup>4</sup> So if there are no moral obligations, there are no moral rights, and *a fortiori* no moral rights of strangers. I am inclined to agree with the correlativity thesis, that is, roughly, the idea that moral obligations and rights mutually imply each other. However, it is obligation that is historically and metaphysically the more basic notion.

Moreover, since, generally, rights are benefits and obligations are burdens, it is psychologically easier to claim the benefits of rights than to take on the burden of the obligations implied by them. I shall therefore deal with a moral rights scepticism only indirectly. My argument is levelled primarily at a scepticism towards what Bernard Williams has called "the peculiar institution of morality" in which moral obligations have pride of place. Moral rights stand or fall with moral obligations. The principal question, therefore, is whether the latter can stand.

The argument will initially unfold as a running comment on the development of Williams's moral thinking. The reason is that his thought nicely exemplifies an interesting connection between a particular moral and religious scepticism. A first, tentative conclusion will be that a morality of real, inescapable and sometimes for the agent costly obligations, and their correlative rights, while being at home in a theistic metaphysic, does not seem to go together with a metaphysical, atheistic naturalism. Then I shall turn to Korsgaard in order to inquire whether her moral theory, which seems to be neutral towards theism and atheism, succeeds in giving an account of such obligations and rights. My second conclusion will be that her project, however impressive, has failed. The final conclusion of my paper will be that a theistic account of moral obligations, and of their correlative rights, might succeed where non-theistic and atheistic accounts appear to founder.

*The Relation between Religious and Moral Thinking:  
The Case of Bernard Williams*

We owe to Williams a splendidly terse reason for the dismissal of the claim that morality is dependent on theistic religion: any appeal to God in morality "either adds nothing at all, or it adds the wrong sort of thing."<sup>5</sup> It is interesting to note, however, that Williams himself appears not fully to support the independence thesis. In his early *Morality*, from which the thesis originates,<sup>6</sup> Williams is mainly interested in moral motivation. He is opposed to a dichotomy of the moral and the prudential. He acknowledges a real distinction between morality and self-interest (71). But this does not imply that the moral and the prudential exclude each other. Moral motivation need not be exempt from prudential considerations (74, 76). What is more important to my purposes is that, according to Williams, the distinction is not exhaustive. There is a plurality of considerations to motivate us to do things of a desirable kind without these being 'moral' or 'prudential' in a strict Kantian sense. Religious considerations such as love of God belong in this category (p. 77). I think Williams is right here. Religion does not necessarily add the wrong thing to morality, at least not if one is prepared to give up a narrowly moral, Kantian perspective and is willing to admit the affections into the moral domain. Religious attitudes are indeed a powerful source of morally good and praiseworthy behaviour.<sup>7</sup>

Williams, however, goes a step further. He acknowledges that a person's relation with God not only can provide him with moral motivation, but also might enable him to see his moral obligations as stemming from that particular relation. Apart from the problem of its intelligibility, the God-man relationship might function as an acceptable foundation of moral requirements (pp. 77–78). Again, I agree with Williams. But the criticism of the 'God adds nothing to morality' position should go deeper. There is a hidden assumption that morality is literally self-supporting. No theistic base is needed for a morality such as Williams has in view, that is a morality of overriding obligations. This presupposition is doubtful.

At the time when Williams wrote his *Morality*, the controversy between prescriptivists and descriptivists was rampant. But Hare's variety

of utilitarianism based on the logic of moral concepts and relevant facts<sup>8</sup> turned out to be no more convincing than Sidgwick's earlier intuitionist variety. How could morality's felt authority and binding force be derived from a person's prescriptive use of its concepts? On the other hand, one of the leading descriptivists of the time, Philippa Foot, came to view the requirements of common morality as no more than hypothetical imperatives the binding force of which depended on a person's contingent concern or care for the moral life. For Foot, a morality of inescapable, costly moral obligations became one possibility among others which depended on a person's motivational set.<sup>9</sup> A few years later, Mackie's error theory roused moral philosophers from their metaphysical slumber. First-order morality with its oughts and ought-nots presupposed a normative reality. An ought-to-be-ness seemed somehow to be built into the fabric of the world to the effect that moral requirements 'would be action-directing absolutely, not contingently . . . upon the agent's desires and inclinations.'<sup>10</sup> However, according to Mackie, this cannot be so. In the light of what we know, through science, of the world, this moral realist view has to be rejected as being false. But note that Mackie acknowledged that such a moral realism could be at home in a Platonic or theistic world.<sup>11</sup> I shall come back to Mackie presently in the course of my sketch of the development of Williams's thinking on the relation between morality and religion.

It is clear from his publications that Williams is familiar with the Christian religion. In an early piece of work he confesses himself to be a religious sceptic, not a believer.<sup>12</sup> But he knows what Christianity is about: "Something must be believed, if religious activities are not just to be whistling in the dark . . . and something that connects God with the world of men." One of the candidate domains where God and men could be related is the moral world. Williams's problem with the Christian faith is that it is at least partly incomprehensible, and therefore difficult to accept as true.<sup>13</sup> At the time of *Morality* his position on religion appears to be in essentials the same, that is scepticism on the basis of incomprehensibility.<sup>14</sup> But, as we have seen, there is no denial of the possible relevance of Christian theism to morality.

Things have changed considerably by the time of the publication of his *Ethics and the Limits of Philosophy*. The change is not revolutionary nor does it represent a break. It looks more like an evolution of his earlier thought. Let us take theism first. His initial religious scepticism turns out to have developed into atheism. Williams is prepared to recognise that if God exists, then arguments about him are of cosmic importance. But since God does not exist, he can have no impact on moral theory, for example in the form of a divine command theory, nor on moral practice (apart from the false beliefs of religious practitioners).<sup>15</sup>

Now, I want to draw attention to a parallel development that is discernible in Williams's thinking about 'the institution of morality.' Criticisms of 'morality systems' with their emphasis on obligation, such as utilitarianism and Kantianism, are already notable in his early publications.<sup>16</sup> But his scepticism concerning moral obligations with their claim to overridingness borders on outright rejection in *Ethics and the Limits of Philosophy*. No argument is at hand, according to Williams, to convince us of the power of our psychological capacities to intuit moral truth or, alternatively, to

frame universal rules of action which bind the will. There is an essential asymmetry between theoretical and practical reasoning. The latter, unlike the former, is unavoidably done from the first-person point of view, with an eye to this person's contingent wants and desires, concerns, and cares. It does not convert the reflective person necessarily into a being whose fundamental interest lies in the harmony of the interests of all, a harmony which can be established through the discovery of and compliance with universally valid moral obligations. Besides, and this is more than a casual observation, no authoritative entities like God or Reason are around to guide or pressure a recalcitrant will into this harmony.<sup>17</sup>

So there is reason enough to downplay the importance of a morality system in which moral behaviour is primarily regulated by obligations. Even if they are still believed to be universally binding and overriding, they cannot withstand the test of reflection and the system is bound to be undermined. It is at this point that Williams objects to Mackie's aforementioned 'error theory.' Although critical of particular details, Williams rejects not so much the theory as Mackie's claim that our first-order moral convictions need not be upset by the recognition that the phenomenology which gives rise to them is false.<sup>18</sup> He is willing to admit that in one respect the morality system is able to survive reflection: "We could recognize it as something that is necessary to have around."<sup>19</sup> The system secures reliability the absence of which would make life perhaps not nasty, brutish and short, but at least much more uncomfortable. However plausible this may be, there is no reason to assume that moral obligations have priority in an individual's deliberation. The categorical 'must' need not be connected with morality at all. It might be derived from all kinds of personal projects and relations in which one is emotionally and affectively engaged.<sup>20</sup>

A telling detail of the development of Williams's interconnected religious and ethical views is his turning to classical Greek ethical thought as expressed in tragedy. His explorations on this topic are avowedly under the influence of Nietzsche.<sup>21</sup> As we know, Nietzsche was profoundly dissatisfied with the culture of his time dominated as it was by Christianity. Kantian morality, according to Nietzsche, was a poor expression of rather than an alternative to it. But however critical he was of the Christian religion, Nietzsche saw sharply that giving up on God would bring in its course the loss of truth, obligation and confidence. Let me give one characteristic quotation: "How greatly we should like to exchange the false assertions of the priests that there is a God who requires right action from us . . . who loves us and seeks the best for us in all our misfortune—how greatly we would like to exchange these false assertions for truths which would be just as salutary, reassuring and beneficial as those errors. But there are no such truths."<sup>22</sup> At this particular point too, Williams seems to have learnt from Nietzsche, or at least seems to be basically in agreement with him. There is no denying that his later thought reveals a Nietzschean connection.<sup>23</sup>

#### *The Prima Facie Transparency of a Religious Theory of Moral Obligation*

Why did I draw this admittedly short and rough sketch of the development of this particular piece of Williams's thinking? First of all, since

Williams knows what Christian theism is about, it is possible for a thinker from a fairly orthodox milieu to identify with him, if not completely then at least to a certain extent. I not only see the logic of his intellectual moves, but also can imagine myself making them. Like the young Williams, I am not prepared to accept a non-realist and non-cognitivist interpretation of the Christian faith along Wittgensteinian and Braithwaitean lines. If true, it has to do with the relation between a really existing person-like being and the world, especially the world of human beings. If God exists, his existence is indeed of cosmic importance and it is not far-fetched to believe that it is of some consequence for our view of reason and value in general and of morality in particular. Furthermore, the case of Williams shows what implications taking leave of God might have for one's moral thinking. The consequences I have in mind are of a logical rather than a psychological nature. There is a rationale underlying them. Let me explain.

Christine Korsgaard has developed the idea of a transparent ethical theory, transparency being a prerequisite for its success. Transparency involves a particular relation between the theory's explanatory and justificatory adequacy. A theory is explanatorily adequate only if it gives an account of a person's doing the morally right thing which is satisfying from the third-person point of view. But the explanation might undermine the justification and motivation which the person in question has for doing the right thing. In that case, the theory is lacking in transparency. Note that in order to be transparent it is not enough that the explanation of the person's action must still hold when he understands himself completely in terms of the theory. He might, for example, continue to fulfil obligations which are costly to him even though he believes that an evolutionary theory is true, but his action would no longer be justifiable for him. It somehow would be irrational. To count as transparent, the ethical theory must be one that allows us to act in the full light of what morality is and why we are susceptible to its influences, and at the same time to believe that our actions are justified and make sense.<sup>24</sup>

Now consider a father of five in wartime Holland who was asked to shelter a Jewish child—a stranger in her own country—from transportation to a concentration camp and likely death. He took the girl into his family and saved her life. He did so because he deemed it to be his inescapable obligation which he traced back to the will of God whom he trusted and loved. Some sixty years later a philosopher reflects on the case in the light of Korsgaard's idea of a transparent ethical theory. The explanation of the father's action is not in terms of biological or social science; it is of a metaphysical nature. But the metaphysical account does not undermine its justification. On the contrary, it lends support to it, as we shall see.

"Obligation comes from law," says Korsgaard—upholding a long tradition—and "law is the bidding of a superior." The father, versed in biblical rather than philosophical literature, could have agreed. The law (of God) had a central place in his deliberations about what he morally ought to do. Secondly, according to Korsgaard, supernaturally revealed knowledge of God's will is not necessary for the knowledge of our moral

obligations. Again the father would not have objected. He knew from Paul's epistle to the Romans (chap. 1) that non-believers as well as believers are able to know God's will through reason if not through Scripture. Thirdly, Korsgaard avers, sanctions need not be the motive for obeying the sovereign will. If they were, morality could not be distinguished from prudence, nor moral laws from mere counsels. Morally obligatory actions proceed from the motive of duty.<sup>25</sup> And once again, the father would have had reason to concur. He had several grounds to grant the request to hide the child from the Nazis, but among these there was no fear of divine sanctions. He felt deep concern for the girl, and his wife liked her at first sight. There were also great dangers involved for him, his wife and his children. Nevertheless, he neither decided to accept the girl into his house on the former grounds, nor decided to turn her away on the latter ground. He gave the girl shelter because he felt obligated. Taking her in was what he took to be God's will, that is, what he took to be morally required from him.<sup>26</sup>

Thus a theistic metaphysic seems to be capable of providing the resources not only for an illuminating account of moral obligation,<sup>27</sup> but also for justifying and motivating a particular obligation's fulfilment in a concrete case. Transparency can be maintained. Conversely, if a theistic metaphysic is given up and replaced by a naturalist atheist metaphysic,<sup>28</sup> this move cannot but have repercussions in the moral thought which was supported by it. The transparency of a theory of overriding moral obligations becomes lost. And this, in my reconstruction, is what happened in the case of Williams. He gradually turned into a metaphysical naturalist. The result was that the institution of morality with its inescapable and sometimes costly obligations came for him to hang in mid-air. This should not come as a surprise. For "what does broad reflective equilibrium demand if not that we bring morality into some congruence with whatever else we hold in our going view of the world?"<sup>29</sup>

#### *What about Alternatives*

It may now be objected that one philosopher's progress from religious scepticism to atheism, with a parallel development in ethical thought from acceptance to denial of the possibility of there being objective, inescapable moral obligations—however plausible—is not sufficient for an argument establishing the incompatibility of metaphysical naturalism and the reality of inescapable moral obligations. Moreover, even if a realist theory of moral obligation might suitably be embedded in a theistic metaphysic, this does not prevent such a theory from being developed within a metaphysical framework that is neutral towards theism and atheism. Both objections cut ice. A satisfying reply, however, would exceed the limits of this paper. As far as the first point is concerned, a single observation must do. The suggestion I made earlier, namely that there is a 'logical' connection between metaphysical naturalism and the rejection of moral realism, is strengthened by the fact that philosophers of a metaphysical-naturalist persuasion tend to reject the relevant moral realism.<sup>30</sup> Here, in addition to Mackie and Williams, I am thinking of philosophers such as David Gauthier, Simon Blackburn, and Richard Joyce.



Like Williams, Gauthier acknowledges, in an essay on Hobbes and Locke, the essential conceptual role God can play in a morality of overriding obligations. His sympathies are with Locke because of the latter's theocentrism which enables him to ground such a morality. Gauthier agrees with Locke that "[t]he taking away of God . . . dissolves all," that is the elements of a strongly overriding morality. But he sides with Hobbes because Locke's theocentrism is an answer to the question of the foundation of morality which "we no longer understand."<sup>31</sup> Hobbes' secular morality is founded in advantage. Gauthier's moral thinking over the years shows how he tries to make the best of Hobbes' fundamental idea.<sup>32</sup> Furthermore, those of us who have read Blackburn's *Ruling Passions* will have noticed how uneasily—to understate the matter—a morality of inescapable obligations (and moral realism in general) sits with his metaphysical naturalism.<sup>33</sup> In this connection, though the issue is not central to the moral realism I am dealing with, Blackburn's critique of Wiggins's Sensible Subjectivism view is worth mentioning. Wiggins holds that value properties and sensibilities for perceiving them are made for each other. It is the latter half—sensibilities being made for the properties—that, according to Blackburn, "really startles. Who or what makes them like that? (God? As we have seen, no natural [evolutionary] story explains how the ethical sensibilities of human beings were made for the ethical properties of things, so perhaps it is a supernatural story.)"<sup>34</sup> Blackburn thus demonstrates not only his metaphysical-naturalist aversion to moral realism but also his recognition of the coherence of moral realism with a theistic metaphysic. As to Joyce, thirdly, he argues in a recent study that "[n]atural selection has provided us with a tendency to invest the world with values that it does not contain, demands which it does not make." Our being aware of this tendency threatens to undermine our allegiance to a morality of binding obligations. Nevertheless, since it cannot be denied that such a morality is useful, we should be prepared to make-believe acceptance of it.<sup>35</sup> Things seem clear enough. It is the same old, naturalism inspired, projection theory that supports Joyce's moral 'fictionalism' as it did earlier Mackie's and Blackburn's varieties of moral non-realism.

Let us now turn to the second objection. I will deal with it in some greater detail by returning to Korsgaard and showing that she does not succeed in what she set out to do in her *Sources of Normativity*; that is to give—without having recourse to either a theistic or an atheistic metaphysic—a vindication of the idea that costly moral obligations are real and inescapable. I take Korsgaard as my target because I consider her attempt to establish such a vindication to be the best of its kind.

#### *Korsgaard's Theory of Moral Obligation*

According to Korsgaard, doubt about the reality of costly moral obligations is a live option, if not under the pressures of life's exigencies then through developments in modern science and philosophy.<sup>36</sup> The sceptical normative question "Is there really anything I must do and, if so, why?" is a reaction to commonplace confidence in moral norms and obligations. This confidence finds its philosophical expression in a particular realist

theory of value and obligation. The world in which we live has a normative dimension. It can be characterised as an ought-to-be-ness. Thus, knowledge of the world can provide insight into what we have reason to do. Korsgaard is critical of this position. Her main point is that this type of moral realism presupposes confidence in normativity, that is, in the reality of moral norms and obligations. And this is exactly the problem for the moral sceptic (pp. 37–41). The answer to the normative question is therefore not to be sought in an objective, external world of normative facts or objective reasons, but in the subjective, internal world of one's own mind. Reflection is the key to the sceptic's problem. Following the lead of Hume and Williams, Korsgaard says:

Obligations and values are projections of our own moral sentiments and dispositions. To say that these sentiments and dispositions are justified is . . . to say that they are good. We are the better for having them. . . . But the normative question is one that arises in the heat of action. It is as agents that we must do what we are obligated to do, and it is as agents that we demand to know why. So it is not just our dispositions, but rather the particular motives and impulses that spring from them, that must seem to us to be normative. . . . Each impulse as it offers itself to the will must pass a kind of test for normativity before we can adopt it as a reason for action. (p. 91)

The test is one of reflective endorsement. How does this test come about, and when is it successful? At this point, Korsgaard's thinking takes a decisive Kantian turn. From the deliberative perspective, motives or impulses—desires, in short—provide suggestions for action which we can accept or reject. We can act on a particular desire if it can withstand reflective scrutiny, that is, if we can will it to be a law. This law is formal. It is a categorical imperative with no definite content. But it is not Kant's law of Reason. Unlike Kant's law, Korsgaard's does not transcend the individual person. On the contrary, it is precisely the law of a single person with a particular identity. The identity concerned is a practical not a theoretical one. Practical identity is to be understood as "a description under which you value yourself" (p. 101). Since it is in different roles and from different perspectives that a person finds her life to be worth living and her actions to be worth undertaking, practical identity is a kind of container concept.<sup>37</sup> It comprises a jumble of conceptions of the person, for example, that of mother, friend, citizen of a particular country, etc. Now, while deliberating about on what desire to act, the thinking self legislates for the acting self in the light of the several conceptions of his identity. Can I act on this desire—can I will this as a law—being a mother, or a friend, a citizen, etc.? If I can, I have a reason to act. On the other hand, if I cannot, I have an obligation. As Korsgaard puts it: "An obligation always takes the form of a reaction against a threat of a loss of identity" (p. 102). Note that obligation is dependent on value. My obligations spring from my complex identity, which in turn is derived from the worth I find in my life, roles and projects. So value is the ultimate source of obligation.

This view of obligations is not without its problems. In the first place, since my identity is complex, what I cannot do in one conception of myself—as a mother, say—I cannot leave undone in another conception of myself, for example, as a friend. What must I do? The solution is that not all parts of our identity are equally important to us. Some parts are easily shed and should be shed when they are in conflict with a part that, in our view, is more fundamental. Another problem—one that is more difficult to solve and more important to my purposes—concerns the special status of moral obligations. Let us first turn to the question what Korsgaard holds to be special about them. The key to answering this is a correct understanding of the notion of moral identity. Whereas non-moral conceptions of the self can be more or less fundamental, and can more or less easily be shed, a person's moral identity is *the* fundamental one and cannot be shed. It is inescapable. The reason is that this particular identity is neither more or less local nor contingent. Unlike the other identities, moral identity is universal, at least in the "world *we* live in, the one brought about by the Enlightenment." In this world, people are Kantian Citizens of the Kingdom of Ends (pp. 117, 121–22). The necessity of moral identity has to do with the value each person attaches to herself and, as a Kantian Citizen, inevitably also to others (p. 132). Without this value, one would not have other identities which, as we have seen, are based on it. Why does valuing humanity in your own person imply valuing it in that of others? Korsgaard's argument here hinges on the public, that is, the shareable nature of reasons. She sees an analogy between the publicity of reasons and that of linguistic meaning. Reasons can as well be shared as can the meaning of words: "You can no more take the reasons of another to be mere pressure than you can take the language of another to be mere noise" (p. 143).

The inescapability of moral identity seems to suggest that moral obligations are also inescapable. Is it more than a suggestion? Korsgaard's answer appears to be yes and no. Since we necessarily have a moral identity and having an identity implies having obligations, we inescapably have moral obligations—things "we owe to each other," to use Thomas Scanlon's apt phrase. But this does not mean that those moral obligations should always win the day when in conflict with other obligations. They are not inescapable in the sense that they necessarily override the latter. As Korsgaard puts it, there is no "reason why the laws of the Kingdom of Ends should have more force than the laws of a Kingdom of Two" (p. 128). It is up to the person who is facing the conflicting requirements to decide which of them is the more weighty. Moreover—and here she acknowledges a debt to Nietzsche—"there are limits to the depth of obligation." Obligation, and not solely moral obligation, should not get out of control. In order to accomplish this, "[m]aybe, a little distance [from obligation] is all we need" (p. 160). There is a paradox here. Obligations are bound up with the preservation of identity, that is, with the control of self. The idea now is that self-control should not get out of control, in order to prevent life from going to pieces under its burden. The solution is that identity can be maintained even when, at times, control is eased and obligation is not heeded.

But now failure looms large for Korsgaard's project. What she set out to do was give a convincing account of the reality and inescapability of costly moral obligations. What we have discovered, however, is that moral obligations are not inescapable after all. As to the reality of moral obligations, they are derived from and thus dependent on moral identity. How real, in the sense of necessary and universal, is this identity? Its universality is relativised because it is claimed only for the Enlightenment world in which *we* live. And the necessity of moral identity, being based on the value of self and others, is questionable because one may have doubts if not about one's own value, then surely about the necessary connection between valuing humanity in your own person and valuing it in that of others. I have no problems with Korsgaard's analogy, which she makes in the course of her argument, between the shareability of reasons and that of linguistic meaning. Practical reasons indeed can be shared. But there is a big difference between sharing the reasons of another person in the sense of understanding them, and sharing them in the sense of making them your own, that is, of investing them with authority. Korsgaard, as we have seen, emphasises the point that a particular desire of mine as such has no normative force. Before it can acquire the status of normative reason for me, it must first be reflectively endorsed by me. Now, my desire having passed my test of reflective endorsement does not yet mean that it has passed another person's test of reflective endorsement. What is a normative reason for me is not automatically a normative reason for someone else, and the other way around. I think Korsgaard would agree. She could qualify her position—as in fact she might have done—by stressing not the actuality but the possibility of my normative reason being shared by another person.<sup>38</sup> But that is still too weak a foundation to support the putative necessary connection between the value of one's own life and that of one's fellow human beings. So Korsgaard's argument for the necessity of moral identity by establishing a necessary connection between valuing humanity in your own person and valuing it in that of others seems to fail. Moreover, even if we would grant its necessity, moral identity is not very deep. We have seen that the reflective self is always free to overrule the claims of his necessary moral identity with an appeal to a contingent non-moral identity. How real, then, are moral obligations? Their reality cannot surpass that of moral identity, from which they are derived. This means that their reality is at best only local and superficial, and questionable at that.

Thus it appears that, in Korsgaard's account, moral obligations are neither inescapable nor, in a strong sense, real. Her project seems to have foundered. If we want it to succeed, we must try another tack. My proposal is to turn to a divine command theory of moral obligation, the contours of which I drew in an earlier section.

### *A Strong Divine Command Theory of Moral Obligation*

Here I shall just give a somewhat more detailed sketch of my thoughts on a divine command theory (henceforth DCT), with an eye to the question how human rights claims might be theoretically strengthened. First of all, I am not particularly interested in a weak DCT such that being

commanded by God is sufficient for an action to be morally obligatory. Thus, if God has commanded that we should not take innocent human life then, on the weak theory, we have the moral obligation not to do so. The weak theory does not preclude that the taking of innocent human life is morally prohibited on grounds which have nothing to do with God's will.<sup>39</sup> But my argument so far has been precisely that such grounds are hard to find. We should therefore opt for a more challenging version of DCT that makes God's command not only sufficient, but also necessary for there being a moral requirement. It might go something like this: for all actions A and persons P, A is morally obligatory for P if and only if God commands P to do A. Thus there is a symmetrical relation between an action being commanded by God and its being morally obligatory. The principle tells us both that being commanded by God is logically necessary and sufficient for being morally obligatory, and that being morally obligatory is logically necessary and sufficient for being commanded by God. But this position is not satisfactory for the divine command theorist. A strong DCT should capture the idea that an action being commanded by God somehow explains its being obligatory, rather than the other way round. So I am happy to follow Philip Quinn in his attempt to unpack this asymmetry in terms of metaphysical dependence: if it is morally obligatory that P do A at time t, then by commanding that P do A at t God brings it about that it is morally obligatory that P do A at t.<sup>40</sup>

Let me say here a few things on an important, but I think mistaken point which Mark Murphy recently made regarding this "causal" DCT, as he calls it. The fact that, on the basis of this particular meta-ethical theory, moral obligations are inextricably bound up with divine commands is, in Murphy's view, no ground for thinking that these commands themselves constitute reasons, if only partially, to perform any act. He clarifies his view of the relation between divine commands and moral obligations in this meta-ethical theory with an analogy: "It would be no more appropriate for one to talk about God's command in one's normative account of why one ought to keep promises than it would be for one to talk about the complete evolutionary history of the pain mechanism in providing a normative account of why one ought not to inflict needless pain."<sup>41</sup>

The first thing to say is that meta-ethics and normative ethics cannot be kept apart, not even in the case of an austere meta-ethical theory such as the causal DCT. Normative ethics are developed from or imply meta-ethical positions. And, conversely, meta-ethical theories have implications which bear on one's normative views. Secondly, and more importantly, Murphy seems to be quite confident about there really being moral obligations in the world. I should be surprised to learn that this confidence is unrelated to his theistic view of the world, as I was not surprised to discover the connection between Williams's turn to atheism and his becoming sceptical of the existence, or at least of the binding force of moral obligations. Reference to God and his will in answering the question why one is *obligated* not to inflict needless pain is surely to the point in a time that is sceptical of the reality and binding force of moral obligations, "if not under the pressure of life's exigencies then through developments in modern science and philosophy," whereas reference to the complete evolutionary

history of the pain mechanism is completely beside the point as an answer to the question why one should not inflict needless pain. This particular history seems rather suited to explain away the obligation. Transparency of one's normative ethical position requires that it is not separated from one's meta-ethical background beliefs.

Now, having made this short digression, let us return to our strong conception of DCT. What does and does not follow from it? The first thing to note is that if God does not exist, there are no moral obligations and, by implication, no moral rights. (As we have seen, Williams comes close to this conclusion.) On the other hand, it is not a valid inference that, if God does not exist, everything is permitted and a person is without restraints in his dealings with his fellow human beings. What is true is that, in the case of God's non-existence, there are no *moral* obligations and rights, and *morally* everything is permitted. But that is a far cry from there being no obligations and rights at all, with the result that absolutely everything is permitted. One should not overlook the fact that the state and its laws create *legal* obligations and *legal* rights. Furthermore, irrespective of the truth of DCT, people are generally subject to feelings of moral obligation and feel inclined to respect moral rights. It must be admitted, however, that such feelings are liable to disappear when one no longer believes that moral obligations and their correlative rights really exist.<sup>42</sup> Another reason, perhaps, for not being too worried about the practical effects of the combined belief in DCT and God's non-existence is that there is an important alternative to a God-based morality system, viz. a system in which not the deontic but the aretaic concepts have pride of place, that is, a virtue ethics. Thus, even though there might be no moral *rights* implying moral *obligations* to perform certain actions and to refrain from performing others, it might be wise, good or praiseworthy to perform the former, and unwise, bad or contemptible to perform the latter.<sup>43</sup>

Secondly, because DCT is silent on the way the divine will is made known, it does not follow from the theory that God's commands are exclusively mediated through Scripture or the Church. Since the theory has the form of a logical equivalence, it is in principle possible to derive the content of the commanding will of God, constituting moral obligations and rights, from natural human knowledge of what is morally required and of what can be morally claimed. This particular knowledge could be acquired through a method of moral truth finding which is not necessarily of a theological nature.<sup>44</sup>

Then there is the classic quandary of what makes God's commands authoritative—or, in other words, what makes his commanding will morally good—if it is granted that might does not make right. Now, if God is represented as a liar and a cheat—as the gods were in traditional Greek religious thought, with which Plato was familiar—there is a real problem. And the problem is still with us if God is conceived as the demiurge-creator who, in his creation of the world, is bound by an independent idea of the good. For, in the latter case, it is not God but the good that is ultimately the ground of obligation.<sup>45</sup> However, God as worshipped in the Christian tradition is not only almighty but also perfectly good, both morally and non-morally. Note that God's moral goodness need not, and should not, be construed as consisting in his practising what he preaches.

God is under no obligation. He acts from his goodness. Nor should God's overall goodness be taken to be derived from a source outside his nature. God himself is the supreme standard of goodness. If we look upon God in this manner, the problem we faced dissolves.<sup>46</sup>

Now, it is not enough for the acceptability of a theory that questions and objections to it can be answered (and many more could be raised). So let me finally mention a few positive reasons for my support of a strong DCT. The first is that, unlike Korsgaard's theory, DCT is able to account not only for the reality but also for the inescapability of moral obligations. Nobody can get off the hook of a particular costly moral obligation by reminding him- or herself, à la Korsgaard, of the limits of moral obligations in general, and by taking distance from a particular one. For moral obligations are ultimately not self-imposed, as with Korsgaard, but divinely imposed. Furthermore, DCT sits easily with the theocentric Christian tradition which has nurtured me religiously. Philosophically I see no ground to turn my back on it. Last but not least, the theory enables us to ward off a Rortyan sceptical attack on the reality of human rights. And here I have come full circle to the point where I began this paper. So it is time to draw a conclusion.

### Conclusion

The principal question which I set out to answer was whether, since moral rights and obligations stand or fall together, the latter can stand, that is, whether they are real and inescapable. A first conclusion was that a morality of real, inescapable and—for the agent—sometimes costly obligations and their correlative rights, while being at home in a theistic metaphysic, fits in badly with metaphysical, atheistic naturalism. The second conclusion was that Christine Korsgaard's impressive ethical project, which is neutral towards theism and atheism, fails to give a satisfying account of such obligations. My final claim was that a theistic account in terms of a strong divine command theory succeeds where non-theistic and atheistic accounts seem to founder.<sup>47</sup>

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### NOTES

1. Richard Rorty, "Human Rights, Rationality, and Sentimentality," *Truth and Progress. Philosophical Papers*, Vol. 3, (Cambridge: Cambridge U.P., 1998), pp. 171–72, cf. 182.

2. *Ibid.*, pp. 176, 179–80.

3. Richard Rorty, *Contingency, Irony and Solidarity*, (Cambridge: Cambridge U.P., 1989), pp. 197–98, cf. 53–57.

4. Cf. Alan Gewirth: "For since, in principle, each person has human rights against all other persons, every other person also has these rights against him, so that he has correlative duties toward them." Alan Gewirth, "Rights," in Lawrence C. Becker and Charlotte Becker (eds.), *Encyclopedia of Ethics* (London: Garland, 1992), p. 1108. See also Henry Shue who answers the question: "What is the right of strangers to food to me, especially if its implementation

might cost me?" immediately in the next sentence: "We shall, then, be reflecting upon possible instances of one kind of duties: duties correlative to rights." Henry Shue, "Mediating Duties," *Ethics* 98 (1988), p. 688.

5. Bernard Williams, *Morality: An Introduction to Ethics*, (New York: Harper & Row, 1972), p. 70. Here, Williams has primarily Kant and the Kantian moral tradition in mind. We might think of the famous lines in the "Groundwork," in which Kant explains his rejection of a theological foundation of morality in which morality is derived from a divine, all-perfect will. Kant has two objections parallel to those mentioned by Williams. Firstly, since we cannot intuit the perfection of God's will, but can only derive it from our concepts—among which that of morality is foremost—we would get ensnared in a vicious circle if we were to infer our moral requirements from God's will. Secondly, the concept of divine will, apart from its perfection, as made up of the attributes of desire for glory and dominion, would found a system of morals directly opposed to morality (as we know it). Kant, "Groundwork of the Metaphysics of Morals," Mary J. Gregor (transl. and ed.), *Practical Philosophy* (The Cambridge edition of the works of Immanuel Kant), (Cambridge: Cambridge U.P., 1996), p. 91.

6. Williams, *Morality*. Page numbers in the text refer to this work.

7. See, e.g., Steven L. Ross, "Another Look at God and Morality," *Ethics* 94 (1983), pp. 87–98

8. See, for example, R. M. Hare, *Freedom and Reason* (Oxford: Oxford U.P., 1962), chap. 7. It is true that, as a referee commented, Hare's defense of utilitarianism comes later, in his *Moral Thinking* of 1981. But utilitarianism is already rampant in the earlier work.

9. Philippa Foot, "Morality as a System of Hypothetical Imperatives," in *Virtues and Vices and Other Essays in Moral Philosophy* (Berkeley: U. of Cal. Press, 1978), pp. 157–73. Of course, Foot later repudiated her views, see her *Natural Goodness* (Oxford: Clarendon, 2001), especially chap. 1.

10. J. L. Mackie, *Ethics: Inventing Right and Wrong*, (Harmondsworth: Penguin, 1977), p. 29, cf. pp. 20–25.

11. *Ibid.*, pp. 45–47.

12. Bernard Williams, "Tertullian's Paradox" in A. Flew and A. MacIntyre (eds.), *New Essays in Philosophical Theology*, (London: MacMillan, 1955), pp. 188, 207.

13. *Ibid.*, p. 211

14. Williams, *Morality*, p. 78

15. Bernard Williams, *Ethics and the Limits of Philosophy*, (London: Fontana/Collins, 1985), pp. 32–33.

16. Such as "Morality and the Emotions" (1965), in *Problems of the Self* (Cambridge: Cambridge U.P., 1973), *Morality, Utilitarianism for and against* (Cambridge: Cambridge U.P., 1973).

17. Williams, *Ethics and Limits*, pp. 66–70, 149–52, 190. See also Bernard Williams, "Ethics and the Fabric of the World," in *Morality and Objectivity*, ed. T. Honderich (London: Routledge, 1985), pp. 206–08.

18. Williams, "Ethics and the Fabric of the World," pp. 211–12.

19. Bernard Williams, "History, morality and the test of reflection," in Christine M. Korsgaard, *The Sources of Normativity*, (Cambridge: Cambridge U.P. 1996), p. 211.

20. Cf. Williams, *Ethics and Limits*, pp. 187–89.

21. Bernard Williams, *Shame and Necessity*, (Berkeley: University of California Press, 1993), p. 4

22. Nietzsche, *Menschliches Allzumenschliches*, I, 3, 109 (my translation).

23. See also Williams's recent *Truth and Truthfulness. A Study in Genealogy*, (Princeton: Princeton U.P., 2002).



24. Korsgaard, *Sources of Normativity*, p. 17

25. *Ibid.*, pp. 22–27. Quotation is from p. 22.

26. Cf. Kierkegaard: “the ‘You shall’ [of the love command] makes love free in blessed independence; such a love stands and does not fall with variations in the object of love; it stands and falls with eternity’s law, but therefore it never falls.” Quoted from *Works of Love*, in Philip Quinn, “Divine Command Theory,” *The Blackwell Guide to Ethical Theory*, ed. Hugh LaFollette (Oxford: Blackwell, 2000), p. 59.

27. More needs to be said of course. A few details will follow in a later section.

28. Naturalism means different things to different people. So, to fix our thought about metaphysical naturalism, think of the atheism-implying views of philosophers such as Simon Blackburn (as expressed in his *Ruling Passions*, (Oxford: Clarendon, 1998)), Daniel Dennett (*Darwin’s Dangerous Idea*, (Harmondsworth: Penguin, 1995)) and Bertrand Russell. Here is a quotation from Russell: “That man is the product of causes which had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and his beliefs are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling, can preserve an individual life beyond the grave; that all the labors of the ages, all the devotion, all the inspiration, all the noonday brightness of human genius, are destined to extinction in the vast death of the solar system” (*A Free Man’s Worship, Mysticism and Logic*, New York, 1917, pp. 47–48).

29. Darwall, Gibbard, Railton, “Toward Fin de Siècle Ethics: Some Trends,” in *Moral Discourse and Practice*, (Oxford: Oxford U.P.), p. 7

30. The relevance of the moral-realist theories in question has to do with their being concerned with the objectivity of authoritative, inescapable obligations; that is with requirements that present themselves to agents as constraining their choices and actions in ways independent of their desires, aims and interests. Note that the ‘Cornell realism’ of philosophers like Richard Boyd, Nicholas Sturgeon, and David Brink (who, arguably, are metaphysical naturalists) does not share this particular concern. (They are more interested in the explanatory potency of moral facts or properties.) Brink comes closest to it when he explains the “prescriptive force” of a moral judgment as being derived from its purported truth (David Brink, *Moral Realism and the Foundations of Ethics*, Cambridge U.P., 1989, pp. 78–79). But, more to the point, he emphatically states that “moral considerations, though important practical considerations, need not always control our practical deliberations” (*ibid.*, pp. 244–45). Thus, Cornell realism does not seem to count against my claim that metaphysical-naturalist philosophers tend to reject the relevant moral realism.

31. David Gauthier, “Why Ought One Obey God? Reflections on Hobbes and Locke,” *Canadian Journal of Philosophy* 7 (1977), p. 446.

32. In a relatively late essay, Gauthier returns to the question—‘crisis,’ as he now calls it—of the foundations of morality. Why crisis? Because “the ground of constraint . . . seems absent from our present world view.” David Gauthier, “Why Contractarianism?” in *Contractarianism and Rational Choice*. Essays on David Gauthier’s *Morals by Agreement*, ed. Peter Vallentyne (Cambridge: Cambridge U.P., 1991), p. 16.

33. See, for example, the last section of the book (9.5), which contains the telling passage: “the [moral] relativist is sharing with the [moral] realist a mistaken vision of what powers might be conjured up by reflective thought. His problem was induced, as with nineteenth-century thinkers who felt morally lost when their religious faith vanished, purely by a mistaken vision of what things might be like. But the right response is not to share the vision and deny

that it is mistaken, but to show that it never had any substance, and its loss is no loss at all." Blackburn, *Ruling Passions*, p. 306.

34. Simon Blackburn, "How to Be an Ethical Antirealist," in *Midwest Studies in Philosophy*, Vol. XII: Realism and Antirealism, ed. P. A. French, et al. (Notre Dame: University of Notre Dame Press, 1987), p. 366.

35. Richard Joyce, *The Myth of Morality*, (Cambridge: Cambridge U.P., 2001) The quotation is from p. 135. In the following pages Joyce presents a "plausible speculation": since, from an evolutionary perspective, desires, as motives for action, have their limitations, a human being "does better (in the sense of being more reproductively fit) if she has her desires in favor of family members supplemented by a sense of *requirement* to favor family members," *ibid.*, p. 137.

36. See Korsgaard, *Sources of Normativity*, pp. 7–9, 15–16, 40. Page numbers in the text refer to this book.

37. From now on I shall leave out the word 'practical.' 'Identity' should be read as 'practical identity.'

38. Korsgaard might be taken to mean just this in the following quotation: "To act on a reason is already, essentially, to act on a consideration whose normative force *may* be shared with others." *Ibid.*, p. 136 (italics mine). For a similar criticism of Korsgaard on the notion of shared reasons, see Richard Norman, "Public Reasons and the 'Private Language' Argument," *Philosophical Investigations* 23 (2000), pp. 292–314.

39. I will not go into the question whether theological voluntarism (or DCT) should be understood in terms of divine commands or divine will. As far as I can see, not much hinges on it. For a short discussion of the issue, see Robert M. Adams, *Finite and Infinite Goods*, (Oxford/New York: Oxford U.P., 1999), pp. 258–62.

40. See Philip L. Quinn, "An Argument for Divine Command Ethics," in *Christian Theism and the Problems of Philosophy*, ed. M. D. Beaty (Notre Dame: University of Notre Dame Press, 1990), pp. 292–93, and *idem*, "Divine Command Theory," in *The Blackwell Guide to Ethical Theory*, ed. Hugh LaFollette (Oxford: Blackwell, 2000), pp. 54–56. Note that the divine bringing about, as Quinn emphasises in the latter work (pp. 54–55), must be distinguished from various causal relations familiar from science and ordinary life. Thus it is total, exclusive, active, immediate and necessitating.

41. Mark C. Murphy, *An Essay on Divine Authority*, (Ithaca: Cornell U.P., 2002), pp. 73–77.

42. Note that when someone is uncertain about whether or not God exists, but is pretty sure about there being real moral obligations, her latter belief might support her belief in God's existence. I have elaborated this idea in "Masaryk and Korsgaard on God and Moral Obligation. Toward a Moral Argument for the Existence of God" (in Czech), *Filosoficky Casopis* 48 (2000), pp. 257–70.

43. It was, of course, G. E. M. Anscombe who pointed to this alternative in her classic "Modern Moral Philosophy," *Philosophy* 33 (1958), pp. 1–19.

44. Philip Quinn uses a nice analogy to clarify this point: "If I have only a ruler, then the only way I can find out whether a certain triangular object is approximately equiangular may be first to measure its sides to determine whether it is approximately equilateral. But this restriction on my epistemic access to geometrical facts does nothing to falsify or undermine the necessary truth that something is an equilateral triangle if and only if it is an equiangular triangle." See Philip L. Quinn, *Divine Commands and Moral Requirements*, (Oxford: Clarendon, 1978), pp. 44–45.

45. The famous dilemma Socrates presented to Eutyphro should be interpreted with this background in mind.

46. For more on this last point, see William P. Alston, "Some Suggestions for Divine Command Theorists," *Divine Nature and Human Language. Essays on Philosophical Theology*, (London: Cornell University Press, 1989), pp. 253–73.

47. Earlier versions of the paper were presented at a conference on the 'Rights of Strangers' (Flinders University, Adelaide, 14–15 February 2003) and at a joint meeting of the British Society for the Philosophy of Religion and the Society of Christian Philosophers on 'Religion and Ethics' (Oxford, 6–8 August 2003). I thank both the audiences on those occasions and two anonymous referees for this journal for stimulating and helpful comments.