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## **Divine Commands and Secular Demands: On Darwall on Anscombe on ‘Modern Moral Philosophy’**

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This paper considers Stephen Darwall’s recent attempt to overturn Elizabeth Anscombe’s claim that moral obligation only really makes sense in terms of a divine command account, where he argues that in fact this account must give way to a more secularized and humanistic position if it is to avoid incoherence. It is suggested that Darwall’s attempt to establish this is flawed, and thus that his internal critique of divine command ethics fails.

Elizabeth Anscombe’s 1958 paper ‘Modern Moral Philosophy’ remains a provocation to ethical theorists, and rightly so: for, such theorists characteristically take themselves to be trying to establish what moral obligations there are, what it takes to properly abide by them, how we can know what they require, and so on. But Anscombe thinks that in the present age this enterprise is a waste of time, as the whole idea of moral obligations being deployed here makes no real sense in the absence of a belief in a divine lawgiver, a belief which nowadays is lacking. Thus, she argues, we should abandon the moralistic conception of the good person as one who abides by such laws and the bad person as one who violates them, and instead relate goodness and badness to an account of the virtues, which can provide an alternative conception to what we must or must not do, where this has nothing to do with the imposition on us of a law.<sup>1</sup>

Now, clearly, one strategy in responding to Anscombe is to accept that morality does indeed involve obligations imposed on us through demands, commands, sanctions and the like, but to argue that these constraints do not need to be

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<sup>1</sup> Cf. Anscombe 1969, p. 19: ‘All this, it may be said, does not prove the *necessity* of acting justly in the manner of contracts; it only shows that a man will not act well — do what is good — if he does not do so. *That* necessity which is the first one to have the awful character of *obligation*, is a tabu or sacredness which is annexed to this sort of instrument of the human good’.

seen as imposed on us by God, but instead can come from ourselves and one another, thus rendering the legalistic moral outlook coherent in a secular manner. Stephen Darwall has recently offered us a version of this strategy, but he has also added to it. For, rather than merely juxtaposing the theistic and secular accounts or rejecting the former on external grounds, he has related the former to the latter in the style of an internal critique: that is, he has argued that if looked at closely, the theistic model is unstable and that when its difficulties are thought through, it must resolve itself into the more secularized account which overcomes those difficulties, and so is to be preferred. In this way, he suggests, Anscombe's position in 'Modern Moral Philosophy' can be 'turned on its head': far from the move from the theistic to the secular view of moral obligation leading us into incoherence, it is rather the only way to save the former from more fundamental problems of its own, where resolving them will show why the secular position deserves our allegiance instead.<sup>2</sup> This may be taken to highlight a limitation in Anscombe's approach: whereas she holds that the divine command view is closed off to us simply because we live in a secular culture, Darwall holds it is closed off because it is inherently unstable, but that once the grounds of this instability are understood, we can also see how it needs to be transposed into a more stable secular form, and thus how we can retain the strong notion of moral obligation even when we have given up our belief in a divine lawgiver. As such, clearly, Darwall's argument has great interest and significance, for if it were successful, it would in effect demonstrate that the logic of divine command morality itself shows that it must give way to social command position instead, where as individuals we can impose moral obligations on each other, rather than such obligations having to come from God alone.

In what follows, I will examine whether the negative aspect of this internal critique proposed by Darwall really works, of showing that the divine command account of ethics has internal pressures that require it to be transformed into a secular

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<sup>2</sup> Darwall 2006, p. 115 note 45: 'This will turn Anscombe's famous claims in "Modern Moral Philosophy" (1958) on their head. Although I agree with Anscombe that morality is inconceivable without the idea of addressable demands, I maintain that her claim that they require divinely addressed demands ultimately overturns itself in the way I have indicated'. Gary Watson also remarks on the relation between Darwall's project and Anscombe's: see Watson 2007, pp. 37–8, where he then worries about the adequacy of Darwall's response on pp. 40–46. For Darwall's reply to Watson on this score, see Darwall 2007, pp. 65–69.

social command view; I will not consider in any detail the positive aspect of this critique, and thus Darwall's claim that this secular social command view is itself fully defensible, where we might expect Anscombe herself to dispute both of these suggestions.<sup>3</sup> The question is, then, whether the difficulties Darwall raises for the divine command view can be resisted, or if they cannot be, whether they are just as much difficulties for his own view as well.

I will begin by saying more about Anscombe's position, and Darwall's critique of it, in Section 1. In Section 2, I will then explore the adequacy of that critique, as a response to Anscombe's view that moral obligation must involve lawgiving by God, and cannot come from another source such as man or the world. I will suggest that Darwall's attempt to overturn Anscombe's position here in an internal manner encounters serious problems in two central respects: first, that while the legitimacy of God's commands shows we must be able to blame ourselves and others for failing to obey them, this does not entail that we can also act as moral legislators alongside God; and second that the divine command position is not problematically circular in the way that Darwall suggests. As a result, therefore, it will be argued that Darwall's critique of Anscombe, despite its undoubted interest and significance, in the end must be seen as a failure.

### **1. Darwall contra Anscombe**

In 'Modern Moral Philosophy' Anscombe argues that while the ethics found in Aristotle was based on the virtues, Judeo-Christian ethics came to be based on laws, with God acting as the lawgiver; so, whereas for Aristotle a bad person was one who failed to live virtuously, for the religious ethicist the bad person was one who broke the rules laid down by God.<sup>4</sup> Anscombe argues that this new picture of ethics as involving moral duties rather than the virtues makes sense as long as one is thinking

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<sup>3</sup> For some questioning of the secular social command view, with which I think Anscombe might well be sympathetic, see Adams 1999, pp. 241–8.

<sup>4</sup> It is of course a large question, which cannot be gone into here, how far Anscombe's historical claims can in fact be substantiated — or indeed whether in so far as she is providing a 'genealogy' they even have to be. As the focus here is on Darwall's critique of Anscombe, where he makes no play with such issues, I will therefore leave them aside.

in theistic terms, with God as the lawgiver who makes the laws the breaking of which means a person is bad or wicked or sinful.<sup>5</sup> However, once this idea of God has been lost (as she thinks it predominantly has in modern culture) then it does not make sense any longer, as such laws need legislating, and only God has the characteristics necessary to operate as the legislator of the *moral* law: for only he has the requisite power, knowledge, authority and so on, which neither we nor the world itself can claim, making it impossible to replace him with another kind of lawmaking—and if we were to try to do so, we would run the serious risk of ending up with a distorted form of moral thinking.

Anscombe makes these concerns clear when she runs through various attempts that modern moral theorists have made to substitute some other lawgiver for God, where she comments: ‘Those who recognize the origins of the notions of “obligation” and of the emphatic, “moral”, *ought*, in the divine law conception of ethics, but who reject the notion of a divine legislator, sometimes look about for the possibility of retaining a law conception without a divine legislator. This search, I think, has some interest in it’ (Anscombe 1958, pp. 5–6). As the last remark suggests, Anscombe did not believe that there is anything *obviously* misguided in attempting to hold onto a legalistic conception of morality without God, or that to do so is clearly crazy or absurd; it is just that on past history, it turns out that attempts to do so have misfired, in ways that suggest that it is more problematic than it first appears.

The options she considers are as follows, in the order she considers them, together with her objections, where the whole discussion (in line with the style of ‘Modern Moral Philosophy’ as a whole) is notably brief, programmatic, and also pugnacious (see Anscombe 1958, pp. 13–15):

- the laws come from society, and its ‘norms’: but, society can have and has had norms that tell people to do things that are clearly objectionable, so this is not a very trustworthy ground for morality.
- individuals can make laws for themselves as individuals, in a process of ‘self-legislation’: but this is ‘absurd’, as one cannot impose laws on oneself, any more that in making a decision, a person can be said to have authorized

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<sup>5</sup> Cf. Anscombe 2008b, p. 117: ‘We may say that there are two definitions of sin: 1. They are behaviours against [right] reason. 2. They are behaviours against divine law’.

that action in a democratic manner by counting this as a majority vote in its favour.<sup>6</sup>

- the laws come not from actual social norms, but ones that we set out to find: Anscombe praises the element of self-criticism in this option as opposed to the first one, but argues that it is still not clear where one is going to look to identify such norms.
- in response, one might look for these norms by turning to the natural world, ‘as if the universe were a legislator’: but nature is not nowadays seen in a moral light, but as governed by e.g. evolutionary laws, that do not seem very likely to offer us a guide to the moral norms we are after.
- could look to social contract, so the laws come from a contractual constraint that we have put ourselves under in living together: but Anscombe raises various difficulties. One is to make sense of the contracting involved: when did we sign up to it, and if we did not how can we be held to it? And if the contract is somehow treated as implicit, for example in the very use of language, Anscombe is concerned about the kind of moral law that would come from this model, where she writes that ‘I suspect that it would be largely formal; it might be possible to construct a system embodying the law (whose status might be compared to the “laws” of logic): “what’s sauce for the goose is sauce for the gander”, but hardly one descending to such particularities as the prohibition of murder or sodomy’.
- could turn to proper functioning, and treat the content of the moral law as relating to how the individual should best live in order to flourish: but this is to take us back to the virtue model rather than the law model, so we haven’t really got anywhere with the project of making sense of ‘ “law—without bringing God in” ’.

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<sup>6</sup> Cf. Anscombe 1958, p. 2: ‘Kant introduces the idea of “legislating for oneself”, which is as absurd as if in these days, when majority votes command great respect, one were to call each reflective decision a man made a *vote* resulting in a majority, which as a matter of proportion is overwhelming, for it is always 1–0. The concept of legislation requires superior power in the legislator’. Cf. also p. 13: ‘That legislation can be “for oneself” I reject as absurd; whatever you do “for yourself” may be admirable; but it is not legislating’.

It is worth noting two things about this list. First, Anscombe does not proceed very systematically through the options, and I do not think she would claim to have shown that they are exhaustive. Second, she applies two tests to the options proposed: are they coherent as sources of law, and if we took them to be such sources, would we end up with a form of morality that is objectionable? So, for example, self-legislation and contract are seen to be problematic as sources of law, whilst on the other hand the problem with nature or the norms of society is that it would be morally dangerous to treat them as guides in ethical matters, even if we could coherently conceive of them as embodying law-like structures.

We can now turn to Darwall's challenge to Anscombe's position here, as expressed in his recent book *The Second-Person Standpoint* and related articles.<sup>7</sup> As mentioned previously, Darwall's challenge is particularly interesting for its 'internal' nature: that is, while many reject divine command ethics and then defend a more secularized alternative instead, Darwall argues that the problems he identifies with the former then *lead* to a cogent version of the latter, so that when properly thought through, Anscombe's model of God as the lawgiver can and must resolve itself into just the kind of *non*-theistic law conception which she says cannot make sense, hence turning her position upside down.

Darwall begins by agreeing with Anscombe that the moral ought differs fundamentally from other 'oughts', where this difference does not just lie in their universal, categorical and conclusive nature—i.e. that they apply to all rational agents, that they give agents to whom they apply reasons to act regardless of their aims or desires, and that they override or silence countervailing reasons. For, Darwall argues, much the same might be said of the 'oughts' of logic or reasoning more generally,<sup>8</sup> where these 'oughts' still differ from those of morality. However, these 'oughts' of logic and reasoning hold independently of anyone being in a position to demand or require that one think in these ways: it is not down to anyone's authority over you that you ought to believe in climate change given the evidence, or ought to draw a

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<sup>7</sup> As well as Darwall 2006, see also Darwall 2004 and 2007. Related issues are also dealt with in Darwall 2012.

<sup>8</sup> Actually, I think that this could be questioned: if believing *p* would ruin your life, but *p* clearly follows from all the evidence before you, is it clear that the reasons you have to believe *p* override your reasons to reject it? But let this pass.

particular conclusion from these premises. But when it comes to the moral ‘ought’, Darwall holds, things are different: here you are accountable to yourself or others, involving a demand or requirement or claim or command that can be made in a second-personal manner, from addresser to addressee, where the latter is accountable to the former. Darwall thus agrees with Anscombe that a command model fits morality in a way that does not apply to other oughts, and gives moral oughts their distinctive nature.<sup>9</sup>

Nonetheless, despite this common ground, Darwall thinks he can avoid Anscombe’s claim that this model must be a *hierarchical* one, with God and God alone being seen as capable of issuing moral commands and hence legislating the moral law. To argue for this, he looks in some detail at the positions of Francisco Suarez and Samuel Pufendorf, to try to show that while they adopt divine command positions, they accordingly face certain fundamental difficulties, which require a more secular and non-hierarchical position if these are to be resolved. The key issue here concerns what gives God his unique role as commander or legislator. If this is said to come simply from his power over us, then the moral ‘ought’ becomes purely prudential and hence loses its categorial nature, as we seek to avoid his punishments or to attract his rewards; if, on the other hand, it is said to come from his legitimate authority and not merely his power, then the question arises how this authority is to be explained or grounded, if the moral ought *depends* on this authority in the first place. For Suarez, this question was less pressing, because he allowed that there was right and wrong prior to God’s making any actions obligatory through his commands, so that this prior normative framework could then be used to account for God’s legitimacy.<sup>10</sup> But for Pufendorf, there was no such prior framework, as moral

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<sup>9</sup> See Darwall 2006, pp. 5–15, 26–28; Darwall 2004, pp. 110–111; and Darwall 2013b, where he explicitly sides with Anscombe and against Hume in claiming that ‘What makes morality distinctive among normative notions is its network of juridical ideas’ (p. 19).

<sup>10</sup> Cf. Suarez 1612: Book II, Chapter VI, §17, p. 202: ‘Therefore, my own [view] is that in any human act there dwells some goodness or evil, in view of its object, considered separately in so far as that object is in harmony or disharmony with right reason... In addition to this [objective goodness or wickedness], human actions possess a special good or wicked character in their relation to God, in cases which further involve a divine law, whether prohibitory or preceptive...’. For some further discussion of Suarez’s ‘intermediate’ view, see Irwin 2008, pp. 1–69.

properties only came about at all through God's willing and hence 'imposing' them on the natural order of things<sup>11</sup>—where it is this picture that then gives rise to the problem identified by Leibniz and others, and sometimes referred to as 'Pufendorf's circle'. The problem is this: If God's authority is to be legitimate and not merely coercive, it must be right to obey it; but then this rightness cannot come from that commanding authority itself, as it is presupposed in order to render that authority legitimate and hence a source of moral commands; but if instead it is said that the rightness of obeying God is just basic or rests in the fact that he orders us to do right things, then rightness is made prior to God's commands and the latter is rendered redundant. Pufendorf thus seems caught in a circle from which he cannot escape.<sup>12</sup>

Darwall's next move is to argue that the only way to get out of this circle, and to show that God's power is exercised over us legitimately, is if it can be shown that we would blame ourselves for not acting as he requires us to act, so that in legislating over us God must take it that we have this capacity for holding *ourselves* responsible

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<sup>11</sup> Cf. Pufendorf 1688: Book I, Chapter I, §4, pp. 5–6: 'For [moral entities] do not arise out of the intrinsic nature of the physical properties of things, but they are superadded, at the will of intelligent entities, to things already existent and physically complete, and to their natural effects, and, indeed, come into existence only by the determination of their authors'.

<sup>12</sup> Cf. Leibniz 1706: §V, pp. 73–4:

Nor do I see how the author [Pufendorf], acute as he is, could easily be absolved of the contradiction into which he falls, when he makes all juridical obligations derivative from the command of a superior...while...he [also] states that in order that one have a superior it is necessary that they [superiors] possess not only the force [necessary] to exercise coercion, but also that they have a just cause to justify their power over my person. Consequently the justice of the cause is antecedent to this same superior, contrary to what had been asserted. Well, then, if the source of law is the will of a superior and, inversely, a justifying cause of law is necessary in order to have a superior, a circle is created, than which none was ever more manifest. From what will the justice of the cause derive, if there is not yet a superior, from whom, supposedly, the law may emanate?

Cf. also Ralph Cudworth's related argument against Hobbes: 'And if it should be imagined, that any one should make a positive law to require that others should be obliged or bound to obey him, everyone would think such a law ridiculous and absurd. For if they were obliged before, then this law would be in vain, and to no purpose. And if they were not before obliged, then they could not be obliged by any positive law, because they were not previously bound to obey such a person's commands' (Cudworth 1781: Book I, Chap II, §3, pp. 18–19).

for our actions, and criticizing ourselves when we fail. But, Darwall then claims, to blame oneself in this way involves having moral standing in one's own right, as it is to exercise authority over oneself; so again, in commanding us, God must also presuppose that we have this standing. But then, if we have standing that enables us to exercise authority over ourselves, this then gives *us* the authority to make demands of ourselves and others, rather than that authority belonging merely to God.<sup>13</sup> So, Darwall claims, it turns out that in starting with a conception of morality as involving commands, one must end up with a secularized view of moral obligations, where we are all capable qua rational agents of making demands of ourselves and others, and so making it morally right and wrong to act in certain ways through a system of *mutual* accountability, and not a hierarchical one.<sup>14</sup>

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<sup>13</sup> In this context, Darwall is fond of quoting Kant's remark from *The Metaphysics of Morals*: 'I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation' (Kant 1797: 6:417). See Darwall 2006, p. 23 note 47 and p. 218 note 7. In general, this is what Darwall refers to as 'Pufendorf's Point'.

<sup>14</sup> Cf. Darwall 2006, p. 114: 'We should view voluntarists like Pufendorf as putting forward but one *conception* of a more general *concept* of morality as accountability. Any interpretation of this general concept must see morality as grounded in the possibility of a second-personal community. What characterizes a voluntarist conception is that it takes a moral hierarchy for granted and then derives the rest of morality (by fiat) from that. As we have seen, however, tendencies within the general idea of morality as accountability put heavy pressure on a voluntarist interpretation of that idea. To distinguish between moral obligation and coercion, Pufendorf required an account of moral agents' distinctive capacity for self-censure from a shared second-person standpoint and its role in free rational deliberation. But this effectively assumes that to be accountable to God, moral agents must also be accountable to themselves'. Cf. also p. 105: 'Pufendorf believed that morality essentially involves accountability to a superior authority, namely God. But, he also believed that being thus accountable is only possible for free rational agents who are able to hold themselves responsible—who can determine themselves by their acceptance of the validity of the demands, thereby imposing them on themselves. I argue that this idea exerted a pressure on his thought in the direction of morality as equal accountability, although the latter is not, of course, a conception he accepted or likely would have accepted on reflection'. Cf. also Darwall 2012, p. 231: '[For Pufendorf] Someone can be accountable only by *holding himself* accountable. If, consequently, moral obligations are that for which we are appropriately held answerable by God, it follows that God must be able to expect us to accept his authority to issue legitimate demands and to judge ourselves censurable for failing to obey'.

Darwall thus claims that there is a dynamic internal to a divine command conception of morality that, when played out, pushes it towards a system of mutual accountability between persons, of the sort favoured by more secular moral theorists such as Kant and his modern-day contractualist successors. In this way, therefore, a divine command theory becomes transformed into a form of social command theory, where the normative structure which must not be violated in order to be good comes not from God, but from us. As a result, Darwall claims, Anscombe's position has been turned upside down.

## **2. Anscombe contra Darwall**

I now want to consider two responses that I think Anscombe can make to Darwall's argument against her, the first to Darwall's claim that our capacity to blame gives us the standing necessary to generate moral obligations, and the second to Darwall's use of Pufendorf's circle to show that the divine command view is inherently problematic.

### *2.1 Response to the argument from blame*

As we have seen, Darwall's argument against the divine command theorist moves from God's command, to questions concerning the legitimacy of that command, to an appeal to self-blame as a way of responding to those questions, to the capacity to make mutual demands, to a social command theory in which we (and not God) hold each other to account. Our capacity to blame ourselves therefore plays a crucial role in the argument. A central question, then, is whether this notion can carry the weight that is required to move the internal critique forwards, or whether a gap in the dialectic opens up at this point. It is this issue which I now wish to explore.

I think Anscombe would do well to accept one important aspect of Darwall's position, namely that there is a constitutive link between taking an authority to be legitimate, and viewing oneself as being blameworthy if one fails to obey it; thus, it seems correct for Darwall to argue that in taking God's authority over us to be legitimate and not merely coercive, the divine command theorist must allow that this is to see ourselves as blameworthy if we do not do as he requires of us. If we did *not* see ourselves as blameworthy in this way, we would therefore be rejecting the commander's authority, so that some aspect of self-blame does seem to follow from seeing that authority as legitimate.

The question is, however, whether in granting this much, Anscombe has to be committed to granting that this then gives us any *legislative* capacity, on a par with God's, where for the divine command theorist as Anscombe sees her, it is this capacity which creates obligations. Does it follow from our capacity for self-blame that we have the standing necessary to legislate over ourselves and others, or is this something that could still intelligibly be granted just to God by the divine command theorist, even though we must be able to blame ourselves for failing to obey his laws? The question still arises, therefore, whether this self-blame can amount to lawgiving or legislating: for if it cannot, then it does not follow that our capacity for the former is sufficient to mean we have a capacity for the latter. So, how might blaming oneself be said by Anscombe to differ from legislating the moral law?

A first difference, she could argue, is that law involves sanctions, and that unless the legislator has superior power over those on whom the law is imposed, the legislator cannot exercise these sanctions; but it is absurd to think one has superior power over oneself, so while one can blame oneself, one cannot meaningfully be said to legislate over oneself in this manner. A second difference, is that in the case of law, sanctions are used as punishment for violations that the lawgiver decides to apply, whereas in the case of self-blame, even though blame may resemble punishment in being painful or unpleasant in certain ways, it is not imposed *as* a punishment that one thereby decides to inflict on oneself; I may feel guilt or self-blame at telling a lie, for example, but if I do this is not because I have decided to cause myself to suffer as an appropriate form of self-inflicted punishment—self-blame is not like self-harm, which is intentional in this way.<sup>15</sup> Thirdly, even if a law does not directly involve sanctions,

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<sup>15</sup> For similar observations relating to these two points, see Teichmann 2008, p. 109:

For there to be a law, (a) it must be promulgated, (b) it must be enforced or enforceable. Enforcing a law means wielding sanctions against those who knowingly break it, i.e. punishing them — something that in general requires that the legislating authority have adequate physical power to do that, power superior to that of law-breakers. A law is not a request, nor yet a cooperative agreement. In fact, one cannot make requests of oneself, or make agreements with oneself, any more than one can legislate for oneself; but in the case of legislation, as Anscombe indicates, the main problem for Kant's view is that one cannot punish oneself for breaking one's own 'laws'. Of course, one can feel guilty at breaking one's own resolutions, but guilt is not something one decides to impose on oneself, in the way that sanctions must by definition be

it still involves the taking away of a person's freedom, as it involves the prevention of the person acting in a way that the law prohibits.<sup>16</sup> Again, however, it can be said that this does not make sense in the case of self-blame: for while self-blame may in part involve a resolution not to act some way in the future, how can I deprive myself of the freedom to act in this respect, any more than I can take away my freedom by forming an intention or plan? So, in general Anscombe's argument here would be this: even if Darwall is right that to impose a law on us God must presuppose that we would blame ourselves for violating it, this does not make us lawgivers over ourselves, as self-blaming is not the same as legislating, for much the same reason that self-legislating is not either, as it has the wrong relation to issues like sanctions, loss of freedom, power and the like. The essential difficulty, it seems, is that legislating involves enforcement between subjects, where it is not clear that self-blame can incorporate this in the right way; thus, even if Anscombe were to accept that we have the standing necessary for the latter, it would not follow that she need be committed to allowing that we have the capacity and hence standing for the former. Darwall's argument therefore seems to rest on a non-sequitur at this point.

Darwall might offer various responses to these worries, however. First, he could try to get round the problem that self-blame differs from legislation in so far as it involves no relation between subjects, and hence no superior power, no sanctions, and no taking away of freedom, by a strategy of dividing the self into parts or aspects,

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deliberately imposed (so that they can also be threatened). To call guilt a sanction can only be to speak metaphorically.

Interestingly, Kant would appear to agree, where he distinguishes between *repentance* and *penance*, and accuses 'monish ascetics' of confusing the two, by failing to see that self-punishment does not make sense: 'Instead of morally *repenting* sins (with a view to improving), [the monk] wants to do *penance* by punishments chosen and inflicted by oneself. But such punishment is a contradiction (because punishment must always be imposed by another)' (Kant 1797, 6:465).

<sup>16</sup> This aspect of law can be made constitutive, even by those who do not think that the manner in which this freedom is taken away is through force or sanctions, such as Aquinas or more recently Joseph Raz. Cf. Aquinas 1920, I-II q90 a1: 'Law is some sort of rule and measure of acts, in accordance with which someone is led towards acting or is restrained from acting; for law [lex] is spoken of from binding [ligare], because it binds one to acting'. And cf. Raz, who denies that law requires sanctions, but accepts that law must claim authority, and authority is understood as a matter of binding (that is, preemptive) directives, and thus limits to freedom. See Raz 1975, pp. 154–62.

and then treating self-blame as a legislative relation between these parts or aspects. So, for example, he might claim in a Kantian manner that the rational self has power over the sensuous self, and so can impose sanctions on it and limit its freedom, and thus legislate over it, where this is then done through some process of blame or censure whereby the former controls the latter. Or, he might claim that as self-blame involves an intention not to act some way in the future, this involves my present self restraining my self in the future. However, I suspect Anscombe would reject this response as resting on little more than metaphor: whilst the self can be divided into faculties or temporal parts, the results of these divisions are not actual selves with wills, and so cannot be thought of as replicating the relation between subjects that the legislative picture requires. Indeed, it could be argued, it is clear that no genuine loss of freedom occurs here, as none of the ethical issues that normally come with any such loss make sense in these contexts — no one worries, for example, over whether my present self is really entitled to infringe the liberty of my future self in this way. Moreover, as many divine command theorists argued, as this position involves nothing but a relation within the same self, it cannot count as genuine lawgiving, as it is then too easy for the self to annul it, meaning that it lacks any real binding force — it would be more like a new year’s resolution than a law.<sup>17</sup>

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<sup>17</sup> This sort of worry was commonplace among divine command theorists, such as Pufendorf and Jean Barbeyrac, who set out to defend Pufendorf from Leibniz’s critique. See for example Pufendorf 1688, Book I, Chapter VI, §7, p. 94 and Book II, Chapter III, §20, p. 217, as well as 1672: Axiom II, §2, p. 218; and Barbeyrac 1735, pp. 293–4: ‘Now no one can impose on himself an unavoidable necessity to act or not to act in such or such a manner. For if necessity is truly to apply, there must be absolutely no possibility of it being suspended at the wish of him who is subjected to it. Otherwise it reduces to nothing. If, then, he upon whom necessity is imposed is the same as he who imposes it, he will be able to avoid it each and every time he chooses; in other words, there will be no true obligation, just as when a debtor comes into the property and rights of his creditor, there is no longer a debt. In a word, as Seneca long ago put it, no one owes something to oneself, strictly speaking. The verb “to owe” can only apply between two different persons’. John Selden applied the same worry not only to self-legislation, but also to legislation within a social context: ‘I cannot bind myself, for I may untie myself again; nor an equal cannot bind me: we may untie one another. It must be a superior, even God Almighty’ (Selden 1892, Chapter LXXVII, p. 101). Cf. also Aquinas 1920: I–II q93 a5: ‘...law directs the actions of those who are subject to the government of someone; wherefore, properly speaking, none imposes a law on his own actions’.

However, to get over this difficulty over enforcement and the apparently problematic nature of self-legislation, Darwall might move from self-blame to blame by other selves, but who are human rather than divine. Here, then, we really do have other people, who can operate blame as something more like a sanction or punishment, and who can thus more plausibly be said to act as lawgivers than can one part of the self over another. A difficulty with this response, however, is that the internal critique may seem to break down at this point: for, while it may be plausible to think that to recognize an authority as legitimate, I must be inclined to blame myself for failing to obey it, it may seem possible to recognize an authority as legitimate without thinking that *other people* are in a position to blame me for failing to obey it. For example, suppose I am ordered by my sergeant to perform fifty press-ups and do not do so, where I am the only one in the platoon who is fit enough to actually do them at all. I might therefore think none of the platoon members can blame me for failing to accomplish this task as none of them could have done it themselves, but without feeling the sergeant's authority to demand this of me is jeopardized.

However, Darwall could respond to this worry that at least my action must be counted as *blameworthy* by others, even if some or maybe even all people are not really entitled to actually blame me, given that they could do no better, where this still involves holding me to account for my actions in a significant way. Thus, he might maintain, the enforcement of my action by others must still apply if God's authority is to be legitimate, where this still gives us a legislative power. This response may be further reinforced if we allow Darwall another point he insists on:<sup>18</sup> namely that when one individual holds another to account (including themselves), they do so not qua individuals, but as a member of the 'moral community', so that it is never just the individual exercising authority over themselves, but must involve others as well, hence moving us from *self-blame* to blame by others and so avoiding the problematic features of merely self-legislation outlined above. It may seem, then, that the bridge from our capacity for self-blame to our capacity for legislation is reasonably robust

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<sup>18</sup> Cf., from a passage already cited above: 'To distinguish between moral obligation and coercion, Pufendorf required an account of moral agents' distinctive capacity for self-censure from a *shared second-person* standpoint and its role in free rational deliberation' (Darwall 2006, p. 114, my emphasis). It is this 'shared second-person standpoint' that Darwall conceives of as constituting the moral community.

after all, at least when it comes to understanding the aspect of law-giving that involves the application of sanctions and constraints through the practice of blame: Darwall has arguably done enough to show that God does not have a monopoly over such blaming, but that the divine command theorist must allow that we can also go in for it too.

A further significant issue remains, however: namely that even if this is granted, it arguably does not show that we possess any lawgiving capacity alongside God's. For, as well as sanctions being needed, the laying down of law also essentially involves the creation of *new reasons* based on the exercise of authority involved in law making. So, for example, when the sergeant makes it compulsory for his platoon to do twenty push-ups every morning, or the state makes it a law for us to pay certain taxes, by using their authority there is now a new reason to do these things that was not there before, a reason derived from that authority.<sup>19</sup> By contrast, however, blame does not create reasons for a person to act, but rather is a response to a failure to act on reasons that the agent *already has*. Thus, no matter how much I might blame myself or be blamed by others for failing to act as God commands, this does not show that in so doing an act of legislating is going on, in the sense of giving myself new reasons to act; rather in taking myself as blameworthy, all this shows is that I am capable of responding to reasons I take myself to have already, and so it has not been shown that I have the kind of legislative capacity needed if we are to replace God as a law-giver.<sup>20</sup> Thus, even if Darwall's argument concerning God's legitimacy can show that this entails we have the capacity to hold ourselves to blame for not acting in certain ways, this further worry still remains: namely, that any such exercise of blame

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<sup>19</sup> This is a point that Darwall himself seems happy to allow: see e.g. Darwall 2006, p. 12: 'When a sergeant orders her platoon to fall in, her charges normally take it that the reason she thereby gives them derives entirely from her authority to address demands to them and their responsibility to comply... The sergeant's order addresses a reason that would not exist but for her authority to address it through her command'.

<sup>20</sup> It might be said, perhaps, that in blaming myself for not  $\phi$ -ing, I *am* giving myself a reason to  $\phi$ , namely a prudential reason to avoid this felt discomfort. But this would not be the sort of reason created by authority, which gives one a reason to act not merely to escape the sanctions that such authority can wield — rather, the reason one has to act is that  $\phi$  is now obligatory, otherwise the reason such authority creates would no longer be moral but merely prudential.

does not show we have the authority to give other agents new reasons to act based on that authority, in a way that legislation requires.

In fact, Darwall himself seems to be aware of the essential point here, but without apparently recognizing the damage it does to his argument against Anscombe and the divine command theorist:

[Bernard] Williams evidently assumes that it is a conceptual truth that violations of moral obligations are appropriately blamed and that blaming implies the existence of good and sufficient reasons to do what someone is blamed for not doing. The idea is not, of course, that normative reasons follow from the fact of someone's being blamed. Rather, in blaming one implies or presupposes that there are such reasons. (Darwall 2006, p. 94)

This seems exactly right: blame does not itself create normative reasons to act, but reflects those that are there. But this then allows the divine command theorist to open up a gap between Darwall's argument concerning our capacity to blame and his claims about our standing in relation to God, because this theorist can grant us the capacity to blame without granting us the capacity for legislation, in so far as fresh normative reasons *do* follow from that. This is why, as we have said, I can think you are blameworthy by me and the rest of us for not doing what the sergeant says, and can think that we would not see her authority over us as legitimate unless you were so blameworthy, while still not thinking that anyone other than the sergeant is in a position to make the commands that we blame you for not following, where a normative hierarchy between us and the sergeant therefore still remains: only *she* can issue the orders, while we can all blame you for failing to obey them. It is precisely a hierarchy of this sort that the divine command theorist will insist upon in the case of God's relation to us as well, so that the internal critique seems to have broken down at this point.

Finally, however, it might be said on Darwall's behalf that this is to underestimate what his argument from blame has succeeded in establishing, for it has shown that the divine command theorist must allow that we have a certain sort of moral standing which puts us on a par with God, which Darwall's picture of 'morality as equal accountability' requires (cf. Darwall 2006, p. 101). This might be brought out in two ways. First, it could be said that the argument shows that we must at least have the standing needed to legitimately impose sanctions such as blame on ourselves and others, which is not a negligible moral fact about us, but shows that we can hold

ourselves and others accountable and make demands of ourselves and others, which is something we share with God which other creatures do not. Thus, the fact that I can hold you blameworthy shows that you must respond to me in certain ways, for example you must explain to me why you fail, or apologize, where my capacity to hold you blameworthy is creating reasons for you to do at least these things, even if it is not creating the reasons that make me blameworthy in the first place if I fail to follow them. In this way, Darwall could argue, the fact that we can make these demands shows precisely that Rawls was to correct to say that we are ‘the self-originating sources of claims’,<sup>21</sup> where then it is not God alone who is the source of such claims and thus of obligations. Secondly, it could also be argued, from the very fact that the distinction between merely coercive power and legitimate authority applies to God’s relation to us, it follows that we must have some kind of moral standing—or otherwise, how could this distinction between coercion and legitimate authority even make sense in the human case? Unless we had some such standing, how could there be any intelligible difference between the two—there would just be a being with power over us, where the question concerning the legitimacy of exercising that power would not arise, as it does not when applied to things without that standing, such as my desk, a plant or (some) animals. So, if the question of legitimacy is even going to come up, and so make it the case that God must not use merely coercive force over us, it might seem that we must be granted some moral status by the divine command theorist, in a way that apparently constrains how God can act towards us.

It seems, then, that in either or both these ways, the divine command theorist must be committed to giving us some position in the moral universe, and one that God cannot ignore. But then, it could be argued, if this is so, does not this mean we can in effect make moral demands of God, by requiring him to act some ways and not others; and moreover, if we can make demands of him in this way, why cannot we do the same of other people, regarding how they too exercise their powers over us? So, finally, it looks like we must have the kind of authority required to impose obligations on others, not to simply coerce us but to respect us—with the result that not only God can claim to be the source of such demands, but so too can we in relation to our

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<sup>21</sup> Cf. Darwall 2006, pp. 21, 121, 316. This phrase is taken from Rawls 1980, p. 546.

fellow human beings. It thus seems, then, that we could use the notion of blame, and unpack this idea to arrive at something like Darwall's social command theory, in which we are shown to be in a position to impose moral obligations on others, through establishing that we have the sort of moral status which this capacity requires.

However, I believe this approach also fails to achieve what Darwall is looking for in criticising the divine command theorist. The problem, I think, is that the divine command theorist can accommodate these suggestions that we have some moral standing on the one hand, without on the other granting us an authority to impose obligations on God or others, on a par with God's authority.

When it comes to the first point, the divine command theorist could allow that the fact that I can legitimately wield sanctions over myself and others through processes of blame, and so make demands that hold myself and others to account, shows that I indeed have some status in the moral universe, without it following from that fact that I have the kind of *legislative* capacity which God possesses, where as we have seen this requires more than the applying of such sanctions and the making of such demands. For, the divine command theorist could argue, it is quite possible for him to allow that we are beings who can make demands, while also holding that what we demand is compliance with a law legislated by God, not ourselves, where my ability to make these demands thus depends on the moral law that God has laid down, as it is *this* that I am able to hold myself and others to, rather than *myself* being the source of valid claims in a way that is 'self-originating'. Of course, if Darwall's internal critique had shown that we possess this legislative capacity alongside God, then he could claim that the demand is to comply with a law of our own making; but he has not done so, I have argued, where an appeal to this capacity to make demands does not in itself then add anything to his case. And it would not be enough for Darwall to say that just being able to make this demand of oneself and others is sufficient to show that we can create obligations in Darwall's sense, because the authority is still parasitic on God's, where it is on this basis that we can blame others for their failures and hold them to account, not our own authority or that of the secularized moral community. This means, then, that the fact that we can blame people for not acting in certain ways does not mean that they owe any explanation or apology to *us*—this is all owed to God, as the being who ordered them to act in those ways in the first place. The divine command theorist can thus allow this claim about our capacity to treat certain actions as blameworthy and hence make demands in this

sense, while still insisting that the second-personal authority relation fundamentally only holds between us and God, not between ourselves. Darwall, of course, is inclined to put blame together with reactive attitudes such as resentment, which is a reactive attitude in response to a failure to abide by what is owed *to you* rather than to others and so is more clearly second-personal;<sup>22</sup> but blame, it seems, does not have to take this form. The divine command theorist can therefore legitimately grant us the capacity to blame without also thinking that the restitution needed to respond to the blame is something that ties us to the transgressor in a second-personal way, and thus assumes we have this kind of moral authority over them—God alone could still have that.

When it comes to the second point, I think the divine command theorist can again claim that Darwall's position falls short, even while allowing that the coercion/legitimate authority distinction as it applies to us shows that we have some moral status. For, as Darwall himself recognizes, something can have a status such that there is good reason to treat it in certain ways and not others, without that treatment being something the being in question can *require*, or demand in a second-personal manner.<sup>23</sup> So, for example, in so far as coercing me would harm me or fail to respect me or belittle me, where such considerations do not arise for my desk or car or tree in my garden, we could speak of God using his power over me legitimately or illegitimately in so far as he respects these facts about me or not, thereby accommodating the relevant distinction between mere coercion and legitimacy, and explaining how it applies to his treatment of me; but the divine command theorist can admit this much, without also granting that we can *demand* this treatment from God, on the basis of our second-personal authority over him.<sup>24</sup> Rather, these could be

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<sup>22</sup> Darwall thus introduces blame as part of what he calls 'Strawson's point' concerning the reactive attitudes: see e.g. 2006, p. 17.

<sup>23</sup> Cf. Darwall's key distinction between second-personal reasons and other reasons in 2006, pp. 5–10.

<sup>24</sup> We might get closer to this idea of demand, of course, if the only way to make sense of talk of God's legitimacy or illegitimacy is in terms of how far he respects or violates the rights of those over whom such power is exercised, where having such rights would arguably give us the authority to make claims on God as well as others; this is a line of argument Darwall seems to offer in 2012, p. 232. But as I have suggested above, provided the divine command theorist can make sense of the legitimacy/illegitimacy distinction in other terms, which it seems she can, then there

treated as third-personal normative facts about me, which seem sufficient to ground the legitimate/illegitimate distinction, but without granting us any second-personal authority alongside God. It would seem, then, that once again the divine command theorist can grant Darwall his starting point, but resist being pushed down the dialectical path that would force him to adopt Darwall's stopping point, namely a form of social command theory.<sup>25</sup>

## 2.2 Response to the argument from Pufendorf's circle

Even if I am right so far, however, it could still be said that Darwall has a good case against the theist, in so far as she faces the problems raised by Pufendorf's circle: surely, if Anscombe cannot successfully resolve that, her position is in trouble, and will need to be replaced by some other view?

As will be recalled, Darwall argues that the circle arises when Pufendorf moves from thinking of God's commands as more than just an exercise of coercive power over us, but as also the exercise of a legitimate authority with some normative basis. However, it is then difficult for Pufendorf to explain what this normative basis could be, as he thinks that all moral properties come about through 'imposition' and thus through God's command, so there then appears to be no prior normative order on which his legitimacy can be grounded. Likewise, it could be argued, the same

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is no need for them accept this assumption, so once again the immanent critique breaks down.

<sup>25</sup> In Darwall 2012, Darwall raises another interesting internal critique, but one which seems too directed at Pufendorf specifically to merit more general discussion here: namely, that there is a tension between Pufendorf's insistence that what God commands is that we have a sociable attitude on the one hand, and on the other hand the fact that our reason to adopt this attitude is said to come from that command, where this would seem to undermine the very attitude in question: 'Despite the fact that Pufendorf holds that the mutual obligations entailed within sociability themselves derive from God's command to take a sociable attitude (the "fundamental law of nature"), it simply seems impossible to come to have a sociable attitude of esteem for someone *for the reason that God commands it*. One could, of course, desire to acquire the attitude for this reason, or undertake steps to try to inculcate it for this reason. But trying to see someone as intrinsically worthy of esteem or respect for this reason would be like trying to form an intrinsic desire for a saucer of mud for some external reason having nothing to do with any features of mud that one might be able to see as making it desirable' (pp. 229–30).

problem arises for Anscombe: for, if God is a lawgiver whose laws make actions right or wrong, then how can it be right to do what God legislates; and if it is not, how can he have legitimate authority over us, and not merely coercive power? Then, Darwall argues, the way out of this problem for both Pufendorf and Anscombe must be to answer questions about God's authority by relating this to self-blame: for, if we hereby call ourselves to account for acting in certain ways, then this will also mean we accept the legitimacy of God commanding us to act in those ways as well, hence seeing his power over us as not merely coercive, just as a criminal who blames himself for his crimes can be said to accept the legitimacy of the outlawing of those actions rather than seeing it as a case of mere force.

Now, one obvious worry about Darwall's position here is how this move to internal or self-blame can really help give us a way out of Pufendorf's circle, and so act as a transition point in the dialectic journey from a theistic to a secular outlook. For, consider the position of someone who takes Pufendorf's circle seriously, and who therefore sees no grounds on which God can be anything other than a coercive power over us, as there is no prior normative framework through which to make the exercise of his power legitimate. Darwall's response is to argue that escape lies in self-blame, for if you would blame yourself for the action, this is to accept that God and then others are right to prevent you from so acting, thereby rendering their constraints justified and not mere exercises in arbitrary power. However, the worry is that this position is in fact no less problematic and circular than Pufendorf's: for if blame is the exercise of power over oneself, the question still seems to arise what makes *this* a case of legitimately exercised authority rather than mere coercive force, such as neurotic self-repression?; or if blame is not such a legitimate exercise of power, how can self-blame then legitimate the power used by others?

Now, I think Darwall would be ill-advised to opt for the second horn of this dilemma and so suggest that blame is not really an exercise of power: because if he did so, he would make it even easier for Anscombe to then insist, as we have seen she will do already, that self-blame is unlike the kind of imposition or binding involved in genuine law and command. But there are also problems if he opts for the first horn. For, it seems that the natural way to try to deal with the first horn is to say that self-blame is legitimate because you have done something wrong, so you are fully entitled to blame yourself for your action and to try to commit yourself to not so acting in the future. But then, it turns out that the way of escaping from Pufendorf's circle relies

not so much on an appeal to self-blame, as to an appeal to the fact that there is a prior normative order of right and wrong that does not come about through blame, command, lawgiving or anything else — much as Leibniz and other normative realists argued against Pufendorf.<sup>26</sup> However, if it therefore turns out that the only real way to get out of Pufendorf's circle is to be a realist in this manner, then the argument from here does not really go through self-blame, which Darwall needs if he is to get from a divine command to a social command theory; rather, the dialectic will take him to a view that claims that legitimate commands and legitimate self-blame *both* depend on what is commanded or blamed already being right, so that the fundamental normative structure is not really derived from *anyone's* authority to demand actions of us and so is not genuinely second personal at all. Thus, while Darwall's worries about Pufendorf may mean that Pufendorf's position is problematic, it transpires that when taken seriously, they mean that Darwall's is too, as it seems that the lesson to be learned from Pufendorf's difficulties is that what is right and wrong is not dependent on the claims we can make on each other; rather, the claims we can make on each other depend on what is already right and wrong.

Perhaps, however, Darwall might choose to respond to this challenge as follows, by distinguishing between moral rightness and wrongness on the one hand, and moral obligation on the other, arguing that the latter involves a further normative dimension not present in the former — just as it can be right to give to the poor, but not obligatory to do so. Using this distinction, Darwall could then claim that while we cannot make legitimate demands on ourselves and others unless what we are demanding is the right thing to do, nonetheless *by* so demanding we make the act morally obligatory in a way that it was not before — and whereas the divine command theorist thinks that only God can do this demanding, a secular theorist thinks that we can do so instead. Taking this option, therefore, Darwall could claim to

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<sup>26</sup> Cf. Leibniz 1706: §IV, p. 71: 'Neither the norm of conduct itself, nor the essence of the just, depends on his [i.e. God's] free decision, but rather on eternal truths, objects of the divine intellect, which constitute, so to speak, the essence of divinity itself; and it is right that our author is reproached by theologians when he maintains the contrary; because, I believe, he had not seen the wicked consequences which arise from it. Justice, indeed, would not be an essential attribute of God, if he himself established justice and law by his free will. And, indeed, justice follows certain rules of equality and of proportion [which are] no less founded in the immutable nature of things, and in the divine ideas, than are the principles of arithmetic and of geometry'.

escape Pufendorf's circle in Leibniz's manner, but still leave room for the demands we make on each other as explaining what turns moral rightness into moral *obligatoriness*.

Nonetheless, there is still a dialectical cost here: for now both sides of the debate between the theist and the secularist accept that some demander is needed to make what is right into something that it is obligatory to do, where the question is then whether God or we are best placed to be this demander, concerning which there are points to be made by each party to the dispute. What the dialectic has lost, however, is the suggestion that the divine command position faces a special problem concerning how to conceive of God as a legitimate authority, resolving which was meant to *lead to* the more secular view: now, it turns out, all the theist is required to give up is the extreme voluntarism of Pufendorf's position, which many theists do not accept anyway, where once he has done this, there is then no particular internal pressure towards the more secular option. Thus Suarez, for example, held the view that certain acts are intrinsically right prior to God commanding them, but God's so doing then makes them obligatory, where he would hold that God is better placed than us to be seen as the ground of obligatoriness in this way, for obvious reasons — he is more knowledgeable, more powerful, wiser, possesses absolute goodness and so on, in ways that we fall short, making us problematic sources for the moral law, plus all the considerations that were raised earlier against the idea of legislating for ourselves. Now, such theistic arguments can of course be challenged; but in challenging them, there does not seem to be the sort of charge of internal incoherence that Darwall originally started with, and which appeared to make his argument so compelling.

Turning now to Anscombe, where does she stand on all this? At first sight, at one point in 'Modern Moral Philosophy' she may seem to reject the problem of Pufendorf's circle altogether by suggesting that the issue of legitimacy that gives rise to it can be straightforwardly brushed aside, as really the legitimacy question is an empty one when it comes to God:

And such is the force of the term [morally wrong] that philosophers actually suppose that the divine law notion can be dismissed as making no essential difference even if it is held—*because* they think that a 'practical principle' running "I *ought* (i.e. am morally obliged) to obey divine laws" is required for

the man who believes in divine laws. But actually this notion of obligation is a notion which only operates in the context of law. (Anscombe 1958, p. 18)

It may appear, then, that Anscombe holds that the legitimacy problem that gets Pufendorf into difficulties is really a pseudo-problem, as questions about this only makes sense subsequent to God's laying down the law, and cannot intelligibly be asked before this is the case—just as one cannot ask 'when did time begin?'. And this approach may be said to fit into a broadly Wittgensteinian way of trying to dissolve certain questions in terms of the 'language-games' of which they are part, rather than answering them, where Wittgenstein's influence on Anscombe is of course well-known.<sup>27</sup>

However, I think there is also another way of taking Anscombe's position here that connects instead to the case for virtue theory that she makes in the rest of the paper, which allows her then to take the question seriously but also to address it. For, the way I read her remark here is not as an attempt to dismiss the question of legitimacy when it comes to God, but rather to challenge the idea that it can only be answered in moral terms, based on a normative system of right and wrong—for when this assumption is made, she would agree that either this is derived from God's lawgiving in a way that must lead to Pufendorf's circle, or then this is resolved in a way that makes right and wrong prior to God's lawgiving, in a way that renders God redundant. What this assumption misses, however, is that instead of the normative framework that makes God's power legitimate being one of right and wrong, it could instead equally well be based on a consideration of the *virtues*, which (Anscombe thinks) both make sense prior to God's lawgiving (contra Pufendorf),<sup>28</sup> and can also justify his authority without leading us into Pufendorf's circle. Of course, she thinks, such is the 'force of the term' *morally wrong*, and thus the decline in our appreciation of the virtues, that we may be blind to this possibility and think that it is only if we

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<sup>27</sup> See, for example, the relevant essays collected in Anscombe 2011.

<sup>28</sup> Cf. Pufendorf 1688, Book I, Chapter II, §6, p. 29: 'Nay, these very terms [for vice] do not signify simple physical motions or acts, but only such as are contrary to laws, and for that reason complete moral acts. For why should [*Schandensfreude*] and envy be considered evil affections, unless it is that by a law of nature every man should be touched by another's fortune? While this rule is broken when one takes pleasure in the misfortune of others, and grieves at the sight of their success'.

can be shown to be morally wrong to disobey God, that his lawgiving can be made legitimate — where on this reading, it is the naturalness to us of this assumption that Anscombe is pointing out in the passage above. But her challenge is precisely that this assumption is false: in fact, by considering God’s relation to us in virtue-theoretic ways, we can understand why God exercises his legislative power over us in a justified manner, a justification that comes not from a problematic appeal to notions of right and wrong (which indeed she thinks only make sense when that legislation has occurred), but from an appeal to the virtues that we would display in obeying it, and the vices we would display if we did not.

The distinctive character of Anscombe’s position can be seen more clearly, I think, when one considers the role of *gratitude* in the theistic story. As Darwall notes in his discussion of Pufendorf, the latter made use of this notion when he raised the legitimacy issue, seeming to argue that it is because God has done so much for us in creating us and the world in which we live, that he merits our gratitude and is thus entitled to take away our liberty through his laws in a way that makes this more than just a case of coercive force (cf. Pufendorf 1688, Book I, Chap VI, §12, p. 101). But, Darwall responds, this appeal to gratitude cannot help, as it depends on there being some obligation to repay one’s debts or to obey those who have done one considerable good, or some such moral constraint; however, this then grounds God’s authority in a prior moral framework once more, and if this framework contains obligations like gratitude, it is hard to see why the rest of the actions we take to be obligatory should not also be included, hence rendering God’s position here redundant.<sup>29</sup>

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<sup>29</sup> Cf. Darwall 2006, p. 110:

Pufendorf tries to fix this problem [of the circle] by arguing that we are obligated to obey God out of gratitude, since we are indebted to him for our “very being” (101). But this creates problems of its own. If we are permitted to help ourselves to an independently standing obligation of gratitude in order to give authority to the structure of command, then why suppose that all obligations require command for their moral force? What is special about gratitude? Once a voluntarist makes a concession on this obligation, why should he not make it also on others?

For related worries, cf. also Schneewind 1998, p. 136.

But of course, Anscombe herself predicts this very result, and accepts that it follows given Darwall's assumption, that only if ingratitude is morally wrong can it be bad, where it can then only be wrong in this way if it violates some obligation. However, her point precisely is to question why our failure in being grateful to God has to be seen in *moral* terms, and hence as the violation of some obligation he has imposed on us, and not rather a failure to be virtuous and so bad in *this* sense — that is, given all he has done for us, if we responded to his commands by ignoring them and rebelling against him, we would show ourselves to be ungrateful, churlish, haughty, disrespectful and so on, where it is *this* feature of our relation to him that makes his exercise of power over us more than mere coercion.<sup>30</sup> The idea here, then, is that all these can be seen as vices, but in a way that does not require appeal to some prior framework of moral obligations or moral wrongs: I have shown myself to be bad in failing to display the requisite virtues in relation to God and so gone astray ethically, but not because I have broken a prior moral law or gone wrong in a *moral* sense at all, which can only happen subsequent to his commands being in place.<sup>31</sup> Thus, it is precisely by her appeal to the virtues in this manner, and her idea that they differ from the framework of morality, that Anscombe is able to escape from Pufendorf's circle in a way that Darwall does not recognize, because he is only operating within that moral framework and its terms.

The suggestion here, then, is that the source of God's authority does not rest on him telling us to do right things and thereby making us more likely to do them (as

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<sup>30</sup> Of course, God will also need to possess virtues himself in order for this gratitude to warrant his authority over us: as others have noted, we may have cause to be grateful to a villain, without this licensing him to command us to act. See e.g. Hutcheson 1755, Volume 1, Book ii, Chapter 3, §7, p. 266: 'But benefits alone, are not a proper foundation of right, as they will not prove that the power assumed tends to the universal good or is consistent with it, however they suggest an amiable motive to obedience'. Cf. Irwin 2008, p. 425.

<sup>31</sup> For a response to the problem of Pufendorf's circle that I think can be related to Anscombe's as I conceive it, see Adams 1999, pp. 252–3:

Gratitude is instanced by Pufendorf as a source of reasons for regarding the command of another as giving rise to obligation... On my views, the appropriateness of gratitude is an excellence, a form of the excellence of prizing excellent relationships and of acknowledging the good deeds of others; and like excellence in general, it does not depend on God's commands.

on a ‘service conception’<sup>32</sup>) or on there being some prior requirement to do what he says which gives him that authority (as there would be if we were under an obligation to obey him out of gratitude). Rather, the idea is, he has his authority over us because not to do what he says would be to fail to be virtuous and thus good, where as a result of that authority, he is then in a position to make other virtuous actions obligatory or required.<sup>33</sup> Thus, to use a rather hackneyed analogy: Given all that some parents have done for their children, one might think that in failing to do what they are told to do by those parents, the children show a lack of gratitude towards them, where it is precisely in this that the authority of those parents, and thus their ability to oblige their children, consists. Of course, this gratitude and thus this authority has limits, given how much the parents are responsible for in the lives of their children; but when it comes to God, the range of gratitude is much wider, and thus the range of that authority is correspondingly expanded as well. Therefore, the fundamental normative notion here is *virtue* out of which notions of obligation can then arise, in a way that enables us to escape from Pufendorf’s circle. There is thus no moral obligation that precedes God’s directives: there is only the reason we have to be virtuous (which is not an obligation owed to anyone); but to conform to this reason, and so be virtuous, we must show appropriate gratitude to God, where this then involves treating his directives as authoritative. And, if his directives *are* authoritative in this way, and he directs us to  $\Phi$ , then we have a genuine moral obligation to  $\Phi$ . If, however, we *start* with deontological notions and treat them as primary (in the way that Anscombe suggests modern moral philosophy characteristically will do), *then* the problem will appear insuperable, and Darwall’s concerns will seem legitimate. If we bear in mind the place that virtues can have in ethical theory, however, this is not a mistake that we need to make. Once again, therefore, there seems no reason for the divine command theorist to feel pushed down the dialectical path that Darwall sets out, and thus no

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<sup>32</sup> Cf. Raz 1986, p. 53.

<sup>33</sup> This means, of course, that Anscombe would not accept a divine command theory of a radically voluntaristic kind, where there is no normative framework of *any* sort prior to God’s command; to that extent, she would be closer to a more moderate position like Suarez’s and Aquinas’s. Cf. also Teichmann 2008, pp. 107–8, who notes that for her, ‘God requires what is good because it is good — a thing is not good because God requires it’.

reason to feel compelled to accept the kind of secularized and humanistic ethics which he thinks it must in the end give rise to; his immanent critique, it appears, has failed.<sup>34</sup>

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