THE TRANSCENDENT CHARACTER OF THE GOOD

PHILOSOPHICAL AND THEOLOGICAL PERSPECTIVES

Edited by
Petruschka Schaafsma

The Transcendent Character of the Good

This volume addresses issues of moral pluralism and polarization by drawing attention to the transcendent character of the good. It probes the history of Christian theology and moral philosophy to investigate the value of this idea and then relates it to contemporary moral issues.

The good is transcendent in that it goes beyond concrete goods, things, acts, or individual preferences. It functions as the pole of a compass that helps orient our moral life. This volume explores the critical tension between the transcendent good and its concrete embodiments in the world through concepts like conscience, natural and divine law, virtue, and grace. The chapters are divided into three parts. Part I discusses metaphysical issues like the realist nature and the unity of the good in relation to philosophical, naturalist, and theological approaches from Augustine to Iris Murdoch. The chapters in Part II explore issues about knowing the transcendent good and doing good, exemplified in the delicate balance between divine command and human virtuousness. Early Protestant theological views prove to be excellent interlocutors for this reflection. Finally, Part III focuses on how transcendence is at stake in two heavily debated moral issues of today: euthanasia and the family.

The Transcendent Character of the Good will be of interest to scholars and advanced students working in theological ethics, moral philosophy, and the history of ethics.

Petruschka Schaafsma is Professor of Theological Ethics at the Protestant Theological University in the Netherlands. She runs a research program in the field of ethics and theology on the meaning of family, with special attention for the aspects of givenness and dependence. On this topic, she has written a monograph *Family and Christian Ethics*, Cambridge University Press, 2023.

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Introduction. The Image of a Moral Compass

Drawing Attention to the Transcendent Character of the Good in Times of Pluralism and Polarization

Petruschka Schaafsma

1 A Worrisome Moral Situation

In Western contexts the moral situation is commonly analyzed as worrisome. The reasons to worry can be completely opposed, however. There is a dominant view that characterizes the so-called Western world as being morally at a loss due to the disappearance of widely shared 'Great Stories' and the getting diffused of authority. Moral diversity rules – with a corresponding basic feeling of uncertainty which may be intensified by ideals of tolerance or relativist paradigms. People shy away from moral debate. Notions like truth, good, or evil are perceived as too risky to consider because of their apparent pretentiousness or absolutism, which seems to fuel misunderstanding and hostility. To avoid pressure on relationships and to stimulate an open and comfortable atmosphere, moral issues are left aside.

But the opposite analysis is found just as well. The current moral climate is depicted as one of dangerously increasing polarization, nourished by populist rhetoric. People are attracted toward absolutist views with claims of clear insight in what is good or bad, and in the solutions to the great problems of the present day. They are not blind to moral diversity but think in terms of a superior worldview or civilization which needs to be reconfirmed and purified over against suggested alternatives. Populist voices propose simple but radical measures and present them as a matter of course to engage people in a resistance to the established powers. These established powers are dismissed as imposters and are openly contradicted and attacked in social media up to the level of individual death threats.

The fact as such of the opposed character of these worried analyses already indicates their inadequacy. We seem to be in a rather ambiguous moral situation. On the one hand there are clear tendencies to shrink from moral matters, and from judging in particular, in order to stimulate a kind of open-mindedness and a climate of live and let live. On the other, seemingly clear views on moral matters are proclaimed loudly in a

public polemics against opponents. The violent character of the polemics is for some another reason to remain silent in public as regards one's moral views.

What this paradoxical picture does not yet reveal is that, at least in Western settings, the present time is also one in which morality seems to be all over the place. There seem to be stronger impulses for moral discussion than ever, ranging from 'me too,' to revaluations of the colonial past and 'black lives matter,' to climate shame. People's public and private behavior – especially of the famous and highly responsible – are under a moral magnifying glass, although it remains a riddle why some get away with inappropriate behavior while others are pilloried never to get rid of it. It is remarkable that the range of focal points of this moral scrutiny is so broad, including highly private issues like sexuality, but also animal suffering, or social injustice like racism in past and present. The range includes both left- and right-wing issues. Implicit in debates about these issues are more or less obvious and indisputable standards of good and bad, so that we may even judge other times and other cultures. Slavery and human trafficking are bad regardless of place and time, as are thoughts about a superiority of one 'race,' sex, or sexual orientation over against another.

The quasi-universal status of such moral assumptions – in spite of the lack of their actual broad acceptance and application – does not seem to fit in the picture of either of the opposed analyses that point out moral negligence or populism. Of course, there is a link between open-minded tolerance and the struggle against oppression and marginalization of certain groups of people. Moreover, this struggle may also be expressed in a simplified, populist key. But right-wing populist views oppose precisely the 'leftist' idea that these fights against oppression comprise the crucial moral issues of today. The widespread interest in the above moral issues thus does not match the depictions of the moral climate as being at a loss and silent, or as violently polarized.

An alternative way to analyze the current moral situation is to point out its specific complexity, which may feed both mentioned attitudes of negligence or abandonment, and absolutist engagement. This complexity may be found first in the expanding range of issues that have become morally charged, while a corresponding moral discourse is absent. Take the example of food. Food is increasingly perceived not just as a basic necessity of life or as a pleasure but as a matter of good or bad. Is food healthy or not, is it produced in sustainable ways, is its value accounted for in the practices of consuming it, etc. At the same, this 'goodness' is largely put in non-moral, objective terms, like healthiness or sustainability. And the latter themes are often approached in terms of people's lifestyle, and not so much as a conscious choice in which something morally crucial is at stake. Other factors that add to today's moral complexity are technical innovations that always create previously unforeseen

situations that ask for moral consideration, in particular in the field of medical technology. This leads to an increase in engagement by moral experts in these technologies. The reverse of this is a feeling of incompetence among laypersons due to a lack of specialist knowledge. A growing need of experts to deal with moral issues is also visible in fields of everyday life like upbringing or love relations. A different kind of factor that intensifies moral complexity is the global scale of living together, and of economics in particular. Perceiving of one's acting in terms of its global impact, or its being constituted by a global dynamics introduces a scale which hardly seems manageable for average citizens. It may easily fuel a feeling of paralysis.

As expert knowledge plays such an important role in revealing what is good or bad, science seems a good candidate to fill the vacuum left by the fragmenting of the 'great stories.' In line with this view, empirical facts play a central role in current politics. They should serve to establish common ground. In part, this contributes to the shying away from moral debate: the focus is more on the facts than on the moral framework that has generated them or is needed to evaluate them. On the other hand, recent years have seen a widespread decrease of confidence in the objectivity of science and the coming into existence of the concepts of fake news but also alternative facts. This may be interpreted as partly a result of the strong emphasis on scientifically generated facts and expert knowledge. Over against it, people claim their particular, even personal feelings, emotions and experience as legitimate ground of knowledge. This level of arguing in terms of how people feel about it is explicitly used to oppose the scientific level of facts.

Although all the analyses and aspects mentioned seem only partly insightful or correct, they do give a first impression of the reasons to evaluate the present moral situation in the West as worrisome. Given all the above aspects, it seems to be far from self-evident to enter the moral arena with trust. It is hard to miss the existing pluralism in moral views. Moreover, discussing moral themes is risky both on the level of public debates in the media and the micro level of playground conversations or personal talks among friends or family: one may easily provoke outrage. Common ground seems far from obvious, harsh ad hominem reactions abound in social media and the criticism of not being well-informed is always lurking. While difference on moral matters has always been a potential source of conflict, the violent forms in which opinions are expressed and acted upon may make people even more cautious or reticent in raising moral issues. From where do we derive a reasonable confidence to broach moral subjects? On what do we base the confidence that this will not lead to misunderstanding, alienation, condemnation, and worse?

In these worried questions a lack of trust is apparent in the existence of a common view or experience of 'the good,' or even a suspicion against

the possibility of a meaningful conversation on the different interpretations of the good. This lack of trust in a shared sensitivity to the good may nourish both extremes of recoiling from thinking through one's moral views and discussing them with others, and of stating one's moral views in violent opposition to those of others. It may also differ per subject whether people recoil or state bluntly. One may wonder whether the extreme forms are widespread. Are people not mostly somewhere in between? What characterizes the sphere in between them? It seems to be the most likely one to find places, settings, or fora for a meaningful conversation on moral issues. Are these settings at all public, visible, or rather mainly private? And how important is a discursive way of engaging in morality? Is it not much more important to make the good concrete in one's acting than to dialogue about it? And is this not what many people in fact do, taking up their responsibilities in the small, local circles of family, friends, and neighborhoods to which they belong and somehow feel obliged?

2 A Moral Compass? Calling Attention to the Transcendent Character of the Good

This volume originates in a research program called the Moral Compass Project, situated at the Protestant Theological University in the Netherlands.[1] The project recognizes the moral situation in many Western countries as one in which there are many impediments to moral reflection and conversation. But it does not take this as a reason to be gloomy. Rather it investigates a particular way to deal with this situation: by probing the depths of a transcendent understanding of the good. What do we mean with this transcendent character? We first of all indicate with this term that the good goes beyond concrete goods in the world, things, acts, or individual preferences. As a result, the good can never be completely embodied or found fulfilled in the material world. The relationship between concrete goods and the transcendent good, is one of orientation. In trying to think of and do good we orient ourselves toward this transcendent good. But the good is also something that orients us without our conscious seeking of it. It appeals to us in such a way that we cannot ignore or deny it, although we may not always acknowledge it. The transcendent good functions as an opposite that we can never grasp completely. All this may sound pretty abstract. In order to express the practical, down-to-earth implications of this view for everyday life our project flies a metaphorical flag, which shows a compass. We take the expression 'moral compass' as an image to explore morality

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1 The official website of the project is: https://www.pthu.nl/en/research/research-programmes-before-2020/beliefs/moral-compass-project/.

as orienting oneself to the transcendent good – such, as a constructive impulse to current moral debate.

Why did we choose the image of a moral compass? A compass is a tool to orient oneself. Its needle always points in the direction of the pole. When the pole is identified as the transcendent good the compass helps to orient oneself to it. The magnetic pole attracts the needle and thus has a very powerful orienting effect. But a compass is unfit to reach the pole itself. Close to the poles, the compass no longer works reliably. Thus, the pole does not come into view itself. The discoverer who claims to have found the pole by means of a compass is using it in the wrong way. In a similar way, the good remains transcendent.

The compass is, moreover, not enough to orient oneself. One also needs a map, and an indication of the declination in the specific area. And, first of all, one needs an awareness of where one is, and an idea of one's destination in order to be able to use the compass meaningfully. Thus, introducing the image of a compass brings with it other images. It does not need much explanation to relate the image of the maps to the plural character of the current moral situation. The map may stand for the conventions of a specific culture, group, and time. Maps differ in their detailedness and may point out different aspects of the area: geological or cultural, displaying only main routes or also unpaved hiking trails. One and the same area may look very differently on different maps. We use different maps to orient ourselves in an area and thus experience our settings differently. The use of somebody else's map is not easy. One needs time to accommodate to different colors, a new scale, or focus of the map. One may moreover disagree on the usefulness of a certain map.

What does the image of the compass add to that of the map? It may serve to become aware of the fact that in spite of the powerfully intrusive experience of diversity, there is also an underlying awareness of the good as something that transcends particular ideas about what is good. People do not continuously experience themselves as inevitably locked in their own 'map', and clashing with people who orient themselves by means of other maps. There are also unexpected moments of recognition of views of others, or conscious attempts to arrive at a common view. When standing up for the rights of others, even others in a completely different setting or time, a good is presupposed that goes beyond individual preference. Also, the status of this good as not relative but true imposes itself at times. People experience their lives as not only being driven wherever the wind of what feels good or makes one happy blows them, but as shut through with moments in which they feel something is at stake and it is not obvious what to think or do. At such moments of moral interruption a desire to 'do what is good' may arise; people feel attracted by the good, although it may not yet be clear what it is. This good is then experienced as of such a kind that it does not just apply

to them alone, but that it is something others can agree to as well. The good is the point of orientation that transcends all maps and yet can only orient in combination with these maps. To orient oneself to the good one needs, besides the map, a moral compass.

Why do we think this image of the moral compass important for the present time? There are two main reasons, which are, paradoxically enough, opposed. First of all it seems important to explore impulses that can contribute to greater trust in the possibility of moral conversation in spite of diversity and polarization. By approaching morality by means of the image of the compass we aim to account for a longing and experience that may be such an impulse. It is the longing for and experience of the good as having value not just for ourselves, but also for others. This good is then imagined or even experienced as outside of ourselves, as not coinciding with concrete views, acts, or agreements. As such, the good is a kind of magnetic pole that attracts. Its attraction is not some particular experience, but potentially common to all people. Second, however, the image of the compass is currently helpful to nourish a critical suspicion against any claims of knowing the good. The image of the moral compass points out that there is never only one way to the good. While people use a compass that points them the same North, they take different paths. Moreover, the pole of the good itself can be seen as absolute but precisely as an absolute pole we cannot reach it with our compass to observe or identify it as realized. It remains transcendent. Neither does its absoluteness put an end to the diversity of maps. Rather, it stimulates the exchange of maps in order to find one's way toward the good. The image of the compass implies that the maps are compatible because there is an underlying agreement on the location of the pole – a pole where we cannot arrive and settle because our moral compass is unfit for it. Nevertheless, the moral compass is indispensable in orienting oneself, in particular in an area in which there are no obvious roads toward the good, or where the obvious roads are blocked due to natural disaster, war or other obstructions.

The image of the moral compass may thus be of help to keep those two movements of finding trust and learning suspicion together. This approach to morality differs from the dominant ones sketched above. It goes against the idea that diversity hinders a meaningful conversation on the good but also against easy suggestions of shared goods as in many populist rhetoric. In addition, it may stimulate moral reflection in an age of increasing globalization and technological developments which easily lead to the feeling of moral problems being beyond the grasp and influence of ordinary citizens. Of course, the use of imagery always has its limits and raises critical questions, or may be misinterpreted if it remains without explanation. The most obvious misunderstanding is that a moral compass would again suggest a moral superiority of some who 'have it' over others who 'miss it.' The meaning of the image itself

seems to contain enough self-cleaning ability to counter this misapprehension. A compass is a neutral instrument. It works independently of who holds it. If one imagines the moral compass to mean all people are basically attracted by the good, the compass is denied to no one. But is not the use of the compass something of experts, the trained outdoor heroes able to survive in the wilderness? That may be true for Western settings of outdoor leisure, but scientists have also discovered a sensitivity to the magnetic fields among certain animals which is used for orientation. Here we are led to the limits of the image, a difference between conscious reading of the compass and following it intuitively. The latter implies going beyond the image of the compass as an instrument made by humans, but it does not seem far-fetched to expand it in this direction. In line with such an instinctive orientation we may explore the idea of an intuitive working of the attraction to the good in human beings.

3 Theological Impulses to Considering the Transcendence of the Good

An understanding of morality as orienting oneself by means of a moral compass relates intimately to the theological nature of the Moral Compass Project. From a theological perspective, taking into account a transcendent dimension is of crucial importance for finding one's way in life. Theologians study where and how transcendence comes to light in everyday life, where and how people experience the sacred. This transcendent dimension has particular explanatory power for believers, but also touches on experiences all people have in common. As regards morality, this sacredness may be related to the experience of the good as not relative to our views and opinions but as an opposite to orient oneself to, a pole that attracts, a call that sounds and cannot be ignored, which breaks open our being closed in on ourselves. The good is transcendent in that it is not exhausted by such experiences but always beyond it and therefore also a critical opposite to judge such experiences.

In the history of theology – often from a time in which this was indistinguishable from philosophy – several concepts have been used to understand the transcendent character of the good and the human sensitivity to it, the moral compass. The idea of a conscience which is somehow inherent in human nature has been a popular notion through the ages, with concrete consequences such as forming the presupposition of the law systems. Less well-known in today's broader society is the notion of a 'divine law' which may also be called a moral 'natural law'. In the Christian tradition this notion has been crucial to reflection on the transcendence of the good. Nourished by both Jewish and antique strands of thinking on law and morality, Christian views have always attempted to balance God's law as a concrete command and God's law as a critique of every human law. As a result, the issue of whether the good is also

something to be, in part or completely, known by nature was answered differently in this tradition as well. Moreover, being or doing good as living in accordance with the natural or divine law or both is never viewed as a human merit but at least also as a divine gift. Thus, the Christian tradition is a valuable source to take into account the issue of morality as oriented toward the good understood as transcendent.

This book investigates what the potential may be of a focus on the good as a transcendent pole for moral orientation in the current moral climate. The above elaboration of the image of the moral compass is a first, tentative way to evoke what may be the value of this focus given the current complexities of moral debate. The contributions of this volume delve into sources of moral reflection in theology and philosophy from different times and traditions in order to find concepts and arguments to critically elaborate on the idea of the transcendent good as the pole toward which our moral compass points. The finds of this delving are related to present-day academic debates on morality as well as to concrete moral issues in society. Below, a brief analysis is given of how the aspect of the transcendent character of the good is addressed in all three parts of the contributions to this volume. The parts correspond to the subprojects that are part of the Moral Compass Project. Each consists of two pairs of chapters, of which the second is a response to the first, although the responses can just as well be read on their own. The first chapters are written by invited scholars, the responses by members of the team of the Moral Compass Project.

The first part contains four contributions that address metaphysical issues implied in the idea of a transcendent good, in particular the issues raised in dialogue with critical, naturalist views. A central issue is that of whether norms and values are to be understood as realist and transcendent. This issue is addressed first from more philosophical points of view, in reflections on love understood as transcending us but also as something in which we are immersed and that directs us. Second, it is approached from a Christian understanding of the world and its morality as displaying the unity of its creator. This unity is an acute issue in moral conversations between different cultures, in particular on human rights. A realist perspective points out that there is a transcendent good that deserves our commitment which makes human beings flourish. The authors differ on how much grip human beings can get on this, and how this insight subsequently finds its way to concrete moral acting.

The second part focuses on epistemological issues. To explore these, contributions from early Protestant theological views on the transcendence of the good prove to be excellent interlocutors. Attention to the question of the (im)possibility of human understanding of the good is central to these views, as the Protestant perspective emphasizes the transcendent, divine nature of the good, and problematizes human understanding of it. The question is discussed of what this means for

human reflective, critical evaluations of concrete moral norms. How may human acting remain attuned to the good in concrete moral acting? How important are concrete laws and especially prohibitions for moral acting and in which sense may they be called divine, and expressions of a kind of 'moral order'? Is it helpful to understand the human attunement to the transcendent good in terms of the classical notion of virtuousness?

The contributions of the third part, finally, investigate what the value of thinking the good as transcendent may be in relation to two heavily debated issues: euthanasia and the family. In all four chapters, the charged character of the moral debates on these themes is taken as a sign that the good as transcendent is at stake. In these fields of family, terminal illness, and death, ethical reflection does not come to rest in a kind of final judgment on whether certain acts or ways of living are good or not. In the meanwhile, concrete decisions have to be made. How can an awareness of the transcendent character of the good be of help here? In relation to euthanasia such an awareness is elaborated by taking into account the transgressive nature of the act of euthanasia. Regulations should be designed to do justice to this nature, for example in the concrete sense of stimulating a conscientious moral reflection by the medical experts involved. As for moral reflection on the family, introducing transcendence is a very delicate matter, given the pervasiveness of exclusionary conceptions of the family that identify the good with a particular form of the family. Alternatives are discussed which focus on general human precarity and the conscious commitment to the good of the other. Finally, in order to delve deeper into the specific ways in which transcendence is at stake in the family, the approach to the family as a 'mystery' is elaborated in relation to concrete moral debates on the family.

Thus, in all contributions to the volume metaphysical, epistemological, and empirical perspectives are present, but the emphasis on each of them differs for the three parts of the book. This leads to a rich discussion of the central question of how attention to the transcendence of the good may be of value in the contemporary moral climate of pluralism and polarization. Below a brief analysis is given of the harvest of these discussions.

4 Implications of Understanding the Transcendent Good as Real

A first metaphysical issue is the question of how the transcendent relates to the material or immanent world. *Fiona Ellis* deals with this aspect by engaging in a dialogue with the central critic of the idea of a transcendent good, that is, with naturalism, which argues that "the natural world is the only world there is" – the "dominant programmatic approach in contemporary Anglo-American philosophy." (23, 26) Here, naturalism is actually a form of anti-supernaturalism, which argues against "weird entities

and/or realms of being – things like immaterial souls, Platonic forms and divine beings, all of which stand outside the natural world." (23) According to *Ellis*, however, naturalism is not incompatible with a transcendent dimension. What is more, the fact that we are valuing and, in particular, loving creatures implies that such a dimension must be accounted for in our worldviews. But it should not be understood as dualistically opposed to the world. The dualism of transcendence versus immanence must be put to rest. Rather, love is to be seen as a transcendent reality in which we are immersed. *Ellis* draws on the views of Iris Murdoch to argue for this expanded version of naturalism. Her references to Murdoch also echo the imagery of a moral compass when she speaks of this transcendent reality of love as "magnetic." (29) As moral beings we are aware of this reality as one to which we should be obedient. But that does not mean love is completely realized by us. It remains a "limit which always recedes." (26) *Ellis*, unlike Murdoch, argues that this reality may also be conceived in a theistic framework and called God, referring to Tillich, Bonhoeffer and Paul S. Fiddes. Just like love is both a reality in which we are immersed and "that by virtue of which we move towards" (31) love, God's presence is something in which we participate and which also draws us to the divine. In his response, *Rob Compaijen* points out that Murdoch's view of transcendence approaches it as a reality. This reality is transcendent in that it is "revealed," something which exists as "alien to me, something which my consciousness cannot take over, swallow up, deny or make unreal." (40)

In his contribution *Nigel Biggar* also takes a theist, and realist perspective on morality. While *Ellis*' aim is to show the atheist naturalist opponents that this is a "position worth taking seriously" (33), *Biggar's* approach is the other way round. He explicitly starts from Christian belief and subsequently investigates its capacity for moral universality. He finds the basis for Christianity's universal orientation in the understanding of God as a unity, that is, unrivaled and internally unified. From this unity or sovereignty follows that God's creation is a "fundamentally coherent and ordered" (52) world, a unified reality also from a moral point of view. This means morality is not a human construction but a reality "given before human thinking and acting," which *Biggar* calls the good, or human flourishing. The existence of this good means that there are concrete goods in the world that are universal, "things that deserve to be loved, and in loving which human creatures flourish." This view is corroborated by the actual existence of human rights which are universal, or at least transcend concrete cultural settings and which protect universal goods. This means the transcendent character of the good is here understood primarily as culturally transcendent, which is founded in the unity of God.

The elaborations of the transcendent good in realist and theist terms give rise to the question of how human beings may be aware of this

transcendent reality and orient themselves toward it. *Ellis* deals with this issue briefly when referring to Paul S. Fiddes' relational understanding of God's being: God is the love in which people may partake when standing in loving relationships to others. Thus, love becomes the central notion to elaborate the image of the moral compass. *Biggar* underscores the centrality of love as a critical perspective on concrete laws and human rights, and a duty- or rights-based approach to morality. Love is a duty that surpasses our liberty-rights. *Compaijen's* contribution takes a closer look on the issue by focusing on what Murdoch's thinking may offer to understand the way in which we can attune ourselves to this transcendent reality of love. The term which *Compaijen* highlights in Murdoch is "moral vision" which is further explained as "looking again" (36) at a situation, with attention and with an eye to moral discernment. This idea emphasizes that in spite of its "real" character, the good, or love is not easy to relate to for human beings. The above mentioned "revelation" of the transcendent reality of love requires the "patient eye of love" (39) from human beings. According to *Compaijen*, moral vision may be interpreted concretely in the sense that we become aware of other human beings as really other, independently of ourselves. This implies a critique of the predominant reductionist way of approaching the other by grouping him under a common denominator, or universal category. It also means having an eye for the particular values of the other. All this should be seen as involved in arriving at a concrete discernment of what to do in a specific situation. A good moral vision is further specified as "attention," which implies love, justice, patience and humility. This means transcending our closed self, our selfish nature, or our "fat relentless ego" (46), becoming open to the other independent of us instead of making others into objects of our (dis)liking.

Murdoch focuses on a change in perception – "looking again" – in order to grow in awareness of the transcendent reality of love or the good. *Compaijen* distinguishes this approach to moral discernment from a more discursive or cognitive one in terms of reasoning or deliberation. For the latter he finds too little attention in Murdoch. This is understandable given her characterization of morality as obedience, and in that sense a necessity, but her view does not account for real differences in morality. This is a problem which *Maarten Wisse* also raises in his response to *Biggar's* contribution. *Biggar's* realist approach to the good on the basis of God's unity claims to be compatible with the recognition of the plurality of concrete moral views. The latter are interpretations of the universal moral principles. Concrete law systems shaped by specific cultural circumstances protect universal goods. *Wisse* analyses this unifying thinking about morality as inspired by an Enlightenment approach, directed at finding objective foundations underlying diversity. He subsequently questions it by asking whether it does not in the end regard moral difference as regrettable and a result of sin or evil, but also

as not real. To overcome this problem, *Wisse* introduces an Augustinian approach, in which love is again the central notion. For Augustine, love is love for God or the highest good and therefore identical with justice and the fulfillment of human life. In creation this love is present and guiding. That does not mean that there is a direct or complete sensitivity or access to the good for human beings. In that sense the good remains transcendent. This has to do with sin, the fact that human beings are not in the highest possible way directed toward God in their love as a result of which love for the neighbor and the self lose their embedding. On the other hand, the sensitivity to the good is never completely lost. Human beings can be reminded of the good – an idea which calls to mind the moral compass image. On the other hand, it is only through faith in Christ or grace that one may grow in love and righteousness. It is the presence of this "Transcendent Third" (78) among us that grounds and reveals the creatureliness of all human beings and thus enables to live with real differences. This reminds of Murdoch's transcendent love which enables to be attentive of others as really different from ourselves instead of objects of our desire or our competitors. But for Murdoch this love does not need to be identified with God.

5   Attuned to the Transcendent Good?

The central question of Part II of this volume is what the specific place or role is of God or Christ in being attuned to the good, as distinguished from a general human sensitivity or inclination to the good. A particular tradition, that of Protestant Christianity, is explored for its clarifying potential as regards this question because this has put more emphasis on the divine role than other Christian or Abrahamic traditions. Thus, a Protestant perspective has long been understood as characterized by a primacy of divine law in contrast to natural law and cultivation of virtues. *Jennifer Herdt* points out the recent correction of this picture in theological ethics on the basis of a renewed reading of the Reformation sources. On the basis of this revision, *Herdt* elaborates a view of the human telos of virtuousness which may very well be read in line with the image of the compass. Conforming to recent readings of Aristotelian virtue ethics *Herdt* emphasizes the good as independent from human beings, but also as that to which they are inclined by nature. What makes them moral agents is their reflexive capacity to ask whether something is good. This capacity is of course shaped by our social embeddedness which brings along specific norms. The correctness of such norms can be debated critically, which does not do away with the truth value they have. There are thus myriad goods and ways to respond to them. Theology may contribute precisely to a better understanding of this relation of the one good to the plurality of goods by pointing out the character of creation. God's goodness is refracted in the myriad forms of creaturely

goodness. This allows for an acknowledgment of each specific goodness as different but also as really good because of its common source and ground in the one good.

In his response, *Pieter Vos* affirms *Herdt's* view of Protestants ethics as compatible with Aristotelian virtue ethics, but localizes the theological contribution in a different area. According to *Vos*, an Aristotelian natural law approach does not give enough insight into the transcendent character of our norms. It is precisely this aspect that may be elaborated by drawing on Protestant understandings of divine law. These reveal that there is not just normativity as an ongoing dialogical, critical process of protecting the myriad forms of goodness, but also at a transcendent, in the sense of a more general, perhaps even universal level of basic moral boundaries, indicated precisely by the "though shalt not" commandments of the Decalogue. Transcendence is also at stake in the unconditional moment of experiencing the call to responsibility. This moment should be distinguished from concrete duties based on particular norms. Divine law may then be seen as "the demand of responsibility itself" (119) which I experience as not laid upon me by myself. When such a transcendent moment is accounted for, a different view arises of the process of critical reflection on particular practices and valuations than with *Herdt's* naturalism. It creates a free space beyond that limited by concrete norms and thus enables a critique of these norms. As a result, the individual person is more emphatically in view as the one who has to do right. The human being stands before God which means an accountability which cannot be covered by our human understandings of natural or divine law alike.

David VanDrunen and *Dominique Klamer* also point out the importance of the transcendence of the divine law but relate this to a different aspect of Aristotelian ethics, that of virtue. They do so in close reference to early Reformed theological ethics. This aspect of virtue is important to do justice to both the transcendent moment of morality and the actual good practice in the material world. In that sense the concept of virtue may be paralleled to the idea of the moral compass. Virtues orient people toward the transcendent and in that sense objective good of the divine law. According to *VanDrunen* they "illuminate the law's requirements" and "enable people to do what divine law requires." (129–30) But in order to know what the virtues are, the Aristotelean guidelines of prudency and reason embodied in virtuous persons are not enough because they involve a circularity. They do not provide a normative standard to evaluate habits and persons as they, in the end, refer back to themselves. Divine law does provide such a standard by prescribing what we should or should not do. This reminds of the first moment of transcendence as a general normative standard indicated by *Vos*. Second, *VanDrunen* finds in early Reformed theology's view of divine law a strong transcendent moment in that it orients virtue to God, and thus escapes the immanent

self-referentiality of Aristotle. Finally, the transcendent character is clear in that divine law should not be understood in terms of a series of rules, but as a moral order. Again, this is already implied in the virtues, which orient not toward specific concrete goods, but describe "an attitude or a posture – a way of living in this world." (131) This understanding of law as moral order subsequently gives room to the concrete diversity of "living properly." (135)

Klamer further specifies early Reformed views of the relation between divine law and virtue in reference to the thinking of Petrus van Mastricht (1630–1706). Here *VanDrunen's* understanding of divine law as "moral order" becomes clear in that virtues are not to be understood as "outward" doing of what is commanded or a "blind obedience." (145–6) They just as well imply an "inward" moment of doing it "with the heart, not with the mouth, gestures and whatever external instruments," that is "a confident obedience." This moral order is universal. The biblical divine law of the Decalogue should be understood as an "abridgement of the virtues." (140) Natural and divinely revealed law are thus not in tension with each other for Van Mastricht. They are both to be seen as expressions of God's very own nature – an understanding which reminds of *Biggar's* founding of universal moral law in God's unified being. Apart from the attention to the inward and outward aspects of doing the good, the concept of virtue also enables to understand a growth in goodness.

6 Probing the Meaning of the Transcendent Good in Debates on Euthanasia and Family

The third part of this volume probes the value of the idea of the moral orientation to the transcendent good in two concrete fields of morality, that of reflection on euthanasia and family. *Willem Lemmens* starts from the observation that although the Belgian euthanasia policy, established in 2002, seems to be widely accepted, a closer look reveals an ongoing, unsettled public debate. In his analysis of why this is the case, he points out that although euthanasia belongs to the domain of medicine, it is a non-therapeutic act. This character is prominent in particular in the case of unbearable suffering in which death is not at all imminent, like in psychiatric diseases, or dementia. *Lemmens* specifies euthanasia as an act of moral and existential transgression. While medical acts are in general transgressive, euthanasia is so in a morally charged, existential sense because it is not about healing but about actively ending life. As a result, the doctor is never just addressed in his medical expertise but also as a morally responsible human person, who is supposed to act "in good conscience." This means that euthanasia is an area of medical practice with less clear criteria. It cannot completely be captured as a "purely contractual-procedural act," or a sort of right of patients. It will never become completely normalized but always lead to debate, as

is underlined by current reports of individual conflicts of conscience, disagreement between doctors on a specific case, or between loved ones and medical staff.

According to *Lemmens*, this embarrassment concerning euthanasia is clearly a good thing. But he notices that public opinion holds a different view. Here, euthanasia is presented as a normalized or standardized issue. It is the morally correct way of dealing with human finitude, covered by the law. The critics of euthanasia are mostly characterized as conservative or inhumane, and accused of lacking respect for the autonomy of human beings. The law has thus become the first and last framework to discuss euthanasia. In *Lemmens's* view, this status implies that it is something to hide behind, in order to leave the aspect of conscience out of the picture. In terms of our moral compass image this could be expressed as that a compass is there in the form of human conscience, but that it has no embedding. The reigning policy and law do not stimulate an appeal to conscience and thus an active orientation to the transcendent good. Moreover, a sensitivity to the transcendent character of the good is not stimulated when the law is regarded as a morally adequate procedure of dealing with the transgressive act of the ending of a life. Finally, the transcendent nature of the good in the sense of having a sacred dimension is not easily acknowledged, although this sacred character is obviously acute in acts related to the liminal moments of birth and death. *Lemmens* is convinced that this sensitivity, and thus our conscience as a moral compass are still present, which he sees confirmed in the fact that euthanasia remains controversial.

In their response *Theo Boer* and *Stef Groenewoud* join *Lemmens's* analysis that the special, transgressive character of euthanasia requires continuous and comprehensive moral reflection. But they are more pessimistic as regards the aliveness of this reflection in practice. The current euthanasia policy of Belgium and the Netherlands does not give the impulses needed to stimulate a practice of deep moral reflection. In fact, only a small proportion of euthanasia reports are discussed with ethical experts. The procedure has largely become a juridical one, although the number of euthanasia cases and the complexity of the cases have increased significantly over the past two decades. How then to "succeed in upholding a public awareness of euthanasia's transgressive character?" (177) For legal incentives do influence people's behavior and character.

Boer and *Groenewoud* give examples of opposite tendencies in current Dutch society. On the one hand, current regulations do not stimulate physicians to reflect on euthanasia cases morally, and even actively oppose it in procedures that follow when irregularities are found. On the other hand, it is clear that euthanasia nevertheless continues to be transgressive for many people and in many situations. The authors refer to their recent empirical research to underpin this claim. In interviews with relatives of people who had euthanasia the transgressive nature is

clear both from the positive and negative experiences. It is clearly not a "natural, peaceful, and pain-free death"(187), in their view. A recent quantitative investigation, second, reveals great regional differences in euthanasia incidence in the Netherlands, varying from a standard option in cases of fatal illness to being practically absent. Another study shows a similar wide range of views among pastors and members of the main Dutch Protestant church. Pastors have a lot of experience with situations of euthanasia, but opinions on it vary among them as well as among their parishioners. These empirical findings point out how important a thorough moral conversation on euthanasia is that appeals to the individual's conscience. The current legislation does all but stimulate this. A reconsidering of the exceptional and transgressive character of euthanasia implies a sensitivity to the transcendent character of the good that is never covered by legislation. Such a reconsideration can be a very concrete way of putting the moral character back on the agenda that may appeal to both proponents and opponents.

In the second field of morality that is explored, that of family life and moral responsibilities, the starting point is not a concrete moral issue, but rather the meta-question of how transcendence is at stake here. *Cristina Traina* first points out that this is a risky question to explore. All too often, transcendence is at stake in the sense of a specific form of family that is claimed as normative, especially on religious grounds, and thus leads to exclusion of all the other forms. This is the main reason family has become an "ideologically and politically fraught" (193) subject, even "hopelessly poisoned." (194) Therefore, *Traina* starts from a strong awareness of the great diversity of family forms through the ages, also in Christian settings in which marriage was privileged. What families in their diversity have in common is that they tie people to a past and a future, to people from different times, even people far way. As such, family runs against current tendencies of individualism and voluntarism, as family concerns largely unchosen relationships. Family makes one aware "that we are always already connected to all people through a network of intimate bonds." (196) "The human family" is literal, not metaphorical.

To further elucidate this familial connectedness, *Traina* turns to Judith Butler's view of human connectedness as originating in our "shared bodily precarity." This precarity puts us in a situation of unchosen "global cohabitation." This implies an appeal, a call: people feel for each other in this vulnerability, experience an obligation to care for others, even distant others of whose disasters we only know via the media. It is here that transcendence is at stake, according to *Traina*. People transcend themselves by being "called out of themselves" (197, 202) to others in their precarity. They do not choose to be called. But the "pledge that ideally follows" (203) this call should be voluntary. This pledge consists in a "dedication to a shared good beyond oneself that includes oneself, a

transcendent good that can be had only through intimate commitment and care to others individually and in community." (203) The concrete implications of this commitment vary by time and place and for each family. As such families are a "school and platform for broader networks of justice" (202), that is, for dedication to a transcendent good. But they also open us to transcendent goods "inaccessible to us in isolation." (204) Our voluntary commitment to others "draws upon power that we do not generate ourselves." (203) This power has to do with the reciprocal character of dependence: others depend upon us just like we on them. Christians speak of God's grace to name this power. Experiences of precarity are part of ordinary life. Such experiences may be acknowledged as "transcendent goods" precisely in sacramental acts and theological understandings of this sacramental character. An eye for sacramentality reveals ordinary experiences of love and solidarity in the family as "open[ing] us to transcendent realities inaccessible to us in isolation." It is this kind of non-exclusive transcendence *Traina* is looking for: an "acknowledging and consecrating of ordinary life's transcendence without tying that consecration to a single form." (204) Thus, she aims to overcome the poisoned character of the family as a moral theme.

In my response to *Traina* in the final article of this volume, I evaluate the contribution of her approach to the fraught moral debate on the family. First, I point out how difficult it is to account for the specific character of the call out of ourselves in the context of the family if one starts from precarity and the variety of family forms. A closer analysis of Butler's thinking reveals that family is a theme this is remarkably absent in her reflections on precarity and unchosen cohabitation. In her work on Antigone, she rather proposes a radical kinship perspective that does not reduce it the family. The reason for it is precisely the exclusionary character of the notion of family, which Butler experiences fiercely in her own life. This suspicion against understanding the family as a distinct phenomenon, also in a moral sense, is, obviously, more broadly present and hinders open moral discussion. It seems difficult to overcome this suspicion by seeking common ground among all conversation partners in a focus on our general human precarity and the implied call to care, because this does not sensitize to the specific complexities of "familial cohabitation." Therefore I consider two different ways of approaching the theme of the family, that of family as symbol and as mystery.

For the symbolic mode of approaching the family I refer to the French philosopher Jean-Philippe Pierron. He proposes a symbolic understanding as an alternative to the prevailing views of idealization of a "model family," instrumentalization for a political or economic purpose, and relativistic views that no longer regard family as a meaningful structure. Specific to a symbolic understanding is its ability to express an ambiguity or dialectics of seemingly opposed meanings. In the symbol of the family this dialectics concerns that of sameness and difference.

An active entering into this dialectics is needed to arrive at the recognizing of oneself in a "lineage" (219) which extends to the past and the future. This recognition is crucial for being human. Symbols stimulate an open way of engaging in this project of recognition while also expressing what is characteristic of the family. While I regard the attention to the irresolvable ambiguity as a crucial contribution to moral conversation on the family, Pierron's elaboration of it in terms of recognition seems to specify the tension too quickly. A stronger emphasis on the inextricable givenness of familial belonging or dependence is found in the mystery approach of Gabriel Marcel. He distinguishes the family as mystery from an approach to it as a problem. While the latter differentiates between all kinds of problematic aspects of family in order to solve them, mystery aim for an understanding of the continuity in these aspects. In elaborating this approach, much thought is given to the attitude that is required for it: one of respect and piety. Thus, life in all its complexity may be experienced in the family as a gift, something to receive and pass on. Marcel regards this as a transcendent moment of catching "a glimpse of the meaning of the sacred bond which it is man's lot to form with life." (220)

The attention to the attitude needed to discuss the moral character of the family is in my view a promising approach to get beyond the current poisoned nature of the topic of the family. The sensitivity to the transcendent moment in experiencing the family inherent in a mystery approach may create a common ground in topical moral conversations. I elaborate this for three sites of conversation on the family in politics, social work, and euthanasia. In all these settings attention to the specific unnameable yet strong experience of the givenness of being dependent on one another, or of an "inextricable belonging" (219) and of the "call out of ourselves" is helpful. It elucidates the self-evident appeal of governments on the family for care, the difficulties of dealing with loyalty and care in families by social workers and the shying away of the role of the family in euthanasia wishes. These conversations are too important for the moral health of current societies to leave to politicians, social workers, or medical experts. As family plays a role in all our everyday lives, even when it is practically absent, it is a likely phenomenon to initiate moral conversation. A mystery approach to the topic with its sensitivity to the transcendent moment may lift such conversations above the current polarized debates, or relativist disinterest.

7 Academic Reflection and Public Debate

This volume is the first joint international academic publication in the Moral Compass Project. The above analyses reveal both the breadth of the project and its coherence. In the articles, as in the subprojects, the topic of the transcendent good is addressed at different levels: metaphysical, epistemological, and empirical. But the contributions are held

together by a shared horizon. This is the urgency of finding new ways of ethical reflection in the current moral climate with its paradoxical pairing of moralism, polarization, absolutism, and relativism. The commitment to this task finds its way in a next overarching theme to discuss in an academic international conference in 2022: the search for moral common ground. A way to reach a broader audience is the development of an annual, national public campaign in the Netherlands starting in 2022 which aims to stimulate reflection on how moral issues are currently discussed and practice alternative ways of conversation. Using creative cross-media forms – for example, theater combined with short, in-depth video clips, and live discussion – participants are encouraged to have a fundamental conversation about what is good, beyond the rigid and polarized discussions. Reflection on the experiences in this public campaign will subsequently also provide input for the ongoing ethical research in the project. Thus, the Moral Compass Project aims to bridge the gap that all too often exists between academic and everyday moral debates. On the other hand, much room is given, also in this volume, to relating the big moral issues of today to insights from the past and to fundamental approaches. This double approach is characteristic of a theology that aims to be deeply rooted and broadly oriented, sharp-minded and rich in spirituality, which are the core values of the Protestant Theological University where the Moral Compass Project is situated. This volume gives an impression of what such a theology may look like.

Part I

Metaphysics

The Nature of Reality and
the Good

1 Liberal Naturalism and God

Fiona Ellis

1.1 Introduction

In my book *God, Value, and Nature*, I defend a form of liberal or expansive naturalism.[1] The naturalist dimension of my position is pretty orthodox from the point of view of contemporary Anglo-American philosophy, for naturalism is the dominant programmatic approach, and it is made clear that this is what we ought to be.[2] Why? Because it is the only way of avoiding the metaphysical and epistemological difficulties of the opposing supernaturalist position. Supernaturalism involves the postulation of weird entities and/or realms of being – things like immaterial souls, Platonic forms and divine beings, all of which stand outside the natural world, and cannot be understood to be a part of it.[3] The naturalist protests that there is no way of explaining how this supernatural realm relates to our ordinary familiar world, that there is an equal mystery of how we gain knowledge of it, and that we can explain what needs to be explained without making this problematic metaphysical detour. Naturalism is a form of anti-supernaturalism in this respect: the natural

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1 Fiona Ellis, *God, Value, and Nature* (Oxford: Oxford University Press, 2014). A version of this paper was published as "Liberal Naturalism and God," in *The Routledge Handbook of Liberal Naturalism*, eds. Mario De Caro and David Macarthur (London: Routledge, 2022). Thanks to the editors for permission to use this material.

2 See Richard Bernstein, "Whatever Happened to Naturalism?," *Proceedings and Addresses of the American Philosophical Association* 69 (1995): 58; and Mario De Caro and David Macarthur, "Introduction: The Nature of Naturalism," in *Naturalism in Question* (Cambridge, MA: Harvard University Press, 2004).

3 See, for example, De Caro and Macarthur, "Introduction"; John Dupré, "How To Be Naturalistic Without Being Simplistic in the Study of Human Nature," in *Naturalism and Normativity*, eds. Mario De Caro and David Macarthur (New York: Columbia University Press, 2010), 289–303; Barry Stroud, "The Charm of Naturalism," in *Naturalism in Question*, eds. De Caro and Macarthur. Older versions of these criticisms can be found in the papers in *Naturalism and the Human Spirit*, ed. Yervant H. Krikorian (New York: Columbia University Press, 1944), and are well summed up in: John Herman Randall, "Epilogue: The Nature of Naturalism," in *Naturalism and the Human Spirit*, ed. Yervant H. Krikorian (New York: Columbia University Press, 1944), 354–82.

world is the only world there is, and there is nothing beyond it – no God, no Platonic form of goodness, no heaven, above us only sky.[4]

I defend a form of naturalism that can accommodate God. That is to say that on my position, the natural world is God-involving. This is highly unorthodox from the point of view of naturalistic philosophy, for most naturalists (and many theists too!) take these positions to be logically incompatible.[5] By contrast, I want to say that they can both be true – that one can be a naturalist and a theist. The naturalism at issue here takes us beyond the scientistic paradigm which has defined the position until more recently.[6] That is to say, it involves a rejection of the contestable idea that there is no more to the natural world than what the scientist can comprehend. It counts as liberal in this respect, and the world thus understood is a value-involving world. The non-liberal naturalist will see this as a covert way of reintroducing supernaturalism, but Iris Murdoch describes such a position as *true* naturalism, claiming that "the true naturalist…is one who *believes* that as moral beings we are immersed in a reality which transcends us and that moral progress consists in awareness of this reality and submission to its purposes."[7] Murdoch is a true naturalist in this sense, she describes her position as a form of Platonism, and contemporary liberal or expansive naturalists – myself included – are indebted to her vision.

The typical liberal naturalist – Murdoch included – opposes theism and does not engage with the question of the relation between naturalism and God – understandably so if theism and naturalism are logically incompatible. I shall argue that such an attitude presupposes a contestable conception of God, and an equally contestable conception of the moral reality which, on my position, has a theistic dimension. This much casts doubt upon some prevalent assumptions amongst naturalists and atheists, but my position invites equal worries from the theist's camp, and I shall take as my focus two related objections which were articulated and discussed at a recent workshop on naturalism and supernaturalism.[8]

The first objection – expressed by Lynne Baker – is that if any form of naturalism is true, then there is nothing outside the natural world. This means that "reality stops with the mundane" and "nothing is transcendent." The

4 Clear statements of this anti-supernaturalist dialectic are to be found in Stroud, "The Charm of Naturalism," 3, and Dupré, "How to be Naturalistic."

5 See, for example, Alvin Plantinga, *Where the Conflict Really Lies: Science, Religion, and Naturalism* (Oxford: Oxford University Press, 2011).

6 See De Caro and Macarthur, "Introduction," for a detailed exposition of scientific naturalism and some responses to it. See also my *God, Value, and Nature*, Ch. 1.

7 Iris Murdoch, "Vision and Choice in Morality," *Dreams and Self-knowledge, Proceedings of the Aristotelian Society, Supplementary Volumes,* 30 (1956): 32–58.

8 This workshop – which took place at Heythrop College in October 2017 – was part of a project entitled *Supernaturalism and Naturalism: Beyond the Divide*, which I directed with Mario De Caro. Lynne sadly passed away during this time, and her paper – "Beyond Naturalism" – was presented by Kate Sonderegger.

second related objection comes from John Cottingham who objects that on my position I've got to deny that there is anything "external" or "transcendent," whereas he wants to say that "even after discarding silly ideas of 'another place' or a destination where we will be issued with harps (or pitchforks), we still need something external."[9] He then refers to the "radical immanentism" of my own position, distinguishing it from his own commitment to a kind of "divine externality."

I've said already that naturalism, as I understand it, can accommodate God. I take this to mean that it can accommodate the transcendent. Yet, if Baker is right that "nothing is transcendent" on the naturalist picture, then we have a justification for Cottingham's claim that I am committed to "radical immanentism," and that radical immanentism excludes God, assuming that God requires reference to the transcendent. I shall argue that this objection presupposes a contestable metaphysical framework, and that a properly theistic position must reject it. We shall see that there is a knife-edge between theism thus conceived and Murdoch's *true* naturalism. There are important implications here for an understanding of the limits of liberal naturalism, assuming that true naturalism in this sense comes under its umbrella.

1.2 Liberal Naturalism

The naturalist denies that there is anything beyond nature, and it is a common enough refrain amongst naturalists that this world is the only world there is. Thus, John Hermann Randall, writing in 1944, claims that "naturalism" can be defined negatively "as the refusal to take 'nature' or 'the natural' as a term of distinction."[10] "Nature," he continues, has become "the all-inclusive category." In Randall's hands, this is a reductive claim, for he commits to an exclusively scientific conception of nature.[11] This is scientific naturalism, and it is unclear what reason could be given for insisting that nature is to be measured in these terms alone. As John McDowell puts it, "scientism is a superstition," and we should "discourag(e) this dazzlement by science" which leads us to suppose that "genuine truth is restricted to what can be validated by their methods."[12]

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 9 Cottingham's worries were expressed in an email exchange following the relevant workshop.
10 Randall, "Epilogue," 357.
11 Randall, "Epilogue," 358. As he puts it:

> [t]here is no 'realm' to which the methods for dealing with nature cannot be extended. This insistence on the universal and unrestricted application of "scientific method" is a theme pervading every one of these essays [in the volume for which his essay was the epilogue].

12 John McDowell, "Response to Charles Lamore," in *Reading McDowell on Mind and World*, ed. Nicholas H. Smith (London: Routledge, 2002), 295.

McDowell defends a form of liberal naturalism which rejects the offending scientistic strictures, and it promises to accommodate the idea that there are values in the world which make normative demands upon us. It is similar to Murdoch's "true naturalism" in this respect, and it involves nothing spooky or other-worldly, except in so far as we have moved beyond the limits of the world as scientistically conceived. We might even go so far as to describe moral reality as "supernatural" in this respect, "supernatural" being the logical complement of "natural" in the scientific sense.

Liberal naturalism in this sense involves a form of moral realism, and the moral judgements we make in this context are assessable as true or false. This is not to deny that there will be genuine dilemmas and conflicts, and Murdoch talks of the slowness of moral change and achievement, and of the "infinite difficulty of the task of apprehending a magnetic but inexhaustible reality."[13] She refers in this context to the clear vision which comes from imagination, effort, and attention – a vision in which the will becomes a matter of "obedience," and reality is revealed "to the patient eye of love."[14] Her aim is to articulate a moral philosophy in which "the concept of love…can once again be made central," and she talks in this context of an "ideal limit of love or knowledge which always recedes."[15]

Some of this imagery sets Murdoch apart from McDowell, and there is a question of whether she has erred in the direction of a more suspect supernaturalism. But what does it mean to be appropriately suspect in this context? It is not enough to say that the offending position involves reference to a weird realm of being, for the liberal naturalist commits this error from the viewpoint of the scientific naturalist, and scientific naturalism is itself suspect.[16] So there's nothing weird to the idea that there are dimensions of nature which elude science, and which count as supernatural in this innocuous sense, and contemporary expansive naturalists are adamant that the natural world is the only world there is. Witness James Griffin:

> [v]alues do not need any world except the ordinary world around us … An other-worldly realm of values just produces unnecessary problems about what it could possibly be and how we could learn

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13 Iris Murdoch, *The Sovereignty of Good* (London: Routledge, 1970), 42.
14 Murdoch, *The Sovereignty of Good*, 37–40.
15 Murdoch, *The Sovereignty of Good*, 28.
16 In any case there is nothing weirder than the things discovered by science. As Mark Platts puts it: "The world *is* a queer place. I find neutrinos, aardvarks, infinite sequences of objects, and (most pertinently) impressionist paintings peculiar kinds of entities; but I do not expect nuclear physics, zoology, formal semantics or art history to pay much regard to that" ("Moral Reality and the End of Desire," in *Reference, Truth, and Reality*, ed. Mark Platts (London: Routledge, 1980), 72).

about it. All that seems right to me right. But to defend it, one does not have to adopt a reductive form of naturalism.[17]

What of Murdoch's claim that moral reality has an infinite elusive character, and that we face the task of apprehending a magnetic but inexhaustible reality? After all, Murdoch is a Platonist, and Platonism involves reference to a realm of forms which is grounded in the ultimate form of goodness. McDowell defends Plato against the suspect supernaturalist charge by describing him as a naturalist "with a penchant for vividly realised pictorial presentations of his thought."[18] He distinguishes this down to earth Platonism from the "rampant" variety in which moral reality lies in some inaccessible beyond.[19]

  The implication here is that Plato's position can be shorn of the picture-thinking, and that it is equivalent to a liberal form of naturalism in this respect. But how are the limits of such naturalism to be understood? What if the picture-thinking has a point which goes beyond the purely ornamental? And what if the so-called rampant variety is itself just a pictorially vivid way of making this point? I am thinking here of the idea – so important to Murdoch (and Plato too) – that the truths at issue in this context lie at the blurry limits of our capacity to comprehend. There is no obvious reason for insisting that such epistemic humility is suspect; nor does it require reference to another world except in so far that such talk is just a vivid way of giving expression to our limitations.[20]

  McDowell uses the imagery of darkness to refer to that which exceeds the limits of his own liberal conception of nature, he makes clear that "natural" as he understands it is "not supernatural (not occult, not magical)," and adds:

> There is no need for me to take a stand on whether *everything* is natural in that sense (thereby, among other things, giving needless

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17 James Griffin, *Value Judgement: Improving our Ethical Beliefs* (Oxford: Clarendon Press, 1996), 44.

18 John McDowell, "Two Sorts of Naturalism," in *Mind, Value, and Reality*, ed. John McDowell (Cambridge, MA: Harvard University Press, 1998), 177, note 19.

19 John McDowell, *Mind and World* (Cambridge, MA: Harvard University Press, 1994), 21.

20 McDowell seems to concede this point when he tells us that: "The remoteness of the Form of the Good is a metaphorical version of the thesis that value in not in the world, utterly distinct from the dreary literal version that has obsessed recent moral philosophy. The point of the metaphor is the colossal difficulty of attaining a capacity to cope clear-sightedly with the ethical reality that *is* part of our world. Unlike other philosophical responses to uncodifiability, this one may actually work towards moral improvement; negatively, by inducing humility, and positively, by an inspiring effect akin to that of a religious conversion." He adds in a note that this view of Plato is beautifully elaborated by Murdoch, "Virtue and Reason" (McDowell, *Mind and World,* 73).

offence to people who think respect for modern science is compatible with a kind of religious belief that preserves room for the supernatural).[21]

He seems to be suggesting that the relevant mysterious dimension, such as it is, can have no bearing upon an understanding of the natural world and our natural human being. It is, after all, "occult" and "magical," and seemingly sealed off from anything to which we could be receptive by virtue of our natural human being, including, of course, the moral reality with which we engage at this level.

The implication here is that there is nothing intrinsically mysterious about moral reality,[22] and that any darkness should be relegated to that which is supernatural in a more suspect sense. We are to suppose that it is in this context that we ascend to the level of religious reality. The idea that moral reality is unmysterious takes us some distance from Murdoch's true naturalism, and Murdoch takes herself to be defining and defending an authentic form of religion in this context – religion without God as she sees it.[23] So both McDowell and Murdoch are in the business of articulating an atheistic liberal naturalism, but Murdoch takes the moral reality at issue to be infinite in its mystery, depth, and religious significance, whereas McDowell seems to want to relegate any mystery to the realm of the supernatural, the supernatural in this context having a religious significance which has no bearing upon morality.

The assumption here is that religious reality takes us into the realm of suspect supernaturalism, and that it does so by committing us to a second, supernatural, realm in addition to the natural world. The charge is familiar, as is the response, for we can ask again whether there isn't a more sympathetic way of interpreting the idea that religious reality is supernatural, and, equally to the point, what the argument is for insisting that it is to be dualistically opposed to the moral. Murdoch herself insists that moral philosophy should attempt to retain a central concept which has all of the characteristics traditionally associated with God, where God "was (or is) a *single perfect transcendent non-representable and necessarily real object of attention*."[24] This concession is significant and the ambivalence palpable, but Murdoch agrees that suspect supernaturalism is to be avoided, reserving the complaint for theism. Theism counts as such in the sense that its defining beliefs involve reference to supernatural phenomena (God is a supernatural person, heaven is a

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21 "Reply to Fink," in *John McDowell: Experience, Norm, and Nature*, ed. Jakob Lindgaard (Oxford: Blackwell), 218.

22 But see the caveat in note 20.

23 See, for example, "The Ontological Proof," in Iris Murdoch, *Metaphysics as a Guide to Morals* (London: Chatto and Windus, 1992), 419–25.

24 Murdoch, *The Sovereignty of Good*, 55

supernatural place),[25] and this supernaturalism is problematic not only because it detracts attention from what really matters (i.e., morality), but because it points in the opposite direction. It does so by pandering to our egoistic desires, when, for example, we are motivated to be moral for the sake of heavenly rewards.[26] This is a clear argument for concluding that theism stands opposed to the moral, but Murdoch's egoistic interpretation can be contested, and her aspirations for moral philosophy pose a challenge to the idea that a properly moral life must dispense with God.

1.3 Rethinking God

I have sought to question the idea that the God/nature and God/morality distinctions are as absolute and unambiguous as the typical naturalist assumes. Murdoch makes a move in this direction by defending a type of naturalism in which the transcendent plays a fundamental role. However, she dissociates this naturalism from theism, identifies theism with suspect supernaturalism, and recommends that we believe instead in "the unique sovereign place of goodness or virtue in human life."[27] Goodness in this context is the "magnetic centre towards which love naturally moves," and it is in this sense that we have a moral philosophy in which the concept of love is central.

Murdoch's true naturalism poses a challenge to morally deficient forms of religion and theism, and we can agree – as many theologians have agreed – that the conception of God as a supernatural person raises difficulties, and that God thus understood is easily sidelined when set against the intra-worldly loving relations which are so obviously central to a properly human life. Yet those who take such a conception seriously can insist that we are up against the limits of language in this context, and that the description is not intended to be taken in these literalist terms – as if God is an infinitely remote super-being with no bearing upon our loving relations with others. The point is familiar from my previous defence of picture-thinking, but there is a more interesting response in this context – one which grants the relevant conceptual obstacles whilst insisting that there are better and worse pictures in this context, and some which can help us to make better sense of the idea that God and nature (and hence, God and morality) are inextricably tied.

This diagnostic approach is to be found in John Robinson's famous 1963 book *Honest to God*.[28] Robinson's book is indebted to various German theologians, all of whom seek to move beyond dualistic supernaturalism and reductive naturalism. The naturalist critique of

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25 Murdoch, "The Ontological Proof," 419–25.
26 Murdoch, "The Ontological Proof," 426.
27 Murdoch, "The Ontological Proof," 426.
28 John Robinson, *Honest to God* (London: SCM Press, 1963).

supernaturalism allows us to tear down an idol – namely, the idea of God as a distant supernatural being – whilst theism allows us to "challenge the naturalist's assumption that God is merely a redundant name for nature or for humanity" and to safeguard God's transcendence.[29] But what does it mean to introduce a transcendent God? Robinson answers this question with the help of Paul Tillich. Tillich tells us that:

> To call God transcendent [...] does not mean that one must establish a "superworld" of divine objects. It does mean that, within itself, the finite world points beyond itself. In other words, it is self-transcendent.[30]

Robinson takes this "great contribution to theology" to involve:

> the reinterpretation of transcendence in a way which preserves its reality while detaching it from the projection of supranaturalism [Robinson's term for suspect supernaturalism]. "The Divine," as he sees it, does not inhabit a transcendent world *above nature;* it is to be found in the "ecstatic" character of *this* world, as its transcendent Depth and Ground. Indeed, as a recent commentator has observed, supranaturalism for Tillich actually represents "a loss of transcendence."[31]

The themes, claims, and images are familiar from Murdoch's true naturalism, and Robinson likewise gives centre stage to the concept of love, taking as his starting point Ludwig Feuerbach's claim that the true atheist "is not the man who denies God, the subject; it is the man for whom the attributes of divinity, such as love, wisdom, and justice, are nothing."[32] Robinson grants that this is very near to his own position in the sense that he is wanting to interpret theological assertions as assertions about human life, but he insists that this is *not* a form of atheism, for love thus understood is grounded in God. It is in this sense that we can agree with Dietrich Bonhoeffer that "God is the "beyond" in the midst."[33] As for the worry that this picture involves a *denial* of God's transcendence, the proper response is to point out – with Tillich – that it is the opposing dualistic picture which carries this implication. It does so by reducing God to this-worldly categories – he becomes "one object

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29 Robinson, *Honest to God*, 32.
30 Paul Tillich, *Systematic Theology*, vol II, 8. Quoted in *Honest to God*, 34.
31 Robinson, *Honest to God*, 34.
32 Robinson, *Honest to God*, 30.
33 Robinson, *Honest to God*, 32.

among other objects" as Karl Rahner put it – and on a level with any other thing in this respect.[34]

The idea of God as love has been developed more recently by Paul S. Fiddes.[35] Fiddes argues that it offers a real alternative to the offending dualistic picture, for it allows us to say that God's being is irreducibly relational, and that we partake in this reality when we stand in loving relations to others. Understood from this perspective the distinction between God and world is no longer to be modelled on two externally related items between which there is an insurmountable gap. The picture is rather of a circle within a circle – the large circle corresponding to God's infinite love, and the small one capturing the sense in which we ourselves are capable of partaking in this love by standing in loving relations to others. Fiddes adds that it is an implication of this position that "the presence of God will always be hidden in the sense that it cannot be observed or known as an object of perception, but can only be participated in… God is not the *object* of desire but the one in whom we desire the good."[36]

I am gesturing towards a position that requires extensive thought and elucidation, but what little I have said suggests that its structure offers a way of avoiding a conjunctive conception of the God/world relation, and that it has much in common with Murdoch's true naturalism. We are immersed in a reality which transcends us, love is central to this framework, and love is that by virtue of which we move – however falteringly – towards this infinite reality. As for the worry that Murdoch's Goodness is too impersonal to admit of theistic characterization, it should be clear from what has been said that there is a real and unresolved issue concerning what it means to describe God in personal terms, and whether those terms are admissible. We are reminding here of Feuerbach's important point that the true atheist "is not the man who denies God, the subject; it is the man for whom the attributes of divinity, such as love, wisdom, and justice, are nothing."

34 Karl Rahner, *Foundations of Christian Faith: An Introduction to the Idea of Christianity*, trans. William V. Dych (London: Darton, Longman, and Todd, 1978), 61.

35 Fiddes defends this conception of God in his "The Quest for a Place Which Is 'Not-a-Place:' The Hiddenness of God and the Presence of God," in *Silence and the Word*, eds. Oliver Davies and Denys Turner (Cambridge: Cambridge University Press, 2002), 35–60. His more recent "God is love: Love is God. A Cutting-Edge Issue for the Theology of Love" raises some important issues for the epistemological points I shall be raising. This paper can be found at https://loveinreligionorg.files.wordpress.com/2017/02/fiddes-god-is-love.pdf, accessed July 19, 2021.

36 Fiddes, "The Quest for a Place," 55.

1.4 Responding to Baker and Cottingham

I have made theistic sense of Murdoch's true naturalism, and I want now to spell out the implications for an assessment of the objections advanced by Baker and Cottingham. Baker's worry is that, if any form of naturalism is true, then there is nothing outside the natural world. She takes this to mean that "reality stops with the mundane" and "nothing is transcendent." Cottingham protests in similar vein that the naturalist has to deny that there is anything "external" or "transcendent," and that all that remains is a "radical immanentism."

Naturalism in the sense with which I am concerned is to be distinguished from radical immanentism as Cottingham understands it, for Cottingham's radical immanentism is a form of atheism, whereas the natural world as I understand it involves God. Furthermore, it involves God in a sense that should be acceptable to Cottingham, for I agree with him that there are intimations or traces of God to be found in the natural world, and that they are manifest, for example, "in the compelling power of our moral sensibilities."[37] Cottingham objects that a naturalist has to deny that there is anything "external" or "transcendent," whereas he wants to say that "even after discarding silly ideas of 'another place' or a destination where we will be issued with harps (or pitchforks), we still need a kind of divine externality." This suggests that Cottingham agrees with me that God is not externally related to the world in the way that things within the world are spatially related, but he thinks that a liberal naturalist picture cannot accommodate *divine* externality. That is to say, Cottingham thinks that on my position God is *reducible* to the world.

I have explicitly denied that God is reducible to the world, and have argued that the proposed framework offers the prospects for *safeguarding* God's transcendence rather than eliminating it. It does so by guaranteeing that God is irreducible to any finite measure, and allowing that God's infinite reality has depths which exceed our powers of love and knowledge. We are immersed in a reality which has an ever-receding limit in this respect, and, being so immersed, we must give up on the idea that the relation between God and the world is a conjunctive relation – as if God and the world add up to two, as Herbert McCabe puts it in the context of making a similar anti-dualistic point.[38] Indeed, I am happy to describe this liberal naturalism as a radical immanentism, provided that it is made clear that the force of "radical" in this context, rather than signifying a thoroughgoing athe-

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37 See John Cottingham, "Transcending Science: Humane Models of Religious Understanding," in *New Models of Religious Understanding*, ed. Fiona Ellis (Oxford: Oxford University Press, 2018), 39.

38 Herbert McCabe, "Creation," in *God Matters* (London: Continuum Press, 1987), 6.

ism, serves to capture the position which becomes available once the transcendent/immanent dualism has been put to rest. This, I would contend, is the truly radical approach.

What I have said addresses Baker's worry that naturalism fails to accommodate transcendence, and it also offers a response to her objection that if naturalism is true, then there is nothing outside the natural world. Certainly, there is nothing outside the natural world if this involves denying that God lies beyond the natural world or is somehow in competition with it. As I've made clear, however, it does not follow from this denial that God is reducible to the world, and to suppose that it does is simply to propagate the offending dualistic framework – one according to which God must either be out there in the manner of a supernatural being or squeezed out of the picture altogether. Neither of these pictures can accommodate God's transcendence.

What of the worry that if naturalism is true then reality must stop with the mundane? Liberal naturalists like Griffin make a point of describing the natural world as "ordinary" and "familiar," no doubt to fend off the worry that the position involves anything remotely weird. Perhaps there is a similar motive at work in McDowell's unwillingness to allow that moral reality could be mysterious in a religiously significant sense. McDowell's position is open to challenge in this respect, and from a purely phenomenological view it seems absurd to deny that the world can be strange, extraordinary, enchanting, terrifying, ecstasy-inducing and all of the other things which are excluded if we settle for no more than the ordinary and the familiar. Perhaps the limits of the ordinary and the familiar are suitably expanded in Griffin's more liberal scheme of things, but I take it that Baker's reference to the mundane is intended to confine us to a disenchanted nature, and the naturalist can resist these terms of debate.

1.5 Moving Ahead

I have defended a conception of naturalism which is inspired by Murdoch's true naturalism, but which is to be comprehended theistically. I am not suggesting that this position is mandatory; the point is simply that it is worth taking seriously, and that some standard objections to it can be overcome. The pliability of the term 'naturalism' should be clear from all that has been said, and although the orthodox liberal approach is atheistic, this atheism is premised upon a contestable and highly problematic conception of God. I have argued that we should reject the offending conception, whilst allowing (with the typical liberal naturalist) that the reality in which we are immersed is a value-involving world. The idea that it points in the direction of God becomes infinitely less weird if we remind ourselves that this does not mean that there is a

weird super-being at the end of the journey. As a wise man once put it, perhaps we are already deep in God.[39]

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39 The wise man in question is John McDade who made this point at the end of his wonderful little paper "Heaven, Then and Now," *New Blackfriars* 83/971 (2001): 42–8.

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2 Murdochian Moral Vision

Rob Compaijen

2.1 Introduction

We regularly face the question of what we should do in the particular situations we find ourselves in. We are all aware, that is, of what Martha Nussbaum describes as "the sheer complexity and agonizing difficulty of choosing well."[1] One way of responding to this complexity is through reflection or deliberation. One can ask such questions as: who are involved in the situation, which options for acting do I have, how do I weigh these options, and so forth. Another way of responding to the complexity is by 'looking again.' One can attend carefully to it, attempt to discern what is at stake and see what should be done.[2]

What I have rather loosely described as 'looking again' is an instance of what can be described more strictly as 'moral vision' or 'moral perception'. Moral perception is commonly understood as the capacity and activity of discerning value in the world, discerning what, morally speaking, is at stake in the particular situations we face, discerning what we should do in those situations, and so forth.[3] Yet, how should we understand this? What, exactly, is involved in such perceptual activity? In this chapter, I explore these questions by focusing on Iris Murdoch's account of moral vision. One reason for doing so is that her account has been very important in the contemporary resurgence of interest in moral

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1 Martha Nussbaum, "The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality," in *Love's Knowledge* (Oxford: Oxford University Press, 1990), 55.

2 Importantly, these responses do not contradict, let alone exclude one another. One can use the insights arrived at by looking again as the enriched input in the deliberative process. Or one can use an impasse in the reflective process as a reason to look again.

3 Recent years have seen a resurgence of interest in moral perception. See for example: Martha Nussbaum, "The Discernment of Perception"; Lawrence A. Blum, *Moral Perception and Particularity* (Cambridge: Cambridge University Press, 1994); Timothy Chappell, "Moral Perception," *Philosophy* 83 (2008): 421–37; Robert Audi, *Moral Perception* (Princeton: Princeton University Press, 2013); Anna Bergqvist and Robert Cowan, eds., *Evaluative Perception* (Oxford: Oxford University Press, 2018); Werner Preston, "Moral Perception," *Philosophy Compass* 15 (2020): 1–12.

perception. Another reason is that she develops a very comprehensive account of these matters.

The outline of this chapter is as follows. In Section 2.2, I will briefly discuss the background of Murdoch's account of moral vision. Next, in Section 2.3, I will focus on the notion of 'moral vision.' As we will see, Murdoch's account of moral vision functions in two ways: it is both a descriptive and a normative concept. In Section 2.4, I will elaborate the descriptive understanding of moral vision. The normative understanding will be the focus of Section 2.5. Finally, in Section 2.6, I will argue that Murdoch's thought overlooks the importance of deliberation in situations where we face pertinent moral choices.

2.2 The Background of Murdoch's Account of Moral Vision

Murdoch's most elaborate account of moral vision can be found in *The Sovereignty of Good* (1970). Here she develops her views on moral vision in discussion with a conception of moral philosophy that she thinks of as seriously misguided. Much of modern moral philosophy, Murdoch had already argued in several earlier papers, embodies an "exclusive emphasis on act and choice"[4], and essentially thinks of moral life as "a series of overt choices which takes place in a series of specifiable situations."[5] This is a picture of moral life in which it is the situation that requires me to choose that counts, morally speaking. During breakfast, I will have to choose how to respond to my partner after the fight we had last night; at work, I face the decision of who to let go now that the company needs to downsize; back home, my teenage daughter asks me to help her do her homework while I had just decided to visit my father whom I have not seen in a while. On the view Murdoch criticizes, what matters, morally speaking, are these moments, as well as the choices we make and the tangible, observable actions that flow from them.

Murdoch does not want to say that such critical moments of choice and our resulting actions are *not* important. Rather, her point is that focusing exclusively on choice and overt action overlooks the vital importance of how we look at the world. What the offending picture of modern moral philosophy overlooks, Murdoch argues, is that the options we have for choice and action are determined by our perception of the world. In her own words: "I can only choose within the world I can

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4 Iris Murdoch, "Knowing the Void," in *Existentialists and Mystics: Writings on Philosophy and Literature*, ed. Peter Conradi (London: Penguin Books, 1999 (1997), 159.

5 Iris Murdoch, "Vision and Choice in Morality," in *Existentialists and Mystics: Writings on Philosophy and Literature*, ed. Peter Conradi (London: Penguin Books, 1999 (1997)), 76–98.

see."[6] But what does "see" mean here? How does Murdoch understand the capacity for and activity of moral vision? Let me begin by unpacking the notion 'moral vision.'

2.3 Unpacking the Notion of 'Moral Vision'

In this section, I will draw out the contours of Murdoch's conception of moral vision. I will do so by first briefly looking at Murdoch's use of 'vision' (3.1) and then focus on the notion of '*moral* vision' (3.2).

2.3.1. *Vision*

Murdoch believes vision has a central role in moral philosophy. Unsurprisingly, then, her texts employ, as Lawrence Blum observes, "several distinct visual metaphors – perceiving, looking, seeing, vision, and attention."[7] What is lacking here, I believe, is imagining. Imagination, on Murdoch's view, is a crucial capacity in moral life, because, to give just one reason, it enables us to empathize: through imagination, we "picture", for example, "what it is like for people to be in certain situations (unemployed, persecuted, very poor)."[8] Moreover, as the verb 'picture' already suggests, Murdoch understands imagination in visual terms, characterizing it, for example, in terms of "the effortful ability to *see* what lies before one more clearly, more justly, to consider new possibilities."[9] Understanding that imagining is a form of moral vision is important, because it allows us to see that Murdoch's conception of 'vision' typically goes beyond strict sensory perception. In fact, I take it that the way in which Murdoch conceives of moral vision problematizes any neat distinction between what we might call 'literal' and 'figurative' vision. When Murdoch tells us that moral vision has value for an object, or that, as we will see below, the primary object of moral vision is the individual person as an independent reality, she is extending beyond what an austere account of the content of perceptual experience would allow. Murdoch's account of moral vision seems to involve, to put it in Sophie Grace Chappell's words, "the kind of perception that is involved in 'I see your determination to get this job.'"[10]

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6 Iris Murdoch, *The Sovereignty of Good* (London: Routledge & Kegan Paul, 1970), 37.

7 Lawrence A. Blum, "Visual Metaphors in Murdoch's Moral Philosophy," in *Iris Murdoch, Philosopher*, ed. Justin Broackes (Oxford: Oxford University Press, 2014), 307.

8 Iris Murdoch, *Metaphysics as a Guide to Morals* (London: Penguin Random House, 1992), 322.

9 Ibid., Emphasis mine.

10 Sophie Grace Chappell, "The Eyes of a Child," in *The Philosophy of Reenchantment*, ed. Michiel Meijer and Herbert DeVriese (London/New York: Routledge, 2020), 175.

2.3.2 *Moral Vision*

Turning to the notion of '*moral* vision', it seems that, generally speaking, there are two ways to unpack it: it can be taken to refer to the *character* of vision as well as to the *object* of vision.[11] Let us first look at the *character* of moral vision as understood by Murdoch. An important reason for beginning here is that, on a Murdochian view, *how* we perceive the world determines *what* we will see. "'Reality,'" Murdoch writes, is "that which is revealed to the patient eye of love."[12] As this phrase indicates, Murdoch uses value terms to describe the nature of moral vision. Our view of the world can be just, patient, humble, loving, but also envious, narcissistic, malicious, selfish, and so forth. It is important to see that her views here are both descriptive and normative. They are *descriptive* because they indicate, again, that – *as a matter of fact* – how we perceive the world (whether our vision is loving, say, or selfish) determines what we will see. They are *normative*, however, because she believes that as our view of the world becomes more loving, our view of the world will thereby become more *accurate*, whereas if our view of things becomes more selfish, it will present us with an increasingly *distorted* picture of them. In Section 2.5, I will elaborate what this means. The normative character of Murdoch's account of moral vision implies that moral vision should be understood as a *task* – as "something progressive, something infinitely perfectible."[13] Moral progress, on this understanding, involves the difficult process of the continuous attempt to look at things more lovingly in order to see them more accurately.

'Moral vision' tells us something about the *object* of vision as well. However, it proves quite difficult to elaborate what exactly Murdoch believes is the object (or, more accurately: are the objects) of moral vision. The reason for this is, I think, that she has a broad – and from the point of view of contemporary moral philosophy rather idiosyncratic – understanding of 'the moral.' In most of the contemporary literature on moral perception, it is primarily understood in terms of the perception of value and/or the perception of what, morally speaking, should be done in a given situation.[14] While Murdoch, as we will see, is certainly sensitive to these conceptions of moral vision, her own account of these matters is more comprehensive. In what follows I will show that we can

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11 Silvia Panizza uses the same distinction in her exposition of Murdoch's account of moral vision. See: Silvia Panizza, "Moral Perception Beyond Supervenience: Iris Murdoch's Radical Perspective," *Journal of Value Inquiry* 54 (2020): 273–88.

12 Murdoch, *The Sovereignty of Good*, 40.

13 Ibid., 23.

14 Blum writes in this regard about "[t]he collapsing of the significance of moral perception into judgment of right action – and a consequential masking of its full value". See: Blum, *Moral Perception and Particularity*, 43.

(more or less) differentiate between three different kinds of objects of moral vision as understood by Murdoch.

First and foremost, Murdochian moral vision is the discernment of *reality*. Murdoch writes that "[a]ttention", a term she typically uses to designate *accurate* perception, "is rewarded by a knowledge of reality."[15] In 'Vision and Choice in Morality', Murdoch had already given expression to this idea, writing that "as moral beings we are immersed in a reality which transcends us and […] moral progress consists in awareness of this reality and submission to its purposes."[16] As it stands, the idea that 'reality' is the (primary) object of moral vision is, of course, quite uninformative. By describing it as a reality 'which transcends us' she gives it a little more substance, and this is taken a bit further in *The Sovereignty of Good* where she conceives of moral vision as the "progressive revelation of something which exists independently of me"; that is, "something alien to me, something which my consciousness cannot take over, swallow up, deny or make unreal."[17] Thus, I am in agreement with Bridget Clarke that, for Murdoch, 'moral vision' primarily "takes an 'independent reality' for its object, where this refers to anything that has an existence outside the mind of the perceiver."[18]

One way to understand what this means, and to make it more tangible, is to recognize, as Clarke puts it, that "[i]ndividual *persons* are, for Murdoch, the independent realities par excellence."[19] By looking at the world lovingly one gains "knowledge of the individual"[20], and as the quality of moral vision increases one becomes more open to the realization that other persons are precisely that: *other* persons. One becomes increasingly sensitive to "the separateness and differentness of other people", and this does not exclude but rather includes the realization that there are important similarities between oneself and other people because one comes to see "that another man has needs and wishes as demanding as one's own."[21]

Murdochian moral vision, that is, crucially involves the perception of *particularity*. In one sense, of course, all vision is directed upon individual realities. We do not see universals. We do not see short-eared owls, but *these particular* short-eared owls; we do not see birch trees, but *these particular* birch trees; we do not see human beings, but *these particular*

15 Murdoch, *The Sovereignty of Good*, 89.
16 Murdoch, "Vision and Choice in Morality," 96.
17 Murdoch, *The Sovereignty of Good*, 89.
18 Bridget Clarke, "Iris Murdoch and the Prospects for Critical Moral Perception," in *Iris Murdoch, Philosopher*, ed. Justin Broackes (Oxford: Oxford University Press, 2014), 236–7.
19 Ibid., 237.
20 Murdoch, *The Sovereignty of Good*, 28.
21 Ibid., 66.

human beings. Yet, in another sense, we often do see such universals. For all sorts of reasons, we tend to reduce the individual realities we encounter to the more general categories we believe they represent. Murdoch's conception of 'moral vision' is meant to criticize this reductionist tendency. Properly perceiving this particular short-eared owl, birch tree or person makes us aware of their peculiarities. Murdoch's views on this aspect of moral vision, then, are distinctly normative as well. To the degree that moral vision becomes more adequate, Murdoch argues, one's ability to discern "the great surprising variety of the world" will improve, whereas, if moral vision remains un(der)developed, one "reduces all to a false unity."[22]

On Murdoch's view, moral vision does not only involve the discernment of independent, individual reality. Moral vision also involves – and this is the second class of objects – the perception of *value*. This can be understood as perceiving what is good (bad) and what is right (wrong), but Murdoch typically talks about the more specific features of the world that are denoted by what Bernard Williams famously described as 'thick ethical concepts': courage, cruelty, selfishness, generosity, and so forth. Murdoch provides us with vivid examples of these concepts in the case – to be discussed more extensively below – of the mother and daughter-in-law: moral vision involves perceiving someone as, for instance, "unpolished", "lacking in dignity and refinement", "insufficiently ceremonious", "juvenile", or, instead, as "refreshingly simple", "spontaneous", "delightfully youthful" and so forth.[23] What these examples suggest is that moral vision involves the perception of properties that moral philosophers with a strong urge to systematize might argue have no place in the domain of 'the moral'. Murdoch's broad understanding of the object of moral vision also allows her to talk about the perception of aesthetic properties. A key point in Murdoch's philosophy, it seems to me, is that she does not want to say that, when we see someone as, for example, courageous and radiant, we are shifting between two qualitatively different kinds of perception. Hence, she writes that "[g]oodness and beauty are not to be contrasted, but are largely part of the same structure. [...] [A]esthetic situations are not so much analogies of morals as cases of morals."[24]

A third understanding of the object of moral vision refers to the phenomenon of perceiving what should be done in the situation that confronts one. This is often highlighted as the key feature of moral perception. Here, then, the object of moral vision is understood as *the action(s) to be done*. (*Refraining* from action might, of course, also be perceived as what should be done in a given situation.) While Murdoch's

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22 Ibid.
23 Ibid., 18.
24 Ibid., 41.

account of moral vision definitely involves this element, it is important to see that it would, on her view, be a mistake to separate the perception of value in a given situation from the perception of the action(s) to be done in that situation. This is one of the key insights implied in the thought that I can only choose within the world I can see. What we perceive as valuable in the situation we face will determine largely what we deem as viable options for action. "One is often compelled almost automatically by what one *can* see."[25] Murdoch sometimes refers to this phenomenon by talking about being 'obedient' to the world we perceive. She writes: "If we picture the agent as compelled by obedience to the reality he can see, he will not be saying 'This is right', i.e., 'I choose to do this', he will be saying 'This is A B C D' (normative-descriptive words), and action will follow naturally."[26] The perception of value properties – properties designated by 'normative-descriptive words' or 'thick ethical concepts' – in a situation will often give rise to action (or, again, the decision to refrain from action).

2.4 Mere Subjective Perception

In the above discussion of the contours of Murdochian moral vision, we came across the idea that Murdoch's account functions in two different ways: 'moral vision' describes *both* how, as a matter of fact, we perceive the world and what that means for our moral lives, *and* refers to a normative understanding of how we should perceive the world. Other scholars are sensitive to (the importance of) this distinction as well. Margaret Holland uses 'moral perception' to designate the descriptive understanding of moral vision, and 'moral attention' to the normative understanding.[27] Blum distinguishes between 'mere subjective perception' to denote the former, and 'attention' to refer to the latter.[28] In this section, I will give more substance to our understanding of Murdochian moral vision by elaborating the descriptive understanding of moral vision as 'mere subjective perception.'

Murdoch argues that, *as a matter of fact*, how we perceive the world has important ramifications for moral life. Moral vision, understood in this sense, "refers to how one sees the particulars of the circumstances

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25 Ibid., 37.
26 Ibid., 42.
27 See: Margaret G. Holland, "Touching the Weights: Moral Perception and Attention," *International Philosophical Quarterly* 38 (1998): 299–312.
28 Blum's interpretation is actually more complex, as he draws a further distinction between 'attention' as a *successful* and an *unsuccessful* "conscious and deliberate [attempt] to grasp a reality outside the self". See: Blum, "Visual Metaphors in Murdoch's Moral Philosophy," 310.

with which one is confronted"[29], as Holland points out. Blum makes this more specific by arguing that 'mere subjective perception' refers "not only [to] what is *present* to the agent at any level of awareness, but also what is *salient* to the agent."[30] Each of us views the world in a particular way, and the nature of that vision determines what we are aware of (and what we do not notice) as well as what stands out (and what is insignificant) in our experience of the world. Two people can find themselves in what in one sense can be described as the same situation, while experiencing it in significantly different ways because their perception of the situation is significantly different.

Suppose, for example, that two teachers, Anna and Sarah, moderate a student debate on religion and freedom of speech. Moderating the debate proves difficult as views on the matter vary and emotions are heated. Some students are passionate about the issue, taking time to express their views with confidence, others show signs of engagement but do not participate presumably because they fear they might embarrass themselves, and then there are some who seem to have no interest in the topic and seem to be bored. At a certain moment, Sarah sees how, after one student, Oliver, expresses his views rather harshly, another student, Emma, who had actively taken part in the debate, no longer seems willing to participate. After the debate, Sarah notices that Emma looks rather shaken, decides to ask her how she is feeling, and has a long conversation with her.

Looking back on the event, Anna tells Sarah that she was frustrated with students who were displaying their boredom. Sarah is surprised to hear this: she was not aware of students being bored. Anna, on the other hand, while noticing that Oliver's words might have come across as unfriendly and sensing that they led to a change of atmosphere, mentions that she was unaware of the impact of Oliver's words on Emma until she saw Sarah talk to Emma. Although they were, in one sense, in the same situation, Anna and Sarah perceived it differently. Phrasing this in Blum's helpful terms, there was something that did not become *present* to Sarah's awareness, and there was something that was present to Anna's awareness although it did not become *salient* to her. Murdoch writes in this regard that "[w]e differ not only because we select different objects out of the same world but because *we see different worlds*."[31] And, to repeat, what we see determines which options for action we realistically can be said to have: "I can only act within the world I can *see*."[32] Whereas Sarah felt inclined to ask Emma how she was feeling because she noticed that Emma looked hurt, Anna was unable to act in this manner quite simply because she failed to notice the impact of Oliver's words on Emma.

29 Holland, "Touching the Weights," 301.
30 Blum, "Visual Metaphors in Murdoch's Moral Philosophy," 308.
31 Murdoch, "Vision and Choice in Morality," 82.
32 Murdoch, *The Sovereignty of Good*, 37.

In the previous section, I argued that Murdochian moral vision has three 'objects': individual realities, value, and the action(s) to be done. These function in our example in the following way. With regard to the third 'object': as was already mentioned, Sarah saw an opportunity to comfort Emma, whereas Anna did not. With regard to the second: both moderators perceived such features as passion, confidence, engagement, and embarrassment. Anne was sensitive to boredom, while Sarah was not. Sarah, on the other hand, saw harshness, hurt, and being shaken, while Anna did not. Finally, were Anna and Sarah sensitive to the particularity of the students, did they see them as individual realities? Given the fictional nature of the example, this is, of course, an awkward question to answer. Yet, we could speculate that Anna was, perhaps, not sensitive to those she perceived as being bored, seeing them above all as the usual group of uninterested students. And we could construe Sarah as being sensitive to the 'individual reality' of who Emma is.

The example illustrates an understanding of moral vision as 'mere subjective perception'. Blum writes that this conception of moral vision "refers simply to how a situation presents itself subjectively to the agent, with no implication of veridicality."[33] I reflected on Anna's and Sarah's take on the debate and highlighted the differences in their perceptions of the situation, but was not yet fully concerned with the *accuracy* of their representations. Sarah did not notice that some students were bored. While Anna did notice this, we might still ask whether her perception was *truthful*: were the students who Anne perceived as being bored *in fact* bored? Was Sarah's (initial) take on the situation that became salient to her – that Emma looked hurt, and, more particularly, was hurt by Oliver's words – accurate? Anna, to conclude, did not see that Emma was hurt at all – thereby overlooking a feature of significant moral importance. Moral vision, on Murdoch's view, can be (and often is) one-sided, biased, *distorted* – presenting us with an inaccurate picture of the world. The pivotal moral task we all face in our lives is to counter that distortion by cultivating clarity of vision. This brings the distinctly normative way in which Murdoch understands the concept of 'moral vision' into view.

2.5 Attention

In order to introduce this normative understanding of moral vision, I will turn to Murdoch's influential example of the strained relationship between a mother and her daughter-in-law. Murdoch writes:

> A mother, whom I shall call M, feels hostility to her daughter-in-law, whom I shall call D. M finds D quite a good-hearted girl, but

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33 Blum, "Visual Metaphors in Murdoch's Moral Philosophy," 309.

while not exactly common yet certainly unpolished and lacking in dignity and refinement. D is inclined to be pert and familiar, insufficiently ceremonious, brusque, sometimes positively rude, always tiresomely juvenile. M does not like D's accent or the way D dresses. M feels that her son married beneath him.[34]

This is the initial way in which M is described as looking at D, something that is underscored by Murdoch's characterization of M's perceptions as her "*first* thoughts about D."[35] Importantly, Murdoch presents M as "an intelligent and well-intentioned person, capable of self-criticism."[36] M, that is, has the resources to criticize the way in which she looks at D, and this is what she goes on to do. "M tells herself: 'I am old-fashioned and conventional. I may be prejudiced and narrow-minded. I may be snobbish. I am certainly jealous. Let me look again.'"[37] This attempt to look again, Murdoch asks us to imagine, has an important effect: "D is discovered to be not vulgar but refreshingly simple, not undignified but spontaneous, not noisy but gay, not tiresomely juvenile but delightfully youthful, and so on."[38]

This provides us with an illustration of what it means for moral vision to be transformed. There is, first, M's moral vision that represents D in a certain way; subsequently, M realizes that this representation might involve a distorted vision of D, which motivates her to take another look; and then M's vision of D improves to the effect that she perceives D more accurately and, correspondingly, discovers that her first representation of D was, indeed, distorted. Now, Murdoch typically uses the notion of 'attention' to denote such accurate perception of the world. What, on Murdoch's view, is attention more specifically?

Part of the answer to this question can already be formulated, based on my analysis in Section 3 above. In terms of its objects, attention allows us to perceive the particularity of individual realities, become acutely aware of values, and discover what it is that we should do. In terms of its character, attention can be described in 'virtue terms': attention is a loving, just, patient, humble way of looking at the world. Because M learns to look at D in a loving, just, patient, humble way, she is able to see D for who she is, and discover the value that resides in D. However, although this is correct, it is still rather uninformative as an account of attention. Another, richer way of presenting Murdoch's account of attention can be brought forward by answering to a sceptical response with regard to Murdoch's thought. In what respect, one might ask, is M's change in her

34 Murdoch, *The Sovereignty of Good*, 17.
35 Ibid., Emphasis mine.
36 Ibid.
37 Ibid.
38 Ibid., 17–18.

perception of D an *improvement*? How, exactly, is attention an undistorted, clear form of moral vision?

Answering this question brings us to the mystical nature of Murdoch's philosophy. Her thought on attention is largely indebted to Simone Weil. For both authors, attention has an important critical, perhaps even destructive function: through attention we "silence and expel self"[39], as Murdoch puts it. She famously observes that "[i]n the moral life the enemy is the fat relentless ego."[40] Attention helps us to counter the devastating influence of the self, because "[t]he direction of attention is, contrary to nature, outward, away from self."[41] How does this work?

The idea that 'the fat relentless ego' is the enemy in moral life should be understood, I think, as saying that the ego or self is the primary source of distortion in our view of the world. The morally problematic nature of the self, that is, does not primarily express itself in the selfish acts that flow from it. Selfish action, to be sure, is morally problematic, but – keeping with Murdoch's idea that one can only act within the world one can see – it is rooted in the deeper problem of having a fundamentally selfish view of things. As we have seen, the primary object of moral vision is an individual reality, and the more accurate our moral vision becomes – that is, the more attentive we are – the better we will be able to discern the particularity and independence of others. Understanding the self as distorting our moral vision, then, means that

> we may fail to see the individual because we are completely enclosed in a fantasy world of our own into which we try to draw things from outside, not grasping their reality and independence, making them into dream objects of our own.[42]

What does this mean more concretely? In *The Sovereignty of Good*, Murdoch writes: "We are anxiety-ridden animals. Our minds are continually active, fabricating an anxious, usually self-preoccupied, often falsifying *veil* which partially conceals the world."[43] Murdoch, it seems to me, holds the view that the more one's self dominates one's view of the world, the more one will be conceiving of others in self-referential terms. One will see another person predominantly or even merely as someone who one can care for, as someone whose words and actions have been really hurtful in the past, as someone whose approval or recognition we

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39 Ibid., 64.
40 Ibid., 52.
41 Ibid., 66.
42 Murdoch, "The Sublime and the Good," in *Existentialists and Mystics: Writings on Philosophy and Literature*, ed. Peter Conradi (London: Penguin Books, 1999 (1997), 216.
43 Murdoch, *The Sovereignty of Good*, 84.

need, and so forth. This is one way in which the self distorts our view of the world: it presents us with a picture of others that reduces them to functions of our self-concern, concealing their independence. Another way in which our view of the world is distorted by the self is that it has a strong tendency of turning our attention (understood in its everyday, non-normative sense) away from the world, towards our inner lives. "The difficulty", Murdoch observes, "is to keep the attention fixed upon the real situation and to prevent it from returning surreptitiously to the self with consolations of self-pity, resentment, fantasy and despair."[44]

On Murdoch's view, then, M's change in her perception of D should be seen as an *improvement* in this sense: M, by looking again at (attending to) D, is able to transcend the self-concerned biases towards D that determined her initial perceptions of D. Consequently, attention, on this understanding, qualifies as undistorted and clear vision when the self, with its distorting influences, has been silenced and expelled. (In line with Murdoch's own discussion, I deliberately present attention in idealized terms here; this will be an important point of discussion in the next section.) Now, importantly, attention is not a matter of "simply opening one's eyes."[45] Given the force with which the self influences our perception of things, it is, as we have seen, "a *task* to come to see the world as it is."[46] And this is where the virtue terms that Murdoch uses to describe the character of accurate moral vision return. Learning to become more loving, just, patient, and humble purifies, as it were, our capacity for moral vision. Becoming a more loving, just, patient, humble person just *is* diminishing the influence of the self. Hence Murdoch's observation in the final paragraph of *The Sovereignty of Good* that "[t]he humble man, because he sees himself as nothing, can see other things as they are."[47]

2.6 Perception and Deliberation

Up to this point, I have closely followed Murdoch's thoughts on moral vision, trying to present them as accurately as is possible in the limited space of this chapter. In this final section, I want to raise and discuss a critical issue regarding Murdochian moral vision. Murdoch's account of moral perception, I suggest, neglects the importance of deliberation.[48] Deliberation – which I understand as an interpersonal or intrapersonal mode of practical reasoning that weighs the options for action we have, with the aim of concluding which course of action is to be performed –

44 Ibid., 91.
45 Ibid., 38.
46 Ibid., 91.
47 Ibid., 103–4.
48 This is a criticism raised by Blum as well. I am indebted to his excellent discussion of this issue. See: Blum, "Visual Metaphors in Murdoch's Moral Philosophy," 319–23.

seems an important aspect of moral life.[49] Yet, it seems as if Murdoch holds the implausible view that moral vision should (and in fact is able to) do all the moral work.

An important reason why Murdoch's account of moral vision neglects the importance of deliberation is, I think, that deliberation seems to imply uncertainty. Typically, we deliberate when we are unclear about what to do. However, such unclarity, according to Murdoch, is evidence that our capacity for moral vision is not fully developed, that we are (and have been) insufficiently attentive. She writes: "If I attend properly I will have no choices and this is the ultimate condition to be aimed at."[50] Ideally, that is, our moral lives are marked by "a kind of 'necessity'."[51] Murdoch explains this practical necessity as follows:

> This is something of which saints speak and which any artist will readily understand. The idea of a patient, loving regard, directed upon a person, a thing, a situation, presents the will not as unimpeded movement but as something very much more like 'obedience'.[52]

And this is "an obedience which ideally reaches a position where there is no choice."[53]

Ideally, then, one does not have to deliberate about what to do since the right course of action (which, again, might be to abstain from action) is, as it were, presented to one. I am less optimistic, however, and not simply for the reason that I am sceptical about the possibility of ideal moral vision. Even if we accept the possibility of 'ideal attention' – that is, the possibility of an agent who has managed to silence the self and whose view on things is fully shaped by love, justice, patience, and humility – then it still seems conceivable that two (or more) ideally attentive agents discern different features in the same situation, or perceive them as differing in salience. One important reason why this is so is that our capacity for moral vision is shaped by experience, and differences in experience will often influence how and what we perceive the world to be.[54] Moreover, even *one and the same* ideally attentive agent might

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49 Thus, I wholeheartedly agree with Akeel Bilgrami who argues that, although ethics should primarily be conceived as a "perceptual discipline", this is not "to suggest that *deliberative* and reflective elements are not important in ethics." See: Akeel Bilgrami, "The Visibility of Value," *Social Research* 83 (2016): 931.

50 Murdoch, *The Sovereignty of Good*, 40.

51 Ibid.

52 Ibid.

53 Ibid., 41.

54 As is argued, for example, by Nussbaum. Commenting on Aristotle's views on practical wisdom, Nussbaum writes: "[P]ractical perception [...] is gained only through a long process of living and choosing that develops the agent's resourcefulness and responsiveness" (Nussbaum, "The Discernment of Perception," 75). This is what

see a situation differently depending on, for example, how much time she has to fathom a complex situation, or on the experiences she undergoes in between the different moments she attends to it. Since, then, differences in perception and hence in possible courses of action seem bound to arise even in idealized circumstances, deliberation is important here. And this is, of course, *a fortiori* true for non-idealized situations. Quite remarkably, however, Murdoch does not discuss the importance of deliberation for such circumstances. Instead, the proper response to uncertainty about what to do, on her view, seems to consist in 'looking again'. (The reader will have noticed that by now we have returned to the beginning of this chapter.) Like M in Murdoch's example, we need to look again at the situation we find ourselves in, perceiving it with more love, justice, patience, and humility. (In contrast to what is suggested by the example of M and D, 'looking again' is typically not something we can decide to do 'on the spot'. Learning to look at things more attentively is, as Murdoch herself often observes, an ongoing process.) Now, I do not want to deny the importance of 'looking again' at a situation that leaves us uncertain about what to do. Yet, the persistent nature of such uncertainty presses us to acknowledge the importance of deliberation as well. Thus, on the Murdochian view that I have explored in this chapter, it seems that, indeed, moral vision should (and in fact is able to do) all the moral work. And this, I think, is an unpersuasive feature of an otherwise very appealing account of ethical life.

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Aristotle had argued in book VI of the *Nicomachean Ethics*, where he writes that "practical wisdom is of the particular, which becomes graspable through experience" and, referring to people of practical wisdom, that "since experience has given them an eye they see correctly" (quoted from: Nussbaum, "The Discernment of Practical Reason," 75).

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3 Goods, Rights, and Universality

A Christian View

Nigel Biggar

3.1 A View from (a Christian) Somewhere

There is no moral view from nowhere. Not all views are the same, and often they contradict each other: traditional Confucians disagree with Hobbesian liberals, revolutionary Marxists with conservative Burkeans, Nietzschean relativists with Kantian universalists. There is no view from nowhere; we all stand morally in one place rather than another.

Or rather, we probably stand in several places rather than others. In the contemporary, globalized world, and especially in liberal societies, we are seldom locked into only one moral community or tradition. Our centre of gravity may be in one tradition, but our appropriation of that tradition might well be influenced by others. What is more, longstanding, historic religious or philosophical traditions themselves bear the marks of encounter and engagement with other streams of thought. Christianity, for example, was originally and fundamentally shaped by Judaism, and was subsequently formed by Aristotelian philosophy, thanks to texts preserved and transmitted by medieval Muslims. So to have a moral view that is particular does not mean that it is pure, completely uncontaminated by views from elsewhere. It might be distinctive, but it is unlikely to be unique. And if it is not unique, then it will not be simply unintelligible to outsiders. In most cases, there will be points of contact, even areas of overlap. Therefore fragmentary understanding across ideological frontiers is possible: we encounter difference, we inquire about it, we question it, and so we negotiate our way to an evolving mixture of agreement and disagreement.

Nevertheless, there is no view from nowhere; we all stand somewhere. I stand as a certain kind of Christian, and as a professional Christian theologian. I always intend to speak as I think a Christian should, and I shall do so here. Therefore, the first question I shall address is this: What does Christian belief lead us to suppose about moral universality?

3.2 From Christian Monotheism to Moral Realism

"The Lord our God, the Lord is one!" (Dt. 6.4). Christians (following Jews and alongside Muslims) are monotheists. They may believe that

God's oneness is complex, Trinitarian, but it is still a unity. Part of what this means is that God is *alone* in the sense of being unrivalled, unchallenged, sovereign: "there is none beside him." Another part of what it means is that God is internally unified, coherent, rational – as opposed to psychologically chaotic, driven by conflicting passions, a divided mind. It follows that, because God is of one mind and sovereign, the world that he has created is fundamentally coherent and ordered. At bottom, there is one reality, reality is unified and this unified, ordered reality is not merely physical, but moral: "And God saw everything that he had made, and behold it was very good" (Gen. 1.31). 'Good' is a moral, evaluative category. So created reality includes goods, things that deserve to be loved, and in loving which human creatures flourish.

The Christian monotheistic understanding of God and of creation implies, therefore, a moral reality *of some kind*, which is *given* before human thinking and acting. So Christian monotheists are 'moral realists,' as opposed to moral relativists or constructivists, according to whom morality is simply an individual or social construction. This is not to deny that what is right depends on circumstances, individual or social; but it is to say that it is not absolutely relative to them.

If Christians should be moral realists, believing in a moral reality that is given before humans set about choosing and inventing, what are the basic terms in which they should think about this given reality? In the history of Christian ethics a variety of proposals have been made: divine command, natural law, or the Good. I prefer the Good as the basic element in moral reality for two reasons. First, it seems to me obvious that it is always sensible to ask of a command or a law, Why? Why should I obey it? And, in the end, the justifying answer always takes the form, "Because it's good for you." The second reason for preferring 'good' as the basic moral concept is biblical. However prominent the commands of Yahweh or the Law of Moses or the commandments of Jesus, they all occur against the backdrop of salvation-history. That is, they all occur in the context of the story of God's work of saving the world from sin and bringing it to what the Old Testament calls *shalom*. This is usually poorly translated as 'peace.' I say 'poorly' because 'peace' does not capture the vitality of 'shalom,' tending to mean merely an absence of disturbance. The Johannine alternative is better, because more vital: 'abundant life' (John 10.10). Therefore, when we hear of God's commands or law, we know that these are the commands and law of a God who intends for us 'abundant life' – what an Aristotelian would call 'flourishing', or a Platonist (more abstractly) the Good. And we take for granted that God's commands or law are the means, not the end; they are designed to serve his benevolent, salvific intention. After all, the Sabbath was made for man, not man for the Sabbath (Matt. 2.27).

Christians are committed by belief in the one God who created heaven and earth, and whose salvific intention was revealed most intensely in

the life, death, and resurrection of Jesus, to suppose that there is a moral reality, whose basic element is the human good or human flourishing. Transcending all human cultures, this *human* flourishing is universal. Nevertheless, belief in a single, universal moral reality is entirely compatible with the acknowledgement of moral plurality, albeit non-radical. It is perfectly consistent to affirm universal moral principles in the form of the various elements of human flourishing, while at the same time acknowledging that interpretations of them vary according to the wisdom and virtue of the interpreter; that there is a variety of institutions, laws, and norms that might serve them; and that prudence requires instantiations to vary according to various morally significant circumstances. Unity at a high, generic level is quite consistent with plurality at lower, specific, and concrete levels. Thomas Aquinas thought so in the 13th century – as did the eminent British Jewish sociologist, Morris Ginsberg, in his 1953 essay on "The Diversity of Morals."[1]

3.3 The Rise and Fall of Moral Subjectivism

Belief in a given moral order, in culturally transcendent forms of human flourishing, and even in some universal institutions or laws or norms that serve them, has not been fashionable at least since the end of the Second World War. Since the river of culture is usually fed by many different streams, we should not look for a single source. The current Western diffidence in objective moral reality is the product of a confluence of factors. In British thought, Onora O'Neill observes a 'turn to subjectivity' in the thought of Matthew Arnold in 1867 and the privatized ethics of G.E. Moore's 1903 *Principia Ethica*. She then traces a correlative hostility to external duty from Nietzsche's 1895 *The Antichrist*, through the British 'War Poets' of 1914–1918 and W.B. Yeats' "An Irishman Foresees His Death" (1918), to E. M. Forster's famous 1938 aphorism, "If I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country."[2] This cultural trend towards ethical subjectivism was then confirmed and given philosophical respectability by "[t]he startling success of logical positivism" before and after World War Two, with its rejection of both duties of justice and ethical duties as "literally mean-

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1 See Aquinas, *Summa theologiae*, Ia IIae, q. 94, aa.4, 5, 86–95; q. 95, a. 2; and Morris Ginsberg, "On the Diversity of Morals," in *On the Diversity of Morals* (London: Mercury, 1962), 97–129.

2 Onora O'Neill, "Justice without ethics: A Twentieth Century Innovation?" in *Cambridge Companion to the Philosophy of Law*, ed. John Tasioulas (Cambridge: Cambridge University Press, 2020), 140 (quote from E. M. Forster, *Two Cheers for Democracy*, The Abinger Edition of E. M. Forster, ed. Oliver Stallybrass, vol. 11 [London: Edward Arnold, 1971], 66).

ingless."[3] In *After Virtue*, Alasdair MacIntyre concurs (roughly) with O'Neill in seeing 'emotivism' as a proximate cause of contemporary ethical confusion. This non-cognitivist theory of ethical statements was elaborated by C. L. Stevenson in 1944, but had found earlier expression in the work of the logical positivist, A. J. Ayer (*Language, Truth, and Logic*, 1936).[4] However, Macintyre regards emotivism as a very late symptom of a much earlier problem reaching, through Nietzsche and Kierkegaard, back beyond the 19th century. The original culprit, he alleges, is the flawed ambition of the 'Enlightenment project' to replace the Aristotelian-Christian teleological tradition with a shared, rationally justifiable, secular basis for morality. To these high philosophical sources of our contemporary diffidence about ethics we should surely add the more popular cultural rejection of traditional mores in favour of uniquely personal fulfilment, which became widespread in the West in the 1960s, partly in protest against the Vietnam War.

All that said, moral subjectivism does not reign supreme among us. In recent decades, moral realism has enjoyed something of a resurgence in philosophy as was signalled by Peter Singer's admission in 2011 that Derek Parfit's argument in favour of objectively real values had persuaded him to modify his preference utilitarianism.[5] And even the unfashionable notion of a natural teleology – that goods or values are somehow intrinsic to nature – has received indirect support from one very eminent and still atheist philosopher, Thomas Nagel, who argued in his 2012 book, *Mind and Cosmos*, that mind and value are quite as basic to our cosmos as matter.[6] Accordingly, Onora O'Neill testifies to the stirrings of something fresh in moral and political philosophy, when she writes that now, "deeper justifications of the principles of justice are no longer taken to be impossible."[7] Above all, however, it is the burgeoning of human rights-talk after 1945 that has signalled the limits of the sway of moral subjectivism. The fact that Nazi genocide had been entirely legal according to Nazi law made plain the urgent need to invoke the overriding authority of a higher, trans-cultural moral reality.

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3 O'Neill, "Justice without Ethics," 140–1.
4 Alasdair MacIntyre, *After Virtue* (Notre Dame, IN: University of Notre Dame Press: Duckworth, 1981), Ch. 2 and 3.
5 See Peter Singer, "The Most Significant Work in Ethics since 1873," *Times Literary Supplement* (20 May 2011); and Charles C. Camosy, *Peter Singer and Christian Ethics: Beyond Polarization* (Cambridge: Cambridge University Press, 2012), 217–18.
6 Thomas Nagel, *Mind and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature is Almost Certainly False* (New York: Oxford University Press, 2012).
7 O'Neill, "Justice without Ethics," 145.

3.4 How Western Are 'Human Rights'?[8]

Nevertheless, from the early 1970s onwards, the advancing tide of international human rights-talk began to provoke a relativist reaction in non-Western parts of the world, especially Asia and Africa, and most especially those countries newly independent of colonial rule. The most general complaint was that 'human rights' were more Western than they pretended to be and that they carried with them 'neo-imperialist' assumptions about the intellectual and moral superiority of Western culture. The Japanese Tatsuo Inoue represents the critique thus:

> Asia, as the [Western] Orientalists see it, is essentially different from the West… they assume that only the West … has the intellectual competence and resources to understand and conceptualize this essence of Asia and thereby to lead it. The West is the knowing agent and Asia is the object to be known, which cannot have a clear self-perception without having its own meaning determined through the Orientalist matrix of the West… The West represents Modernity, and Asia must ipso facto represent Counter-modernity.[9]

Along the same lines, but more angrily, the Kenyan-born Makau (wa) Mutua describes the Universal Declaration of Human Rights as "Eurocentric [...] sanctimonious," decries its "arrogance," and views it as testament to the "domination of the European West over non-European peoples and traditions" of the moral universe."[10] "International human rights," he continues,

> fall within the historical continuum of the European colonial project in which whites pose as the saviors of a benighted and savage non-European world. The white human rights zealot joins the unbroken chain that connects him to the colonial administrator, the Bible-wielding missionary, and the merchant of free enterprise…. This view of human rights re-entrenches and revitalizes the international hierarchy of race and color in which whites, who are privileged

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8 Much of what follows in Sections 4–9 has been taken from Chapter 8 of *What's Wrong with Rights?* (Oxford: Oxford University Press, 2020), 190–7, 212–15, 215–16, 217–18. I acknowledge Oxford University Press's kind permission to reprint some of that material here.

9 Tatsuo Inoue, "Liberal Democracy and Asian Orientalism," in *The East Asian Challenge for Human Rights*, eds. Joanne R. Bauer and Daniel A. Bell (Cambridge: Cambridge University Press, 1999), 38–9.

10 Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2008), 154. Sometimes, his name appears as "Makau wa Mutua."

globally as a race, are the models and saviors of nonwhites, who are victims and savages.[11]

Beyond a general resentment of what they perceive as Western arrogance and presumptuousness, some non-Western critics have argued that civil and political 'human rights' are not appropriate in the early stages of nation-building, when the overriding concern of government should be economic development. The most famous advocate of this view was Lee Kuan Yew, the first Prime Minister of Singapore, who began to talk up the so-called 'Lee hypothesis' in the early 1990s.[12] According to this hypothesis, the primary task of governments is to guarantee their peoples' right to the means of subsistence through economic development by providing strong political leadership and efficient management, and the civil and political rights of liberal democracy are luxuries that only developed countries can afford.[13] While the philosopher Robert Goodin resists this line of thinking in favour of a presumption *against* the claim that curtailing civil rights advances economic development, he nevertheless concedes (in a footnote) that, where a certain level of wealth – e.g., subsistence – is in fact a prerequisite for respecting rights, a short-term sacrifice of rights "*might* be morally permissible."[14] Telling against the actualization of such a possibility, however, is the authority of the Indian economist and Nobel Prize-winner, Amartya Sen. Sen argues that systematic statistical studies give no real support to the claim that there is a general conflict between political rights and economic performance. Indeed, Botswana, one of the fastest growing countries in the world, with the best consistent record of economic growth in Africa, has been an oasis of democracy.[15] Moreover, civil and political rights enable people to draw their government's attention to major economic disasters: "no substantial famine has ever occurred in any country with a democratic form of government and a relatively free press."[16] India, for example, had famines right up to independence in 1947, after which they stopped abruptly: "No government can afford to face elections after a major social calamity, nor can it deal easily with criticism from the media and opposition parties while still in office."[17] The Nigerian-born

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11 Mutua, *Human Rights*, 155.
12 Lee Kuan Yew, "Democracy, Human Rights and the Realities," speech in Tokyo, 10 November 1992.
13 Inoue, "Liberal Democracy and Asian Orientalism," 34.
14 Robert Goodin, "The Development-Rights Trade-off: Some Unwarranted Economic and Political Assumptions," *Universal Human Rights* 1 (1979): 32n.2.
15 Amartya Sen, "Human Rights and Economic Achievements," in Bauer and Bell, *The East Asian Challenge for Human Rights*, 91.
16 Sen, "Human Rights and Economic Achievements," 92.
17 Sen, "Human Rights and Economic Achievements," 93. Jack Donnelly makes essentially the same point when he observes that the denial of civil and political rights

Bonny Ibhawoh pushes back somewhat in favour of the 'Lee hypothesis,' when he argues that a basic level of subsistence is a prerequisite for civil and political rights. "In some African countries," he writes,

> it has become common for poverty stricken rural voters to sell their votes for as little as a handful of salt or rice. For this category of Africa's poorest, the need for immediate survival surpasses any other long-term political or civil rights considerations.[18]

Ibhawoh's defence, however, is not effective. All it shows is that economic destitution sometimes increases the risk of the abuse of the right to vote; it does not show that the rights of the destitute to vote, to associate, or to air their views in public hinder their economic liberation and must be traded off against it.

A much broader objection to 'Western human rights' is cultural, rather than economic. Here the argument is that Asian and African values differ in important ways from Western ones in that non-Western cultures are communal, whereas Western culture is individualistic.[19] As Lee Kuan Yew put it, Asians have "little doubt that a society with communitarian values where the interests of society take precedence over that of the individual suit them better than the individualism of America."[20] The African version of the same argument, as represented by Ibwahoh, is that "the dominant African conception of human rights combines a system of rights and obligations which gives the community cohesion and viability," and this puts it at odds with "the Western conception of rights which conceives rights in terms of abstract individualism without corresponding duties."[21]

brings economic costs by allowing officials to be corrupt, indifferent, and ill-informed ("Human Rights and Asian Values: A Defense of 'Western' Universalism," in Bauer and Bell, *The East Asian Challenge for Human Rights*, 73).

18 Bonny Ibhawoh, "Cultural Relativism and Human Rights: Reconsidering the Africanist Discourse," *Netherlands Quarterly of Human Rights* 19 (2001): 60.

19 It is true that the thesis that non-Western 'communal' values differ from 'individualistic' Western ones, so as to establish an importantly different view of human rights, rose to prominence over 30 years ago and has since been subject to widespread criticism and refinement. Nevertheless, in the opening decades of the 21st century it remains an intellectual force. In 2008, for example, Makau Mutua made a vigorous argument in favour of African cultural difference in *Human Rights: A Political and Cultural Critique* (see note 9 above); and in 2012 Yvonne Tew reported that the 'Asian values' approach continues to influence the political and judicial elites of South-East Asian countries such as Malaysia and Singapore ("Beyond 'Asian Values': Rethinking Rights," Centre of Governance and Human Rights Working Paper 5 (Cambridge: University of Cambridge, 2012), 3, 9–11).

20 Yew, *International Herald Tribune*, 9–10 November 1991; quoted by Bauer and Bell in "Introduction," *The East Asian Challenge for Human Rights*, 6.

21 Ibhawoh, "Cultural Relativism and Human Rights," 54.

It seems, then, that some critics conflate 'Western human rights' with radical, amoral, Hobbesian individualism, for only there, where the original, natural right is not a moral claim at all but rather a psychological drive, is there no corresponding duty. I consider it a mistake to suppose that modern human rights owe their basic form to Hobbes.[22] However, such an error is perhaps forgivable in the light of a statement such as that of the eminent American moral philosopher, Joel Feinberg, that personal sovereignty is "an all or nothing concept; one is entitled to absolute control of whatever is within one's domain however trivial it may be." Joseph Chan quotes this in his exposition of a Confucian view of rights, in the course of which he observes that some scholars of Confucianism suppose that human rights are necessarily associated with a (Hobbesian) view of human beings as "fundamentally asocial."[23] However, even Feinberg admits that sovereign individuals should rule their own lives only so long as they do no harm to others – that is to say, that the right to personal sovereignty is limited by the duty to do no harm. What is more, insofar as Feinberg is talking here about a moral or legal claim to personal sovereignty – and he is – it entails a duty: my right to sovereignty entails your duty to respect it. The general association of human rights with radically asocial individualism is a mistake, which unnecessarily poisons the waters of inter-cultural dialogue.[24]

3.5 Non-Western Individualism and Legal Rights

In the mistaken identification of 'Western' human rights with Hobbesian anthropology we observe a first sign that the depiction of a stark, radical opposition between Western and non-Western moral cultures is overdrawn, since it is an error that some Asian and African critics share with some British Anglican theologians.[25] A second sign appears when we remember that a communitarian critique of individualism is not unfamiliar to Western culture, Since the 1980s, 'communitarianism' has named a school of (mainly) American social and political philosophers, including eminent figures such as Robert Bellah, Charles Taylor,

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22 As I argue in Chapter 6 of *What's Wrong with Rights*?

23 Joel Feinberg, *Harm to Self* (Oxford: Oxford University Press, 1986), 55; quoted by Joseph Chan in "A Confucian Perspective on Human Rights for Contemporary China," in Bauer and Bell, *The East Asian Challenge for Human Rights*, 231. See also Ibid., 216.

24 Charles Taylor gestures towards the same point, I think, when he writes that ecumenical dialogue would be aided by distinguishing a legal culture of rights enforcement from the Western philosophical conception of human life that foregrounds the autonomous individual ("Conditions of an Unforced Consensus on Human Rights," in Bauer and Bell, *The East Asian Challenge for Human Rights*, 128–9).

25 E.g., Joan Lockwood O'Donovan and Oliver O'Donovan. See Chapter 6 of Biggar, *What's Wrong with Rights*?

Alasdair MacIntyre, and Michael Sandel, and it is arguable that Western social and political thought has contained communitarian streams for very much longer – among them, Burkean conservatism and Roman Catholic social thought. Burke was allergic to abstract rights, and Roman Catholic thinking sought to integrate the rights of individuals with the claims of the common good. That East and West might overlap morally rather more than some critics assume, is implied by Roger Ames' observation that Sandel's critique of the "runaway liberalism" of American democracy suggests that the latter might benefit from a greater appreciation of Confucian values.[26]

If non-Western critics of human rights have underestimated the communitarian features of the Western cultural hinterland, they have also, some claim, underestimated the individualistic features of traditional Asian and African cultures. Thus, for example, Inoue notes the importance of self-development in neo-Confucianism and how, in the 17th century, Huang Tsung-Hsi emphasized the need for institutional and legal reforms to enable free critical discussion that would act as a check upon rulers.[27] Margaret Ng emboldens the point when she reports Wang Gungwu's argument that the reciprocal entitlements of ruler and ruled, according to "prototypical Confucianism," amounted implicitly to rights.[28] Along the same lines, El-Obaid Ahmed El-Obaid and Kwadwo Appiagyei-Atua argue that the pre-installation oath for newly elected chiefs among the Ashanti in western Africa was "a reflection of typical civil and political rights." "We do not want you to abuse us," the oath ran.

> We do not want you to be miserly; we do not want one who disregards advice; we do not want you to regard us as fools; we do not want autocratic ways; we do not want bullying; we do not like beating.[29]

It has to be said, however, that the values of individual self-development or of freedom of speech or of responsible government do not, by

26 Roger T. Ames, "Continuing the Conversation on Chinese Human Rights," *Ethics and International Affairs* 11 (1997): 181–92.

27 Inoue, "Liberal Democracy and Asian Orientalism," 51, reporting the views of William Theodore de Bary in *The Liberal Tradition in China* (New York: Columbia University Press, 1983).

28 Margaret Ng, "Are Rights Culture-bound?" in *Human Rights and Chinese Values: Legal, Philosophical, and Political Perspectives*, ed. Michael C. Davis (Hong Kong: Oxford University Press, 1995), 64–5.

29 El-Obaid Ahmed El-Obaid and Kwadwo Appiagyei-Atua, "Human Rights in Africa – A New Perspective on Linking the Past to the Present," *McGill Law Journal* 41 (1996): 829.

themselves, amount to legal rights.[30] Nor exactly do customary entitle-
ments *as such*, since they leave unanswered the question of what should
happen when the ruler decides that he is at liberty to break the custom.[31]
Indeed, it was when English monarchs in the early 13th and 17th cen-
turies decided that they had divine authorization to dispense with cus-
tomary constraints that the clamour for establishment of formally legal
rights went up.[32]

   Be that all as it may, it is surely true, as Mahmood Mamdani has
observed, that "[w]herever oppression [or abuse] occurs – and no conti-
nent has had a monopoly over this phenomenon in history – there must
come into being a conception of rights."[33] At very least every human
society must hold the value of the lives of its members in some high
esteem, otherwise it would not long survive. Accordingly, it will restrict
the conditions under which such life may be taken and discourage its
being taken outside them. One important form of discouragement is lia-
bility to judicial scrutiny and legal punishment. It should come as no
surprise, then, when Makau Mutua reports that in pre-colonial Akan
and Akamba societies in Africa human life was so highly valued that
the authority to take it was reserved for a few elders and exercised only
after an elaborate judicial procedure with appeals from one court to
another.[34] Where human life is protected by the (conditional) threat of

30 As Stephen Angle comments on the claim that a concern for rights can be found in
    classical Confucianism: "[t]he humanistic ideals found in the populist chapters of
    the *Analects* certainly resonate with some of the ideals expressed in the more general
    assertions of the UDHR, but this is very different from finding 'rights' in the *Ana-
    lects*" (*Human Rights and Chinese Thought: A Cross-Cultural Inquiry* (Cambridge:
    Cambridge University Press, 2002), 21).
31 Anthony C. Yu agrees, when he observes that, notwithstanding assertions by late
    medieval Confucians of the subject's duty of fearless remonstrance, rights have not
    come into existence until subjects are secure from exile, imprisonment, or execution,
    should a ruler not appreciate their loyal remonstrance ("Enduring Change: Confu-
    cianism and the Prospect of Human Rights," in *Does Human Rights Need God?*,
    eds. Elizabeth Bucar and Barbra Barnett (Grand Rapids, MI: Eerdmans, 2005), 120,
    122–4).
32 Margaret Ng acknowledges that Confucian entitlements of the ruled never developed
    into a check on the government's absolute power over the individual ("Are Rights Cul-
    ture-bound?" 63); and Joseph Chan, while arguing that Confucianism would "not
    reject … outright" a case for a right to freedom of speech, admits that neither Con-
    fucius nor Mencius ever advocated such a thing ("A Confucian Perspective," 228–9).
33 Mahmood Mamdani, "The Social Basis of Constitutionalism in Africa," *The Journal
    of Modern African Studies* 28 (1990): 359.
34 Makau Mutua, "The Banjul Charter and the African Cultural Fingerprint: An Evalu-
    ation of the Language of Rights and Duties," *Virginia Journal of International Law*
    35 (1995): 350–1, quoting Timothy Fernyhough, "Human Rights and Precolonial
    Africa," in *Human Rights and Governance in Africa*, eds. Ronald Cohen, Goran
    Hyden, and Winston P. Nagan (Gainesville: University of Florida Press, 1993), 56.

legal sanction against its taking, there we certainly have a legal right to personal security.

But do we yet have a *human* right to personal security? In other words, is this right extended to every human being, even foreigners to one's own community? Rhoda Howard thinks not. She holds that "traditional Africa protected a system of obligations and privileges based on ascribed statuses, not a system of right to which one was entitled merely by virtue of being human," and she offers as evidence the system of indigenous slavery among the Ashanti, which, by the late 19th century, had become brutally exploitative.[35] Against this reading, however, El-Obaid and Appiagyei-Atua point out that the Ashanti did grant property rights to slaves.[36] At least we may conclude, therefore, that the idea that some rights belong to human non-members was not entirely foreign to all pre-colonial African societies. No doubt these societies granted far fewer such rights than 'Western human rights' do today. But, if so, it is only fair to point out that so did Western societies in the not-so-distant past: 200 years ago, even European societies were implicated in slavery and granted slaves few rights, if any at all. The issues of who is a full member of a society, and which non-members deserve what rights, are ones that every society has had to tackle and continues to wrestle with. Even in the contemporary West, where the bounds of the human community have been dramatically expanded, these issues have still not been settled. The political peace of many Western countries today remains somewhat disturbed by the fact that embryonic human beings have no rights at all and may be killed upon the request of their mothers.

3.6 Non-Western Endorsement of Human Rights

It seems clear that the concept of a right as the legal property of an individual is not entirely foreign to non-Western, traditional cultures. Nor is the concept of a human right that transcends the bounds of political communities. It is also clear, as we should expect, that not every Asian and African holds the same values and shares the same view of human rights. Thus, on the one hand, we find Lee Kuan Yew downplaying the importance of 'Western' political rights in Singapore, and Chinese businessmen resisting attempts to enhance representative democracy in Hong

35 Rhoda E. Howard, "Group Identity versus Individual Identity in the African Debate on Human Rights," in *Human Rights in Africa: Cross-Cultural Perspectives*, eds. Abdullahi Ahmed An-Naim and Francis M. Deng (Washington, DC: Brookings Institution, 1990), 166–7.
36 El-Obaid and Appiagyei-Atua, "Human Rights in Africa," 830–1.

Kong, in the early 1990s.[37] On the other hand, during the same period and fuelled by the Tiananmen Square massacre of 1989, the Hong Kong Legislative Council enacted a bill of rights in 1991 and, in the run-up to the Bangkok Declaration of 1993, Chinese dissidents and Asian NGOs poured scorn on the Chinese government's appeals to national sovereignty and cultural relativism to shield itself from criticism in terms of human rights.[38] Thus, too, within the Muslim world (at least according to Fred Halliday in the mid-1990s),

> [t]here is … a world of difference between the positions of the government of Saudi Arabia, on the one hand, with its promotion of a conservative "Islamic" code of rights, and that of Tunisia, which has been in the forefront of the battle *for* universal rights, and which even proposed to the pre-Vienna "African" conference a denunciation of the threat to human rights posed by religious fundamentalism.[39]

Further, if non-Westerners, who presided over authoritarian, post-colonial regimes, invoked cultural relativism to fend off 'neo-colonial' interference in the name of 'Western human rights' from the late 1960s onwards, other non-Westerners (or maybe even the same ones) had invoked those very rights against the relativist apologias of colonial regimes during the preceding 15 years.[40]

Not all non-Westerners share the same, negative view of human rights, especially their civil and political items. Some have found reason to embrace such rights, notwithstanding their Western provenance, whether because of traditional culture, or despite it, or a bit of both. One such reason is that societies outside of Europe and the Anglosphere are no longer as traditional as they used to be. In particular, they have developed large, bureaucratic, centralized modern states, which wield unprecedented power. In the face of this novel political development, it is arguable that traditional informal, moral, and customary constraints upon the exercise of executive power are no longer sufficient. Instead, the apparatus of human rights, involving judicial support from courts at home and abroad, and political support from foreign states and global

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37 Jonathan Dimbleby, *The Last Governor: Chris Patten and the Handover of Hong Kong* (London: Pen & Sword, 2017 reprint), 107, 119, 159, 397–8.

38 Michael C. Davis, "Adopting International Standards of Human Rights in Hong Kong," in Davis, *Human Rights and Chinese Values*, 169–70, 175; Michael C. Davis, "Chinese Perspectives on Human Rights," in Davis, *Human Rights and Chinese Values*, 17; Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), 142.

39 Fred Halliday, "Relativism and Universalism in Human Rights: the Case of the Islamic Middle East," *Political Studies* XLIII (1995): 155–6.

40 Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), 114–22, 126–9, 131–42.

NGOs, is needed as a stronger substitute for "medieval safeguards against state tyranny."[41]

3.7 How Universally Are Human Rights Recognised?

So, is it true that human rights are universal? Certainly, there is plenty of evidence that some of the goods or values or, more specifically, liberties that Western human rights aim to secure have long been recognized in traditional social and political systems outside of the West. The protection of innocent life from physical harm, or individual freedom from arbitrary curtailment, or of fairness in trying a criminal case, for example, is, quite unsurprisingly, not unique to the West. However, even though the moral rightness of such protection has been widely recognized, the chosen means of protection have often not taken the form of strictly *legal* rights backed by the threat of judicial sanctions against their violation. Sometimes the virtue of the ruler, or the authority of customary law or of prevalent social opinion, has been thought sufficiently reliable. As Kwasi Wiredu writes of the Akan-speaking peoples of West Africa, the individual's 'rights' to aid from other members of the community "did not have the backing of state sanctions," but instead "enjoyed the strong backing of public opinion."[42]

Still, if custom prescribes that violations should be met with communal sanctions, then we do have a form of legal right.[43] Therefore, we can conclude that some legal rights have long been recognized outside of modern, Western culture, even if not the whole panoply of post-war human rights.[44] While I strongly suspect that certain such rights have been recognized by every human society, since they seem necessary for social survival, only a comprehensive global survey of human societies, past and present, could prove it. Since I know of no such conclusive study, I will not claim here that some customary legal rights are universal.

However, even if some rights are universal in the sense of being present in every society, their scope of application will often be limited; that

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41 Inoue, "Liberal Democracy and Asian Orientalism," 32. See also Edward Kannyo, *Human Rights in Africa: Problems and Prospects*, a report prepared for the International League for Human Rights (New York, 1980).

42 Kwasi Wiredu, "An Akan Perspective on Human Rights," in An-Naim and Deng, *Human Rights in Africa*, 247.

43 I doubt that the authority of public opinion, backed by the threat of social opprobrium against transgressors, is sufficient to warrant talk of 'a right'. This is both because prevalent public opinion is seldom universally representative, and because it is not stable.

44 Charles Taylor claims that while rights talk has its roots in Western culture, the underlying norms (against genocide, murder, torture, slavery) can be found elsewhere ("Conditions of an Unforced Consensus on Human Rights," 125). I go further: I think that some rights talk can also be found elsewhere.

is, they will apply only to insiders, and not to outsiders. There is plenty of historical evidence to substantiate doubt that every human society has always recognized that members of other societies deserve, for example, not to have their lives taken wantonly. So, it seems that we cannot say that human rights possessed by all members of the human species have been universally recognized. Indeed, they are not recognized even today in many liberal Western countries, where embryonic human beings have no legal right against being killed at will or upon demand by their mothers. That said, there is evidence at least that *some* traditional, non-Western societies have acknowledged the common humanity of all members of the human species and, presumably, that they all deserve at least some kinds of equal treatment.

3.8 Rights-Talk: Unusually Prominent in the West, but Not Unfamiliar Outside It

In what sense, then, is it true to say that human rights are 'Western'? The concept of rights as the (legal) property of individuals began to flourish in Western Europe as early as the 13th century, and there is reason to suppose that this was in part the fruit of the high status of the individual in Christian thinking. Short of conducting a comparative survey of legal thought across the globe and throughout the ages, I cannot claim with confidence that the development of the discourse of individual rights in the late medieval Christian West was unique. But I can say, given my limited reading about Confucian, Islamic, and traditional African cultures, that it seems to have been extraordinary.[45] If that is so, then I am claiming that, with regard to the importance of the protection of the freedom of individuals (and civil social bodies) from unwarranted interference by ruling authorities, be they secular or ecclesiastical, Christian Western tradition displays a superior grasp. I do not claim that Christian Western tradition displays a superior grasp in every respect, but only in this one. Whether or not this particular claim is true, the idea that one tradition might be intellectually or morally superior in particular respects over others seems to me perfectly obvious and incontrovertible. While the hackles of multiculturalists will instinctively rise up against

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45 In this sense – which is not quite his own, secular one – Jack Donnelly's claim is true: the Western origin of human rights ideas "is a simple historical fact" ("Human Rights and Asian Values," 69). But Paulin Hountondji is closer to the truth, when he writes that Western philosophers produced "not the thing but discourse about the thing, not the idea of natural law or human dignity but the work of expression concerning the idea" ("The Master's Voice – Remarks on the Problem of Human Rights in Africa," in *Philosophical Foundations of Human Rights* (Paris: UNESCO, 1986; reprinted by the National University of Benin, Nigeria), 320; cited by Mahmood Mamdani in "The Social Basis of Constitutionalism in Africa," *The Journal of Modern African Studies* 28 (1990): 360).

this assertion, it is probably not as alien to them as they think; for insofar as they are *liberal* multiculturalists, they, too, will assume that liberal tradition is morally superior to illiberal traditions.

However, even if explicit talk about the rights of individuals has been delivered by one tradition to another, that does not mean that rights-talk is simply alien to the latter. Rather, it might be that the articulated insight of one tradition resonates with more or less inarticulate elements already present in the other, giving them voice and power. As a consequence, it becomes possible to reconfigure the receiving tradition so that it can own the imported ideas in an authentic fashion.[46] And in so doing it might well contribute something important of its own, so that the process actually becomes a dialogue between two traditions, and develops beyond a simple monologue from one to the other. As we have seen, Confucian reflection on rights points out that rights-talk is not enough – that we also need to talk about the virtues that will enable citizens to respect the rights of other, and perhaps avoid the social conflict that arises when they are asserted. In this way, Confucians remind Western rights-advocates of something that lies in the Christian and Aristotelian roots of their own tradition, and about which they have become largely oblivious.

In sum, my conclusion is this. The human goods that rights seek to protect are universal: they are elements of the universal nature of human flourishing. It is unlikely that any human society has ever come into existence, which failed to recognize some human goods and neglected to protect them by threatening to punish members who damage them for no good reason. It follows that it is unlikely that any society has ever existed without establishing customary or legal rights that enjoy some measure of security. Reasonable speculation, therefore, suggests that the phenomenon of rights is universal. At least what we can say with certainty is that the phenomenon is not simply or originally Western, since there is empirical evidence that some non-Western societies have in fact established rights, many of them familiar to Westerners. There are, however, many different ways in which a good can be protected by

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46 Regarding this point, I note James Silk's suggestion that the religious myth that gives rise to the recognition of universal human dignity among the Dinka people, who are native to South Sudan, might owe something to contact with the monotheisms "just down the Nile" – Judaism, Christianity, and Islam ("Traditional Culture and the Prospect for Human Rights in Africa," in An-Naim and Deng, *Human Rights in Africa*, 327–8). I note, too, that, while the Iraqi Bedia Afnan argued that women's rights could find an authentic place in Muslim culture, the necessary reconfiguration would involve borrowing from the West (Burke, *Decolonisation*, 124). And I also note Stephen Angle's argument that while the explicit rights talk of Liang Qichao and Liu Shipei in early 20th century China drew from the neo-Confucian discussion of legitimate interests, it did so in the light of the thought of the German legal philosopher, Rudolf von Jhering, and the French philosopher, Jean-Jacques Rousseau (*Human Rights and Chinese Thought*, 23).

a legal right, and the way chosen by a particular society will be shaped by its historical, cultural, and other circumstances. Therefore, while the good to be protected is universal, and while the means of protecting it by establishing a right is very probably universal, the specific form of the protective right will not be universal. Circumstances might dictate (through the virtue of prudence) that certain rights should not be granted at all, or that they should be suspended; and circumstances always dictate what level of security it is prudent to accord any right.

3.9 Beyond Rights to Duty and Virtue: A Confucian Reminder to the West of Its Christian Heritage

Christian dogma leads Christians to expect to find some measure of trans-cultural recognition of universal human goods, and similar or analogous social institutions – be they laws or social-moral norms – for protecting and promoting them. Consideration of the empirical phenomenon of legal rights across Western and non-Western cultures corroborates that dogmatic expectation. There is no radical moral difference between the West and the Rest. There is difference, of course, but it is not entirely unfamiliar, unintelligible, and unnegotiable.

For example, insofar as Confucians recognize legal rights, they typically regard them as secondary to the exercise of virtue in the management of healthy relationships, and only as coming into play as a litigious last resort in case of conflict.[47] Even then, however, the issue arises of how to exercise rights virtuously, and the ability to do so requires the 'inner freedom' that issues from the self-cultivation that consists in the ordering of conflicting desires and the mastery of lower ones.[48] Take the right to freedom of speech. The staunch apologist for 'Western human rights,' Jack Donnelly, is uncompromising:

> Essential to any plausible conception of human rights … is the claim that all human beings have certain rights prior to and irrespective of their discharge of social duties… A right to free speech has no logical connection to an obligation not to disseminate lies. Society and the state may legitimately punish me for spreading vicious lies that harm others. The penalties, however, rest on the rights or interests of those who I harm, not my right to free speech. If I slander someone, I do not lose my right to freedom of speech – if we conceive of it as a human right. Incitement to communal or religious hatred may

47 Chan, "A Confucian Perspective," 220–1, 226–8: "The Confucian perspective would take rights as a fallback auxiliary apparatus that serves to protect basic human interests in case virtues do not obtain or human relationships clearly break down."

48 Seung-Hwan Lee, "Liberal Rights or/and Confucian Virtues?," *Philosophy East and West* 46 (1996): 369–70, 372.

be legitimately prohibited and punished, but even the most vocal hate monger still has a right to express his views on other subjects – if free speech is a human right. Defensible limits on the exercise of a right should not be confused with duties inherent in the possession of a right.[49]

Donnelly is correct, of course, to say that the legal right to free speech does not itself logically entail any duty on the part of the right-holder; and that it is *other* legal rights against libel or slander or hate-speech that impose legal duties and constrain the lawful exercise of freedom of speech. What Donnelly misses, however, is that, even *within* the space remaining for free speech, after all the constraints by relevant legal rights have been taken into account, *moral* obligations arise. Within certain bounds the law will not prohibit gratuitous insult or needling provocation or wilful misrepresentation or uncharitable interpretation, but morality, arguably, does.[50] These moral duties then raise the question of what it takes to be the kind of person who is in sufficient control of himself as to be *capable* of not insulting, provoking, misrepresenting, and being uncharitable. That is to say, it raises the question of the formation of moral virtue. This is what Confucian eyes see – but Donnelly's 'human rights' eyes miss – when they contemplate 'American-style' or libertarian free speech.[51]

However, it is not only traditionally 'Eastern' eyes that are alert to the ethical insufficiency of rights-talk. Western Christians, who are in touch with their moral tradition and their Sacred Scriptures, will be alert to it, too. One of the matters that St Paul treats on several occasions in his epistles to the early Christian communities in Corinth and Rome is the Christian's proper attitude towards Jewish law or regulations structuring the religious life, especially the eating of 'pure' or 'impure' food. Paul himself came to the view that religious faith in Christ permits the Christian to dispense with the law. This is the negative dimension of Christian liberty or freedom – freedom *from* Jewish law. There is, however, also a much more important positive dimension – freedom *for* love. When considering the treatment of unnecessarily scrupulous Christians (those with a 'weak conscience'), who do not feel free to dispense with Jewish law, Paul counsels their more enlightened and liberated brethren (those with 'knowledge') to restrain their own exploitation of negative freedom for the sake of exercising the positive freedom of love. As he writes to the Corinthian Christians:

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49 Donnelly, "Human Rights and Asian Values," 78–9.

50 I argued this with regard to the *Charlie Hebdo* murders in January 2015. See Nigel Biggar, "*Charlie Hebdo* Took Offensiveness Too Far," *Times*, 9 January 2016. Accessed July 28, 2021. https://www.mcdonaldcentre.org.uk/sites/default/files/content/charlie_hebdo_took_offensiveness_too_far_the_times.pdf.

51 Bauer and Bell, "Introduction," in *The East Asian Challenge for Human Rights*, 14, 17; Chan, "A Confucian Perspective," 234.

Now about food sacrificed to idols: We know that "We all possess knowledge." But knowledge puffs up while love builds up. Those who think they know something do not yet know as they ought to know. But whoever loves God is known by God.

So then, about eating food sacrificed to idols: We know that "An idol is nothing at all in the world" and that "There is no God but one" … for us there is but one God, the Father, from whom all things came and for whom we live; and there is but one Lord, Jesus Christ, through whom all things came and through whom we live.

But not everyone possesses this knowledge. Some people are still so accustomed to idols that when they eat sacrificial food they think of it as having been sacrificed to a god, and since their conscience is weak, it is defiled. But food does not bring us near to God; we are no worse if we do not eat, and no better if we do.

Be careful, however, that the exercise of your rights (ἐξουσία)[52] does not become a stumbling block to the weak. For if someone with a weak conscience sees you, with all your knowledge, eating in an idol's temple, won't that person be emboldened to eat what is sacrificed to idols? So this weak brother or sister, for whom Christ died, is destroyed by your knowledge. When you sin against them in this way and wound their weak conscience, you sin against Christ. Therefore, if what I eat causes my brother or sister to fall into sin, I will never eat meat again, so that I will not cause them to fall.[53]

Along the same lines Paul addresses the Christian community in Rome:

I am convinced, being fully persuaded in the Lord Jesus, that nothing is unclean in itself. But if anyone regards something as unclean, then for that person it is unclean. If your brother or sister is distressed because of what you eat, you are no longer acting in love…

Let us therefore make every effort to do what leads to peace and to mutual edification. Do not destroy the work of God for the sake of food. All food is clean, but it is wrong for a person to eat anything that causes someone else to stumble. It is better not to eat meat or drink wine or to do anything else that will cause your brother or sister to fall.

So whatever you believe about these things keep between yourself and God…

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52 The Greek word ἐξουσία can mean 'authority', 'power', or freedom of choice'. In this context it means, not exactly 'a right' or 'rights,' but rather 'a rightful freedom' from Jewish law. Not for the first time a modern translator has found rights talk in a pre-modern text, where it does not exist.

53 St Paul, First Epistle to the Corinthians, 8.1–13 (New International Version).

> We who are strong ought to bear with the failings of the weak and not to please ourselves.[54]

Whatever our liberty-rights – be they legal or moral – our exercise of them is subject to moral duties. One of these is the duty not to alienate other people by slaughtering their sacred cows for trivial or unnecessary reasons. Eastern Confucians recognize this as a duty of *ren* or benevolence; Western (and Eastern) Christians, as a duty of love. Both recognize that not everyone is characteristically disposed to be able to perform such duty, and that the virtue of benevolence or love needs to be cultivated.

Therefore, when Confucians criticize Western rights-advocates for neglecting this, they are not telling them something utterly foreign and unintelligible. They are in fact reminding them of something already present in their own Christianized culture, but which has been recently lost from secularist sight. It is possible, of course, that the rights-advocates would simply reject what they are being reminded of. But since the importance of virtue for the effectiveness of legal rights is hard to gainsay with good reason, and since its recognition does not detract from the importance of rights, a negotiated adjustment seems more likely. In that case, ethical dialogue across geographically distant cultural traditions would prove fruitful. And that would show that moral difference is not radical. It would show that beyond different specifications and social instantiations, some human goods and some of the means of protecting and promoting them, at least, are universally recognized.

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54 St Paul, Epistle to the Romans, 14.14–15a, 19–22a; 15.1 (New International Version).

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4 Christians and the Transcendence of the Good

A Response to Nigel Biggar

Maarten Wisse

4.1 Introduction

Questions of moral pluralism are complex. They are posed from different perspectives, and they are tackled along many different lines. This is even true of the discussion of moral pluralism and realism in theology. In this, theology is not alone. The discussion of moral pluralism in philosophy is strongly affected by different philosophical schools as well. In the Moral Compass Project, hosted by the Protestant Theological University, we notice this time and again when we discuss each other's contributions to the project. It makes a difference whether one approaches moral realism from an analytic or a continental philosophical perspective. The same goes for schools in theological ethics. It matters whether one approaches moral realism or relativism from a virtue ethical or divine command ethical point of view. Not only this, but one also quickly stumbles upon fundamental presuppositions which govern our ways of thinking about moral questions. Even in a post-metaphysical era, it is very hard to avoid any basic grand story that directs our actions and views, but is as such something that cannot be argued for in knock-down logical terms.

This is why in the Moral Compass Project, not only ethical, but also theological and dogmatic questions play a role. In the end, whether one adopts a realist, relativist or pluralist standpoint does not go back to an evaluation of empirical data, but is embedded in a grand narrative of what the world and its origin in God look like. Such a grand narrative explains where moral convictions have their place in the universe and how we can make sense of those convictions vis-a-vis the moral pluralism that we find in our modern societies. Such grand narratives can hardly ever be proven true or false in any straightforward way, but they can be argued for or against in terms of their overall explanatory power in making sense of the world around us. Such an argument will always remain partial and contextual, as all the 20th-century masters of suspicion have argued, but this does not make them superfluous or

dangerous.[1] Quite to the contrary, precisely this partiality and contextuality opens them up to a conversation between persons in search of truth, goodness and beauty.[2]

The argument developed in this paper is an attempt to organize a critical conversation between two of such theological grand narratives. One has been presented and defended in the previous chapter by Nigel Biggar. I will summarize it concisely in Section 4.2 and criticize it for its explanatory power of genuine moral disagreements and pluralism in Section 4.3. In Section 4.4, I will present an alternative grand narrative inspired by Augustine of Hippo's *De Trinitate*, and finally, in Section 4.5, I will argue why I think that this theological grand narrative is a more convincing basis for a certain kind of moral realism in combination with a significant amount of moral pluralism.

4.2 Biggar's Argument

The beginning of Professor Biggar's argument in his paper "Goods, Rights, and Universality: A Christian View" leads to the main part of his argument in a small number of steps that can be summarized as follows:

1 Moral standpoints are plural.
2 Nevertheless moral views are not necessarily mutually exclusive.
3 There is no moral view from nowhere.
4 I, Nigel Biggar, am a Christian and that is why my moral standpoint is determined by my Christian faith.
5 Christian faith believes in God as one, albeit that this unity is also Trinity at the same time.
6 God is internally coherent and the world God created is coherent as well.
7 Therefore, there must be some set of given moral truths that can be acknowledged by all human beings.

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1 Famously, in theology this argument has been developed by John Milbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Blackwell, 2006[2]), Ch. 10.
2 Anton Friedrich Koch's 'hermeneutic realism' helps me much to conceive of a form of realism that avoids relativism and absolutism at the same time. According to Koch, language is always rooted in a conversation *between* human beings and *about* a reality that none of them can grasp on their own (Koch, *Hermeneutischer Realismus* (Tübingen: Mohr Siebeck, 2016); more concisely Anton Friedrich Koch, "Rationalität im Gespräch. Grundlegendes aus philosophischer Perspektive," in *Rationalität im Gespräch – Rationality in Conversation. Philosophisch-theologische Perspektiven – Philosophical and Theological Perspectives*, ed. Markus Mühling et al. (Leipzig: Evangelischer Verlagsanstalt, 2016), 11–22).

I quote the decisive step where Biggar proceeds from the monotheistic belief in one God to the presence of a moral reality of some kind (steps 5–7 specified above):

> "The Lord our God, the Lord is one!" (Dt. 6.4). Christians (following Jews and alongside Muslims) are monotheists. They may believe that God's oneness is complex, Trinitarian, but it is still a unity. Part of what this means is that God is *alone* in the sense of being unrivalled, unchallenged, sovereign: "there is none beside him." Another part of what it means is that God is internally unified, coherent, rational – as opposed to psychologically chaotic, driven by conflicting passions, a divided mind. It follows that, because God is of one mind and sovereign, the world that he has created is fundamentally coherent and ordered. At bottom, there is one reality, reality is unified and this unified, ordered reality is not merely physical, but moral: "And God saw everything that he had made, and behold it was very good" (Gen. 1.31). 'Good' is a moral, evaluative category. So created reality includes goods, things that deserve to be loved, and in loving which human creatures flourish. The Christian monotheistic understanding of God and of creation implies, therefore, a moral reality *of some kind*, which is *given* before human thinking and acting. So Christian monotheists are 'moral realists', as opposed to moral relativists or constructivists, according to whom morality is simply an individual or social construction. This is not to deny that what is right depends on circumstances, individual or social; but it is to say that it is not absolutely relative to them.[3]

In what follows in Section 4.2, Biggar argues for this moral reality as 'the Good' rather than natural law or divine commands. Biggar states that behind any law or command there is the reason why these laws or commands are given to you, which is "because it's good for you." (4) Also, the notion of the Good is situated by Biggar in the context of salvation history, in which the Christian God is leading his people to life abundant or human flourishing. This human flourishing, then, is universal. The universality of human flourishing is then nuanced by stating that it is coherent with a non-radical form of moral pluralism.

  In the next sections, Biggar proceeds with a defence of moral realism and it must be said that the specifically Christian frame of reference within which this defence of moral realism is developed, plays only a minor role. Also, the non-radical pluralism of which Biggar claims that

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3 Nigel Biggar, "Goods, Rights, and Universality: A Christian View," in *The Transcendent Character of the Good: Philosophical and Theological Perspectives,* ed. Petruschka Schaafsma (London/New York: Routledge, 2022), 51–2.

it is compatible with his version of moral realism plays only a minor role in the rest of his paper. Most of it is used to discuss charges that have been brought forward by others against moral realism, the charge of imposing Western moral convictions on non-Western cultures in particular, Biggar trying to refute them by showing that what is present in Western culture, is also present in other cultures.

4.3 A Critique

In spite of all the appreciation and respect I have for Professor Biggar's defence of moral realism and his honest intention to do justice to the fact that moral convictions differ markedly between cultures, the main thrust of his paper centres around the conviction that there is an inner unity present in the world concerning the Good. This interest in arguing for what he calls "moral realism" is backed up in a very strong way by rooting it in the unity of God in the monotheist religious traditions.

In this paper, I will not argue in detail against the various alleged shared moral convictions between Western and non-Western cultures. While these may indeed be there, I do not see that bringing them to the fore helps us to overcome moral subjectivism in Western culture. I would like to start where Biggar starts, in a Christian theology of God, the good and of creation, but then sketch a different path along the road of the consequences of it for moral realism, and moral pluralism in the Christian tradition.

Starting with a Christian theology of God, I would like to draw attention to the fact that in contemporary Christian theology, it is not usual to start so strongly with the unity of God and on the basis of that, primarily focus on the unity and consistency of the order in the world. Twentieth-century Christian theology has increasingly focused on the interplay between unity and diversity in God, drawing from the insight that the Triunity of God needs to be taken more seriously in Christian theology than it used to be.[4] Although I am by no means subscribing to social Trinitarianism – quite to the contrary[5] – I think that confessing

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4 To name a few classics both from the European continent and the Anglo-Saxon world, see, e.g., Colin E. Gunton, *The One, the Three, and the Many: God, Creation, and the Culture of Modernity* (Cambridge, New York: Cambridge University Press, 1993); Catherine Mowry La Cugna, *God for Us: The Trinity and Christian Life* (New York: HarperSanFrancisco, 2006); Jürgen Moltmann, *Trinität und Reich Gottes: zur Gotteslehre* (München: Kaiser, 1980).

5 Cf. Maarten Wisse, *Trinitarian Theology Beyond Participation: Augustine's De Trinitate and Contemporary Theology*, T&T Clark Studies in Systematic Theology, 11 (London: T&T Clark International, 2011), especially the Introduction and Ch. 2; for a similar critique, see Stephen R. Holmes, *The Quest for the Trinity: The Doctrine of God in Scripture, History, and Modernity* (Downers Grove, IL: IVP Academic, 2012).

God as Trinity should have consequences for our thinking about the unity of God. Drawing on Augustine, I would like to propose that we take the unity of God to be God's absolute uniqueness and so there is no automatic connection between the unity of God and the unity and consistency of creation. Once more, the fundamental threeness in God, which I take to be at the same level as the unity of God, gives us reason to think that if multiplicity is present in God in some way, there might well be a fundamental diversity in reality as the creation of the Triune God as well. In the theology of religions, this insight in genuine differences between religions and cultures has been emphasized as well, drawing on the doctrine of the Trinity.[6]

Apart from theological reasons to think of creation not only or primarily in terms of unity but as much and as fundamentally in terms of diversity and multiplicity, I think that there are phenomenological reasons to do so as well. Biggar starts with the thesis that moral views are plural, but when reading the main part of his paper, one wonders whether Biggar fundamentally appreciates this plurality or that he rather regrets that it is there, or regards it as caused by misunderstandings between people. But is this helpful? If cultural differences are genuine and moral disputes real, should we not start from a moral grand narrative in which a plurality of views can be fundamentally taken into account?

A subsequent question that can be asked at this point, is whether moral plurality is the result of evil or not. Is it a gift of creation that we make diverging moral judgements or is it the result of sin? This is a question that Biggar does not raise but it is quite fundamental to one's understanding of moral realism. If moral realism has to be made plausible as a set of convictions that everyone actually agrees on, one will have to explain why there is so much moral disagreement in the world. One of the sources of explanation available to Christian theology in this regard is the doctrine of sin. Along those lines, there would be moral disagreement in the world because all human beings are sinful and therefore lack a sufficient level of cognitive access to the good to know what is in fact good for them. This, however, leads to a tricky problem for the religious believer who claims that moral realism is true. Phenomenologically, it means that one claims a certain view of the world to be true, although it is simultaneously maintained that no one has actual cognitive access to it. Once more, if believers nevertheless uphold their moral realism, they claim to be exempt from this situation of sin, although they are as human as all the others. This easily turns their moral realism into moral

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6 Cf. Gavin D'Costa, *The Meeting of Religions and the Trinity* (Maryknoll, NY: Orbis Books, 2000); S. Mark Heim, *The Depth of the Riches: A Trinitarian Theology of Religious Ends* (Grand Rapids, MI: Eerdmans, 2001); Christoph Schwöbel, *Christlicher Glaube im Pluralismus. Studien zu einer Theologie der Kultur* (Tübingen: Mohr Siebeck, 2003).

absolutism, because they claim to have the one true view of the world without being able to argue for it. In short, in order to adequately deal with the presence of genuine moral differences, a version of moral realism has to deal with evil.

One might say that Biggar's take on the question of moral realism as a question of common ground is a common sense version of moral realism.[7] He claims that moral realism is backed up by the fact that there is a fundamental similarity between moral convictions across cultures and religions. Biggar takes this point of departure for granted, although there are present day versions of moral realism that leave much more room for genuine moral and cultural differences and disagreements. However, this point of departure is itself by far not obvious and has its roots in a very particular moral epistemological paradigm, the paradigm of modernity. In this epistemological paradigm, moral truths are basically independent from the context in which they have their place. Claiming moral realism to be true seems to be a matter of finding an inescapable objective basis for the fact that, despite all their differences, all people still have the same epistemic access to a moral reality independent of human moral preferences, a stable deposit of moral truths. From that perspective, genuine cultural and moral diversity is something to be regretted rather than to be applauded.

4.4 An Alternative: God's Creative Presence among Us

But what if we take a different starting point? In what follows I want to sketch an alternative 'moral theological metaphysics' inspired by Augustine's theology. In the next section, I will discuss the consequences of that alternative metaphysics for the questions of moral realism in connection with cultural differences.

In his Trinitarian theology and anthropology in book 8 of *De Trinitate*, Augustine outlines a Trinitarian structure of love as a phenomenon between a lover, loved and love itself.[8] This love itself Augustine identifies with the person of the Holy Spirit.[9] God, as love, is therefore constantly present in reality and, like that love, is always in between people.

In Augustine this love is closely connected to justice, which is understandable because Augustine agrees with the Platonic tradition that God is the highest good, and so for love to be love (Augustine's term here is *dilectio*, although it is notoriously problematic to associate too specific meanings with his terms for 'love'), it cannot be anything other than love

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7 In this, Biggar is close to C. S. Lewis, *The Abolition of Man, or, Reflections on Education with Special Reference to the Teaching of English in the Upper Forms of Schools* (New York: Collier Books, 1986[15]).

8 Augustinus, *De Trinitate*, viii, 10–12.

9 Augustinus, viii, 12 and xv, 27–39; cf. Wisse, *Trinitarian Theology*, Ch. 6.5.3.

for the Good itself and love takes the form of justice: "True love then is that we should live justly by cleaving to the truth…"[10] Every person finds her fulfilment in loving love, because in it they find peace as peace with God, their neighbour and themselves. Thus the structure of reality is a structure in which the Good is both present and guiding, because reality was created by God and is directed towards him who is the Good itself, and finds its fulfilment in God.

Augustine's approach to the common good is quite open, strongly determined by the intentionality, or maybe more accurately, the existential state of the heart and the spiritual health of the mind who loves.[11] It does not take the form of a particular set of moral convictions, not even the commandments. Insofar as divine commands are in view, they take the form of the twofold summary from the Gospels and the command of love from the Gospel of John. Even the bold and well-known statement *ama et fac quod vis*[12] is from Augustine, and this is perfectly comprehensible against the background of his close connection between true love and justice. Anyone who would love justly in a perfect way, would not have to hesitate about what to do. They could do whatever they wanted. His doctrine of grace, however, includes the claim that there is no moral human being, however pious they are, who will reach that state in this life.[13] This leads to a strongly situational ethics where the access to the common good does not so much take the form of a set of commonly held principles, but is a shared sensitivity for the good in ever new situations. The basis of one's proper access to this shared sensitivity is the existential state of the subject.

In book 8 of *De Trinitate*, Augustine always construes the nature of just love in a Trinitarian way. There is the lover, the beloved and the love between them. What makes love just, is the love of Love itself, because thus, neither the lover loves himself, nor only loves the beloved, but the lover loves the justice that keeps the balance between the one and the other. Thus, no one ever holds a patent on access to the good. There is always a 'Transcendent Third' in play who disrupts our arbitrary access to the good while at the same time nourishing us in love for each other

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10 Augustinus, viii, 10: "Haec est autem vera dilectio ut inhaerentes veritati iuste vivamus…" (translation: Augustine, *The Trinity*, ed. John E Rotelle, trans. Edmund Hill (Brooklyn, NY: New City Press, 1991), 252).

11 At this point, my argument in this section runs a bit counter the otherwise excellent discussion of Augustine's ethics in Gerald W. Schlabach and Allan D. Fitzgerald, "Ethics," in *Augustine Through the Ages: An Encyclopedia,* eds. Allan Fitzgerald and John C. Cavadini (Grand Rapids, MI: Eerdmans, 1999), 320–30.

12 Augustinus, *In Epistolam Ioannis Ad Parthos Tractatus*, vii, 8.

13 Cf. Maarten Wisse and Anthony Dupont, "'Nostis qui in schola Christi eruditi estis, Iacob ipsum esse Israel:' Sermo 122, In Iohannis euangelium tractatus 7 and the Donatist and Pelagian Controversies," *Zeitschrift für antikes Christentum* 18 (2014): 302–25.

and ourselves.[14] The creative presence of the Most High among us is the creaturely grace that helps us to find new wisdom and do what is right in every specific situation. Thus, although for Augustine there is certainly something like moral common ground, it does not take the form of a set of commonly held moral convictions that all people agree on. This is all the more so because as we will see, the existential spiritual state of the heart is completely healthy in none of us. Each heart is broken by sin, and so no one can unconditionally rely on what he or she wants, because no one loves with true love. There is always a tendency to desire and this desire makes us want happiness quicker than justice permits.[15]

In the second half of *De Trinitate*, Augustine also draws on the effect of sin as *amor sui*, love of oneself.[16] Originally, that is before the fall, this *amor sui* is a good thing. After all, in Jesus' summary of the commandments nothing negative is said about love of oneself. One is asked to love one's neighbour as oneself. However, because of sin, love becomes detached from righteousness in that it becomes detached from God. Because God is no longer loved in the highest possible way, the love of neighbour and the love of oneself lose their embedding and become independent.[17] As a result, love of neighbour becomes instrumentalized and turned into a distorted love of oneself. Thus, even the love of oneself gets confused because self-love becomes impossible as one is no longer able to sees oneself as one truly is, namely as a creature of God.[18] A competitive relationship with the other arises because the self is no longer in control of itself. Augustine's famous notion of unrest is born.

Given the presence of sin in life, the sensitivity to the Good is damaged. It is never completely lost.[19] That is why it makes sense from Augustine's theology to appeal to the natural ability to know the good in every person. Any appeal to justice made by a human resonates with our natural predisposition to love God as the highest Good and reminds us of our origin and destination, even if we are not always willing to heed that reminder. Because of sin, the law is also given as a reminder of the Good, although in principle we can also see the Good of the law from our original disposition. So the law is not an arbitrary set of commandments given by a God who is not accountable for it, but a set of memories of a goodness that we can in principle recognize ourselves, even when we fail to do what we know to be good.

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14 Augustinus, viii, 12.
15 Augustinus, xiii, 7–11.
16 Cf. the discussion with references to Augustine: Wisse, *Trinitarian Theology*, Ch. 4.5 and 4.6.
17 Augustinus, ix, 4.
18 Augustinus, x, 7.
19 Augustinus, xiv, 6.

We would, of course, be doing great injustice to Augustine's theology if, in addition to this analysis of his view of good, we were to skip the role of grace. Augustine is focused on bringing his readers to faith in Jesus Christ in all that he presents theologically.[20] In his great speculative works such as the *Confessiones*, *De Civitate Dei* and *De Trinitate* he always maintains a delicate balance between on the one hand a great confidence in the possibilities of human beings as creatures of God, but on the other hand also a sharp eye for the necessity of faith in Christ to eventually become partakers of salvation.[21] The first is necessary in order not to lose touch with his intellectual readers who are on the edge of the Church, while the second is necessary to bring them beyond that edge into the community of the Church through baptism (cf. Augustine's own position in between books 7 and 8 of the *Confessiones*).

According to Augustine, it is impossible for fallen people to truly become a new person without faith in Christ (which for him is not so much an act of an independent subject as rather a movement of a relational being into a new community) and without exception to do the right thing. That status is not possible at all for fallen people, but also the way to reach perfection is impossible outside the grace of Christ. Incidentally, sometimes people do not consciously know this grace that they participate in, so it is certainly not the case that only Christians do good things and it is certainly not the case that Christians are always better people than non-Christians.[22] On the contrary, but nonetheless, faith in Christ is crucial to becoming a new person who continues to advance on the path of righteousness. Even when people do not walk on the path of faith, nor do good themselves, non-believers can see the holiness of the saints from the justice by which they live and love them for that reason.

4.5 Consequences of This for Ethics

What are the consequences of this moral theological metaphysics when we compare it to Biggar's version of moral realism?

First and foremost, this metaphysics provides a different approach to moral pluralism. Moral pluralism can now be interpreted on two levels and those two levels cannot be reduced to each other. Moral pluralism can be a result of sin and therefore problematic, but it can and is justifiable as a form of creaturely diversity. Concisely formulated: because God as Trinity has in Godself both unity and diversity, whereby both cannot be reduced to each other, similarly the moral order can also be

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20 Cf. Wisse, *Trinitarian Theology*, 24–9, 164–7.
21 Augustinus, xiii, 11–12; Wisse, *Trinitarian Theology*, Ch. 3.
22 Schlabach and Fitzgerald, "Ethics," 323.

characterized as a unity in diversity, because the love between people expresses the presence of God. This divine presence as the Good among us can never be reduced to a simple appeal to certain principles. Moral differences, therefore, as situational differences, are not a problem but invite to what is the kernel of moral reflection, a truly communal encounter between people. This breaks with the tendency of modern ethics to find the good in a person-independent way. If we would put it in terms of the notion of common ground: the moral common ground that people find between one another is not so much one and the same result in different cultures, but is the possibility and actuality of the debate itself, within and between cultures, and the fact that such debates lead to mutual recognition, enrichment and understanding. Thus, even though there is moral pluralism, all people have access to the Good itself as their basic way of being. Speaking on the level of creation, however, this does not mean that they always have to agree on moral issues.

As a consequence of this, and I see this as a strength of this alternative meta-narrative because it adds to its explanatory power, access to the good is indeed universal and indeed there is moral common ground, but such universal moral common ground is never trivial. Indeed this is how we experience moral diversity in a plural world. Moral disagreement is not only a matter of deplorable differences of opinion, but it is part of the complexity of our moral judgements and the richness of our perspectives on the world we live in. The promise of moral conversation is in this richness and not in a single set of principles that everyone agrees on.

At the same time there is also a second level at which there is moral pluralism and this is the level of sin. In any moral disagreement, the question is: is this moral disagreement the result of human diversity or of sin? This complicates our view of moral differences, but also makes them considerably more realistic. We no longer have to see every moral disagreement as a problem, but at the same time we can also keep an eye out for moral differences of opinion in which real evil is involved that must be designated as such. Augustine's theology provides a criterion for distinguishing between problematic disagreements and disagreements that are the result of creaturely diversity, namely in his ordering of justice and happiness (book 13 of *De Trinitate*).[23] Those who seek happiness prior to justice are focused on themselves at the expense of others and thereby do evil.

Of course, after this analysis of our access to the Good, one must also speak of grace and its significance for ethics. This can be done at various levels, levels that are no longer always easy to distinguish for postmodern theologians due to the impact of modernity. One should speak of God's grace at what one could call the level of the creaturely presence of God as the love between people, a love that is also there after the fall. After

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23 Augustinus, xiii, 6–12; cf. Wisse, *Trinitarian Theology*, Chs. 3 and 6.

all, how could humans live if the Most High was not with us. We would not exist, because all that we are is good and is created and maintained by God from moment to moment. Likewise, in every conversation that we have with each other that involves the Good, the Eternal is among us to inspire us, to energize us and to connect us with each other. Every moment of wisdom is a moment of grace and a reinforcement of love of neighbour. Grace is the backbone of reality as the Goodness with which God creates and sustains this world.

But grace is also present in another way, namely, when fallen people are touched by the special electing grace of Christ and made new people. They are received into the body of Christ and brought into the communion of the special dwelling place of the Spirit. True, even those who are taken into the body of Christ do often no better than those who are not, but nevertheless the body of Christ is pre-eminently a place of moral improvement and moral wisdom. After all, the body of Christ is formed by believers, but pre-eminently also by saints, people who shine as lights through moral exemplarity and who embody moral wisdom.[24] The saints guide a world that stumbles into the search for the good, for the priority of justice above happiness and thus offer a paradoxical access to the moral order on which the world is built, even if it is difficult for fallen people to perceive it and live according to its principles.

To sum up: do we need common ground as a set of common views on moral issues across cultures? It depends on what sort of common ground we mean. God is the common ground who inspires people every day to do good, to know it and to find happiness in it. Only from there does the question for moral common ground as corresponding moral viewpoints arise.

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24 This becomes especially evident in Augustinus, *Confessiones*, book 8, where Augustine is finally moved to conversion by the stories of the saints Marius Victorinus and Anthony the Desert Father.

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Part II

Epistemology

On Knowing the Good and
(Not) Doing It

5 Law, Virtue, and Protestant Ethics

Historical Bearings and Prospects for Rapprochement with Aristotelian Naturalism

Jennifer A. Herdt

Protestant ethical reflection has long been associated with an emphasis on divine law. We are in the midst of an important retrieval of traditions of reflection on natural law and the virtues within Protestant thought, however. Despite characteristic Protestant emphases on the Fall and on justification by faith alone, we are now in a position to see how much continuity there is between Catholic and Protestant ethics, notably when it comes to natural law and virtue ethics. While important historical work remains to be done, the challenge is not solely to arrive at a more adequate historical account. We must also consider where that leaves Protestant thinkers when it comes to the possibilities for productive engagement in highly pluralistic social and political contexts. Can a more adequate appreciation of past forms of Protestant ethical thought better equip us to engage in the pluralistic contexts of the present? I believe that it can be helpful in identifying a productive path forward, even if it cannot provide any shortcuts through the complex particularities surrounding discussions of concrete issues. It suggests, specifically, the possibility of a positive rapprochement with contemporary Aristotelian naturalism, theologically construed. In what follows, therefore, I offer a brief overview of what I take to be the state of the question concerning natural law and virtues in the early Reformation and Reformed Orthodoxy, before turning to a more constructive project: that of suggesting a path forward that emerges through engagement with contemporary Aristotelian naturalism. My hunch is that this kind of engagement offers the most promising avenue for contemporary Christian reflection on law and virtue.

5.1 The Myth of Protestant Rejection of Virtue and Natural Law

In the mid- to late-20th century, it was common to claim that Protestantism embraced divine command morality over against natural law.[1] Even

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if there were a natural law embodying God's will for creation, the Fall rendered access to that law impossible. Morality was not to be grasped through nature and reason, but was rather divinely revealed in scripture. Karl Barth repudiated natural law as insufficiently Christocentric. Reinhold Niebuhr criticized natural law thinking for absolutizing the relative. Stanley Hauerwas argued that natural law compromises loyalty to Christ, functioning "ideologically to justify the assumption that Christians have a responsibility to fulfill the demands of the state and institutions associated with it."[2] Natural law was regarded as an essentially Catholic approach to Christian moral thinking. It seemed to box in divine freedom, deny the radical character of the Fall, render Scripture secondary, and interfere with the intimacy of the divine–human relation.

We are now in a position to see this conception of a deeply ingrained Protestant hostility to natural law ethics as a relatively short-lived aberration, extending between the end of World War I through the end of the century.[3] In fact, within the magisterial wing of the Protestant reformation, Lutheran and Reformed thinkers alike inherited and continued to employ the natural law tradition as a lingua franca for ethical reflection, even as that tradition was reinterpreted in light of new understandings of the Fall and of justification. The notion that the Reformers rejected natural law ethics was given traction by Karl Barth and Karl Holl, for whom natural law was bound up with the failures of liberal Protestantism, which was to be held responsible for the cultural captivity of Christianity and all the horrors that followed.[4] It was difficult for a historian like Holl to deny that so-called Protestant scholasticism had embraced the framework of natural law. But he argued that this was a betrayal of the first generation of Reformers.[5] In fact, what we can now concede is merely that Protestant Reformers devoted relatively little attention to the natural law in the early years of the movement; their focus was elsewhere. Far from repudiating the natural law, however, they simply took it for granted.

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2 Karl Barth, *Church Dogmatics. IV. 2*, ed. G. W. Bromiley et al. (London: T&T Clark, 1960), 194; Reinhold Niebuhr, "Christian Faith and Natural Law," *Theology* 104 (1940): 86–94; Stanley Hauerwas, "Natural Law, Tragedy, and Theological Ethics," *American Journal of Jurisprudence* 20 (1975): 3.

3 Stephen J. Grabill, *Natural Law in Reformed Theological Ethics* (Grand Rapids, MI: Eerdmans, 2006), 21–53; David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids, MI: Eerdmans, 2010), 316–47.

4 Karl Holl, *The Cultural Significance of the Reformation* (New York: Meridian Books, 1959), 49–51.

5 Günter Frank, "Die praktische Philosophie Philipp Melanchtons und die Tradition des frühneuzeitlichen Aristotelismus," in Philipp Melanchton, *Ethicae Doctrinae Elementa et Enarratio Libri quinti Ethicorum*, ed. Günter Frank, XIX–XLII, xxi (Stuttgart-Bad Canstatt: Frommann-Holzboog, 2008).

5.2 The Reformers on Law and Virtue

In broad outline, what the Reformers inherited and passed on was an understanding of the natural law as a universally applicable morality, expressing God's intention for how human–divine and human–human relations were properly to be ordered. They regarded the Decalogue as a revealed restatement of the natural law and its best summary – as simultaneously natural and divine law. They tended to refer interchangeably to the natural law, moral law, law of God, law of the heart, conscience, and light of nature. While they took for granted that fallen humankind could have only imperfect access to the natural law apart from revelation, they also believed that some access was possible and that this helped to account for the greatness of ancient pagan societies. There was nothing innovative in this general view. Catholic scholastics, too, had interpreted the natural law through scripture and vice versa, and had assumed that both access to the natural law and the ability to conform to its dictates were limited by the Fall.[6]

There were of course distinctive features to the Reformers' treatment of natural law, given new theological and social contexts. Particularly in the first generation of thinkers, the primary setting in which law was discussed was in contrast to the Gospel; where the law commands obedience and convicts disobedience, the Gospel promises forgiveness. Law was relegated to the earthly kingdom, and attention focused instead on the heavenly kingdom of grace. Yet Lutherans and Reformed thinkers alike soon felt the need to speak of more positive uses of the law, particularly as they moved from the prophetic mode of condemning abuses in the Catholic Church into the responsibilities of building Christian institutions independent of Roman control. Because magistrates were seen as possessing plenary lawmaking power, rather than sharing this with the church, and because canon law was at least partially discredited, there was a newly activist approach to lawmaking.[7] Lawmakers were tasked with sifting through all inherited law, including ancient Roman law as well as canon law, according to reason, conscience, and Scripture, especially the Decalogue. Initially, the shift away from multiple overlapping legal jurisdictions to the concentration of legal authority in the state led in Protestant territories to the consolidation of state power, upheld by church leaders.[8] Anxieties surrounding the Peasant Revolts and other

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6 Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids, MI: Eerdmans, 1999), 121–86.

7 Herman Berman, *Law and Revolution. Volume 2, The Impact of the Protestant Reformations on the Western Legal Tradition* (Cambridge: Belknap Press of Harvard University Press, 2003), 4, 97. John Witte, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002), 76.

8 Berman, *Law and Revolution,* 82.

antinomian movements encouraged an emphasis on passive submission to civil authorities as those responsible for interpreting and applying the law. This stance was soon recognized to be insufficient in the face of tyrants who flouted God's law, and Lutheran and Reformed thinkers alike recognized a duty and right of resistance.[9] Natural law played a significant role as a constraint on permissible positive law and a reference point for the critique of tyranny. Hence, the natural law contributed to the development of Reformed resistance theories. In addition, the doctrine of the natural law was employed by magisterial reformers as a resource for repudiating the Radical Reformation understanding of *sola scriptura*. While Radical Reformers regarded scripture as a comprehensive source for all law, magisterial reformers rejected bibliocracy, and argued that distinctions should be made between biblical laws that constituted restatements of the natural law, and therefore applied to Christians, and biblical laws that no longer applied. The distinctions made here, among natural/moral law, judicial law, and ceremonial law, were traditional categories inherited from medieval scholasticism. Given changed social conditions and pressure from those who regarded the Bible as a comprehensive lawbook for Christians, there was increasing need to show that the natural law could be established by reason and thereby differentiated from biblical laws that no longer applied. There was considerable confidence concerning the possibility of knowing and applying the natural law for civic purposes, joined with a staunch denial of any salvific capacity of the natural law and an insistence that only the regenerate could know the natural law fully.[10] Ironically, this theologically driven emphasis on reason, together with the separation of the earthly kingdom of law from the heavenly kingdom of grace, paved the way for the emergence of modern natural law doctrines that were, by the end of the 17th century, increasingly autonomous from theology. However, scripture continued to be regarded as offering the most perspicuous statement of the natural law, and in no case was the natural law understood in the way it came to be viewed in modernity—as a universally accessible source of determinate, action-guiding moral principles, a source of moral knowledge independent of divine revelation. That modern dream was eventually to evaporate, returning ethical reflection to the ongoing challenges of deliberation in the context of contested readings and arguable extrapolations.

What of the virtues? The Reformation period witnessed an increased accent on law and obedience, which scholars have seen as a reaction to a sense of cultural crisis; law seemed to promise stability and order in

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9 Berman, *Law and Revolution,* 85.
10 Harro Höpfl, *The Christian Polity of John Calvin* (Cambridge: Cambridge University Press, 1982), 179–80. I draw here on my unpublished manuscript, "Reformation Ethics and Moral Theology," forthcoming in the *Cambridge History of Reformation Era Theology*, ed. Kenneth Appold and Nelson Minnich.

the face of perceived chaos.[11] A slow shift in catechetical practice from emphasis on the seven virtues and vices to an emphasis on the ten commandments is evident, starting in the 14th century.[12] However, this did not by any means spell the doom of virtue ethics in Protestant thought. Luther's condemnation of Luther's *Nicomachean Ethics* as "the worst of all books" is well known.[13] Yet it was not really Aristotle, but rather Luther's scholastic opponents of the *via moderna*, who were in Luther's eyes most guilty of "flatly oppo[sing] divine grace and all Christian virtues," and a thinker concerned about opposition to Christian *virtues* is not a critic of the virtues as such.[14] It is striking that Luther never criticized Melanchthon's heavy reliance on Aristotle's *Nicomachean Ethics*.[15] Melanchthon carved out ample space for appropriating Aristotle's ethics by distinguishing sharply between the respective provinces of philosophy and theology; moral philosophy is essential to the right ordering of social and political life, but is irrelevant to salvation.[16] Furthering a tradition reaching back into medieval scholasticism, Melanchthon mapped the Aristotelian virtues onto the commands of the Decalogue, itself mapped onto Jesus' twofold love commandment.[17] Aristotle and other pagan philosophers, argued Melanchthon, were right to identify virtuous activity as the human telos or end, even though their account was radically incomplete; our ultimate end is obeying and honouring God, but this end, given the Fall, cannot properly be grasped, let alone fulfilled, with divine assistance.[18] It is only in worshipping God that human beings act according to their highest potency, but virtuous activity is part and parcel of obeying and honouring God and therefore of our final end. Peter Martyr Vermigli worked out a similar approach within Reformed circles, arguing that civic virtues remain possible in

11 See, e.g., Jean Delumeau, "Prescription and Reality," in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 134–58.

12 See John Bossy, "Moral Arithmetic: Seven Sins into Ten Commandments," in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 214–34; Robert James Bast, *Honor Your Fathers: Catechisms and the Emergence of a Patriarchal Ideology in Germany 1400-1600* (Leiden: Brill, 1997).

13 Martin Luther, "Against Latomus" (1520), in *Luther's Works*, ed. Helmut Lehman (Philadelphia: Fortress Press, 1957), vol. 32, 53–4; *D. Martin Luthers Werke* (Weimar: Harman Böhlhaus Nachfolger, 1897), vol. 8: 104–5.

14 Luther, "Against Latomus," *LW* 32: 153–4; *WA* 8:54, 104–5.

15 Frank, "Praktische Philosophie," xxxi. I discuss this in greater detail in Herdt, "Natural Law," 160–4.

16 Frank, "Praktische Philosophie," xlii.

17 See, e.g., Philipp Melanchton, *Ethicae Doctrinae Elementa et Enarratio Libri quinti Ethicorum,* ed. Günter Frank (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2008). I am indebted to the discussion by James Dunn, unpublished manuscript.

18 Melanchthon, *Ethicae Doctrinae*, 16.

the absence of saving grace, even as grace-given virtues are necessary for political communities to reach their final end in the contemplation of God.[19] For Lutheran and Reformed thinkers alike, Aristotelian virtue ethics, interpreted hand in hand with natural law, itself understood through scripture, served as the accepted framework for ethical reflection. By distinguishing salvation from civic life, and by distinguishing the spiritual affects of love and fear of God from the sort of character formation (including affective formation) involved in moral development, these thinkers were able to conceive of a civic space of common morality within which all could work together towards the common good.[20]

Protestant thinkers have ample theological reasons, therefore, on which to expect that communication within pluralistic contexts concerning how to live together in society can be possible and fruitful. They are not confined simply to stark divine voluntarism, to insisting that something has been willed and commanded by God and must therefore be obeyed. They have strong grounds rooted within Protestant traditions of ethical reflection for expecting themselves to be able to say a great deal within secular contexts to render their ethical claims broadly intelligible. Nor need they be unduly concerned that efforts to participate in pluralistic natural law conversations will undermine the Christian character of their thought, insofar as the project is undertaken with a view ultimately to grow in the knowledge and love of God, and of God's creatures as loved by God. This does not amount, however, to an expectation that action-guiding moral precepts are deducible from empirical accounts of human nature. Furthermore, given the centrality of Aristotle's moral thought for the formative period of Protestant ethical reflection, Protestant thinkers today have good reason to be interested – albeit not uncritically – in contemporary forms of virtue ethical reflection descended from Aristotle.

5.3 Life-Forms and Final Ends[21]

While there are, then, many reasons rooted in the traditions of Protestant Christianity to be interested in natural law and virtue ethical

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19 Peter Martyr Vermigli, *The common places of the most famous and renowmed diuine Doctor Peter Martyr: diuided into foure principall parts: with a large addition of manie theologicall and necessarie discourses, some neuer extant before. Translated and partlie gathered by Anthonie Marten, one of the sewers of hir Maiesties most honourable chamber,* translated by Anthonie Marten (London: Henry Denham and Henry Middleton, 1583), 1.26, 124.

20 On the spiritual affections as distinct from ethical formation in the (civic) virtues, see James Dunn, unpublished manuscript.

21 The remainder of this chapter draws on Jennifer A. Herdt, *Assuming Responsibility: Ecstatic Eudaimonism and the Task of Living Well* (Oxford: Oxford University Press, 2022), with some passages taken from ch. 1, 4, and 5. Used by permission of Oxford University Press.

approaches, at the same time there are significant obstacles to overcome. Without devoting space to elaborating any of these, let me list some of the most challenging ones. Modern science appears to undermine natural law reasoning by calling into question teleological explanations in nature. To attempt to derive the way things ought to be from the way that they happen to be is to commit the naturalistic fallacy. Further, if we decide to ignore the naturalistic fallacy, it appears that contrary norms can be derived from nature as it is: if parental love is natural, and therefore good, then are war and adultery also natural and good? And if we derive norms from the satisfaction of natural desires, it seems that we are endorsing egoism, which has for the most part been regarded as vicious rather than virtuous, and which from a Christian vantage point has been understood to be in tension with proper love of God for God's own sake.

Obviously I cannot address all of these challenges here. I want to focus primarily on whether our life-form or nature can supply us with normative standards. If it can, this will amount to a rehabilitation of natural teleology, of final causes in nature. I find helpful tools for approaching this task in contemporary Aristotelian naturalism, notably that of Michael Thompson, and in pluralist-expressivist theories of value, particularly as developed by Elizabeth Anderson. This gives us an immanent, naturalistic normativity, that decisively parts ways with any attempt to derive moral norms from biological notions of survival and evolutionary fitness. As Jennifer Frey argues, this ethical naturalism "supplies precisely that which is often lacking in contemporary natural law theories: viz. a clear enough and thick enough conception of 'nature' that can serve as the ground of normative ethical judgments."[22] It also helps us to see how norms associated with life-forms, or so-called "Aristotelian categoricals," do not enshrine egoistic motivation; quite to the contrary. Living things are inclined towards those things that are good for them, i.e., that assist them in meeting the standards associated with their life-form. Living things that are practical reasoners, like ourselves, are inclined towards the good as such. Morality emerges hand in hand with the reflective pursuit of goodness. Thompson and Anderson open the door to a contemporary retrieval of Thomistic-Aristotelian natural law, the natural law, too, of Protestant scholasticism. What this line of reflection does not give us is a shortcut through the complexities of practical reasoning.

Thompson is widely regarded as one of the leading Aristotelian naturalists, together with Philippa Foot. Both are indebted to Elizabeth

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22 Jennifer A. Frey, "Neo-Aristotelian Ethical Naturalism," in *The Cambridge Companion to Natural Law Ethics*, ed. Tom Angier (Cambridge: Cambridge University Press, 2019), 105.

Anscombe. Thompson's thought helps us see how norms and natures are integrally bound up with one another. Each living thing is, in Thompson's words, a bearer of a "life-form," which supplies certain *standards* (so-called "Aristotelian categoricals") for its members.[23] These are standards for what it means to be a good bobcat or catfish or amoeba. A catfish is a bottom-feeding freshwater fish; a catfish unable to sink to the bottom of a stream is a defective catfish, even if other kinds of fish have no need of negative buoyancy in order to flourish. A living thing can intelligibly be affirmed to have a final end, which is simply to be what it is, that is, to instantiate its life-form fully or perfectly. Non-rational creatures instantiate their life-form primarily by instinct, responding to particular goods that they apprehend. Instantiating one's life-form well may lead to self-sacrificial action: to endangering oneself by sounding the alarm on behalf of one's fellow black-tailed prairie dogs, for example.[24] So doing makes one a good prairie dog.

Non-rational creatures can fail, or succeed in various degrees, in instantiating their life-form, but their final end remains the same regardless. To say that perfectly instantiating its life-form is the final end of a non-rational creature is just to say that reference to this life-form is what makes sense of the shape of its activity, of why it acts as it does. It is not saying anything about its subjective desires or motivations. It is motivated by particular goods that it grasps, not, say, by some notion of how they might add up to constitute its welfare. And as it is not a reason-giver, it is not in need of justifications for its actions; it cannot act in either a justified or an unjustified way. Aristotelian categoricals do not specify moral oughts, but rather, how a particular instantiation of some life-form must act in order to be more fully what it is.

Building on Thompson, we can see that the qualitative differences between the agency of rational and non-rational animals (or, perhaps better, those who are practical reasoners, moral agents, and those who

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23 Michael Thompson, *Life and Action* (Cambridge, MA: Harvard University Press, 2008), 76–82.

24 Biologists and evolutionary psychologists continue to debate whether non-kin, non-reciprocal "strong" altruism actually exists, or whether all altruism can be explained in terms of its enhancement of evolutionary fitness. The literature is enormous, but see the classic article by Trivers: R. L. Trivers, "The Evolution of Reciprocal Altruism," *Quarterly Review of Biology* 46 (1971): 35–57. For a psychologist's defense of the reality of strong altruism, see: C. Batson, *Altruism in Humans* (New York: Oxford University Press, 2011). It is important to distinguish those debates from the point made above. For even if the prairie dog who sounds the alarm and sacrifices its life to a lurking badger thereby ensures the survival of its genes in the colony, it does not act in order to enhance its welfare. It cannot entertain either the survival of its genes or of itself as an individual organism as an end, and reflect on which to make its primary goal. On the differences between evolutionary explanations and neo-Aristotelian life form judgments, see: Micah Lott, "Moral Virtue as Knowledge of Human Form," *Social Theory and Practice* 38 (2012): 407–43.

are not) have precisely to do with what it means to be capable of *reflectively* pursuing the good. We construct teleological statements to make sense of the activities even of plants that grow towards the sun. ('It's trying to get more light.') We rightly see animals as acting voluntarily, according to imperatives that spring from their life-form and that are embedded in their instincts. ('It's creeping up silently so it can spring on its prey.')[25] However, moral agents are distinctive in being able to conceive of something *as an end*, that is, as something worthy of pursuit. We act *on reasons*, which articulate the relation of our activity to the goods we grasp. Like other animals, we perceive some things quite immediately as "to be pursued" or "to be avoided." We have instinctual inclinations to pursue particular goods, including things that sustain our existence, and that of our kind. However, we are also aware of ourselves as agents, as acting in particular ways, under particular circumstances, in order to achieve particular ends. And this makes us capable of asking whether we *should* so act, that is, whether we have adequate reason so to act, and whether doing so constitutes an appropriate response to the goods we grasp as being at stake in this context.[26] As moral theologian Jean Porter notes,

> The rational agent is capable of grasping that the objects of one's devotion are valuable in themselves, and the will is capable of inclining toward these objects out of a love for the goodness that they embody. This love need not be connected to the agent's own enjoyment or participation at all.[27]

It distorts the character of this inclining to apprehended goodness to describe one's activity in response to that goodness as either motivated or justified by what benefits or is good for oneself, even as it is true that responding well to that goodness, in ways characteristic of one's

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25 Christine Korsgaard, *Self-Constitution: Agency, Identity, and Integrity* (Oxford: Oxford University Press, 2009), 104.

26 As Korsgaard puts it, "we are conscious of the potential grounds of our actions, the principles on which our actions are based as potential grounds. ... once we are aware that we are inclined to act in a certain way on the ground of a certain incentive, we find ourselves faced with a decision, namely, whether we should do that. We can say to ourselves: 'I am inclined to do act-A for the sake of end-E. But should I?'," Korsgaard, *Self-Constitution*, 115.

27 Here Porter clearly interprets Aquinas in line with ecstatic eudaimonism and in contrast with the welfare-prior eudaimonism which is more pronounced in her earlier interpretations (see Herdt, *Assuming Responsibility*, ch. 4). She goes on in this context to note that the activities through which persons pursue greater goods "are not necessarily self-referential, in the sense that the agent necessarily seeks to promote or enjoy some greater good for her own sake or for the sake of attaining her perfection," Jean Porter, *Justice as a Virtue* (Grand Rapids, MI: Eerdmans, 2016), 248.

life-form, is part and parcel of what it is to flourish as an instantiation of that life-form.[28] What is good for oneself supervenes on responding well to the goodness one apprehends. It is only because these things are *independently* good, and because we are capable of perceiving and responding to them *as good*, that it is good *for us* to do so.

5.4 The Good as Such and Value Pluralism

Thompson's reflections on life-form help us to make sense of expressions like "this is a good (flourishing) oak tree" as well as "sunlight is good for oak trees" (i.e., it is needed for their flourishing). It shows that goodness has an objective meaning in these contexts, one that is relative in its specifics to each natural kind but plays the same role for each. It deflates the concerns behind the naturalistic fallacy by showing that there is no logical gap to be bridged; the ought is built into the is of natural kindness; instantiating a nature implies an immanent telos of flourishing as an instance of that nature. One of the limitations of this line of reflection is that it does not tell us what is good in relation to systems of life-forms. Indeed, puzzles crop up even when we think about the good of multiple members of a life-form. So, for instance, "mother lions protect their young" and "non-dominant male lions prey on unrelated lion cubs" are both Aristotelian categoricals, which make sense of the shape of the activity of lions.[29] But this means that there is a conflict between what is good for the mother lion and what is good for the flourishing of a non-dominant male lion unrelated to her cubs (not to mention what is good for the cubs!) This reveals how very far we are, once we arrive at Aristotelian categoricals, from anything like moral norms governing how we should act in relation to lions, let alone the ecosystem of the savannah.

In order to make further progress, we must attend to special characteristics of moral agency. I have claimed that moral agency is directed towards the good as such. What do I mean by "the good as such"? This may sound both monistic and metaphysically mysterious. It need not be, as Elizabeth Anderson's pluralist theory of value shows. In fact, goodness is much more ramified and relational than reflections on life-form alone can illuminate, and Anderson helps us see why. A good is, as she

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28 Note that a "life form" in this sense does not map neatly onto the concept of a biological species; a particular population may invent a new form of activity that initially appears to be a defect (in relation to the life form as previously defined) but which becomes incorporated into what it means to flourish as what is therefore a new life form. Such transformations take place in both human and non-human animals. See Frey, "Neo-Aristotelian Ethical Naturalism," 97.

29 See Sophie Grace Chappell, "Challenges Facing Natural Law Ethics," in *The Cambridge Companion to Natural Law Ethics*, ed. Tom Angier (Cambridge: Cambridge University Press, 2019), 257–75.

argues, simply "something that is appropriately valued."[30] But goods are plural; it is appropriate to value them in a variety of ways, among them respect, appreciation, consideration, love, admiration, reverence, and use.[31] Appropriate valuing is not simply a matter of articulating judgements concerning something; to value something appropriately can involve perceiving it in certain ways, having certain emotional responses to it, and having patterns of deliberation, desire, and activity that are shaped in response to it.[32]

To be a moral agent is to be capable of asking *whether* something is good, that is, whether it is appropriately valued, and in what ways. Moral agency brings with it a capacity for reflexive evaluation of one's own and others' valuations. We may find ourselves insufficiently appreciative of certain goods (the beauty of a sunset, the artistry of a sonnet, the creaminess of a piece of chocolate) and may set about trying to arrive at a more appropriate perception and response. Thomas Aquinas tells us that rational agents are capable of grasping goodness in general, not simply particular goods; this is what he means. Furthermore, it is *good for* creatures capable of rational agency, of grasping the good as such, to value things appropriately, but only because these things are themselves worthy of such valuation; it is therefore wrongheaded to say that I value them *because* doing so is good for me.

Our reflexive evaluative capacities are socially mediated, adding layer upon layer of complexity to our responsiveness to goods. We engage in a host of social practices of valuation, and these are governed by social *norms* for the expression of various kinds of valuation.[33] These norms, while initially implicit in our practices, are not merely given. We can make these norms explicit and subject them to critical examination, by drawing new analogies, questioning hidden assumptions, and identifying internal inconsistencies. My cat can appreciate the warmth of the sun by luxuriating in it, as can I, but I can, as well, argue over whether the sun sets more beautifully over Waikiki Beach or behind the Taj Mahal, whether these sunsets are more appropriately experienced with an accompaniment of weed or of wine, and whether the beauty of these sunsets justifies flying around the world in order to appreciate them. We can ask whether acting in particular ways would *adequately* express *rational* valuations. In some areas we have developed more formalized norms for expressing and assessing our valuations, but formalized norms are not appropriate in every arena; compare the relative inarticulacy of our appreciation for sunsets with the schemes we have developed for

30 Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993), 4.
31 Anderson, *Value*, 11.
32 Anderson, *Value*, 11.
33 Anderson, *Value*, 12.

assessing what counts as a fine figure-skating performance.[34] In making our norms explicit and subjecting them to critique, we take for granted that they have a truth value. Whether or not we arrive at agreement, we take there to be a truth of the matter. Pragmatists like Anderson can therefore be moral realists, even if they resist offering any metaphysical account of goodness or truth.

In acting we express our concern for the various people and things we care about by pursuing ends for their sake.[35] In deliberating concerning how to act, we implicitly rank actions according to which makes the most sense to perform, as most satisfactorily expressing our varied concerns (including appropriate responsiveness to norms) as these are at stake in this particular situation. We become unified as agents insofar as we develop our capacities to respond well to the goods that we encounter. "A formal principle for balancing our various ends and reasons must be a principle for unifying our agency," as Christine Korsgaard notes, in an approach that pulls Kantian ethics in a decidedly Aristotelian direction, "since that is so exactly why we need it: so that we are not always tripping over ourselves when we pursue our various projects, so that our agency is not incoherent."[36] To be "pulled together" in this way, to be perfected as the sort of finite embodied rational agents (reason-givers) that we are, is to acquire the virtues. "Socrates," Talbot Brewer writes, "argues … that the virtues are good in the sense that they actualize the proper potentiality of their possessors, pulling them together as full-fledged instances of the human kind."[37] One who does reliably well in responding to the goods at stake in a given context, including overcoming various distinct kinds of challenges to responding well, has the virtues. The point of responding well to these goods is simply that this is what does justice to them as the goods that they are, at stake here and now in this particular way – not that the agent is perfected in so responding. But the agent *is* perfected in so responding.

5.5 Virtue and Obligation

Virtue ethics has often had little to say about our moral obligations. Indeed, philosophical virtue ethicists frequently contrast the fulfillment found in developing the virtues with the "grim servitude" of an ethics of obligation.[38] They charge that accepting moral imperatives that bind

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34 On the latter, see Anderson, *Value*, 48–9.
35 Anderson, *Value*, 22.
36 Korsgaard, *Self-Constitution*, 58.
37 Talbot Brewer, *The Retrieval of Ethics* (Oxford: Oxford University Press, 2011), 198.
38 The term comes from John McDowell and I. G. McFetridge, "Are Moral Requirements Hypothetical Imperatives?" *Proceedings of the Aristotelian Society, Supplementary Volumes* 52 (1978): 25.

us regardless of our desires is not a high calling to the transcendence of our natural urges, but rather a form of incoherence. Action, in order to be intelligible as such, must, they argue, be directed towards something conceived by the agent as good for him or her, that is, as somehow enhancing the agent's flourishing or perfection. Obligation, with its focus on doing right rather than being good, is regarded as representing a lower standard than that set by the virtuous person. Julia Annas, for instance, claims that "doing the right thing … turns out not to be a very helpful notion in an ethics in which virtue is central."[39] Rosalind Hursthouse has suggested that while virtue ethics can indeed come up with an account of right action, "it does this under pressure, only in order to maintain a fruitful dialogue with the overwhelming majority of modern moral philosophers for whom 'right action' is the natural phrase."[40] Martha Nussbaum regards the rules that norm right action as serving merely a pedagogical function, arguing that "Aristotle's point … is that the rule or algorithm represents a falling off from full practical rationality, not its flourishing or completion."[41] Even earlier, Iris Murdoch had argued that "this is right" is an empty expression, best replaced by terms simultaneously descriptive and normative – generous, kind, faithful.[42] But any tradition of ethical reflection for which divine law is central will have a great deal to say concerning moral obligation. Are there prospects for fruitful rapprochement in this regard with the line of Aristotelian naturalism I have been sketching here? I believe that there are. The tide has turned on this question even among moral philosophers sympathetic to virtue ethics. As Robert M. Adams comments, "Doing the right thing is an important part of having a good character, and considerations of character are sometimes relevant to our choice of actions. On the face of it, however, the ethics of virtue and the ethics of action are about different questions, and both sorts of questions are important."[43] Linda Zagzebski notes, similarly, that "the deontic terms have an important social function that differs from the function of virtue terms."[44]

Deontic moral terms, such as "duty," "right act," "wrong act," and "obligation," have a vital living role in our web of ethical beliefs and practices. We expect ordinary language-users to have a robust grasp that some acts are wrong to perform in a given situation, even if they are in some respects desirable or beneficial, and that other acts are duties

39 Julia Annas, *Intelligent Virtue* (Oxford: Oxford University Press, 2011), 47.
40 Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), 69.
41 Martha Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990), 68.
42 Iris Murdoch, *The Sovereignty of Good* (London: Routledge, 1970).
43 Robert M. Adams, *A Theory of Virtue* (Oxford: Oxford University Press, 2006), 4.
44 Linda Zagzebski, *Exemplarist Moral Theory* (Oxford: Oxford University Press, 2017), 199.

or obligations. The semantic role that these concepts play is quite spe-cific, and can be fairly well captured in simple definitions, such as the following:

A *wrong act* is an act that it would be blameworthy for a particular agent to perform in these circumstances.[45]

A *duty* or moral obligation is an act that it would be blameworthy for a particular agent not to perform in these circumstances.

In one sense, these definitions of "wrong act" and "duty" are empty. They do not show us the "inner" nature or essence of a wrong act or a duty.[46] Nor do they tell us which acts are wrong or are duties. They simply outline the semantic role played by these terms. However, this is enough to see that the role that they play in our lives as agents is a distinctive one. We admire acts that are good, courageous, generous, loving, etc. – acts that are characteristic of the virtuous. But to fail to act as a perfectly virtuous person would act in a particular situation is not equivalent to doing something blameworthy. To do something wrong is not simply to do something less than perfectly good, or even less than averagely good. It is not simply to fail to be perfected as the kind of life-form one is, nor specifically to fail to be perfected as an instantiation of the sort of life-form capable of reflective response to the good as such. It is to do something for which one can properly be reproached, censured, blamed. Deontic concepts, those linked with the practice of assessing blameworthiness, are directly bound up with what it is to be the sort of creature who is accountable to fellow reason-givers for our actions, and who can engage with them in applying and contesting norms. Christians will understand our responsibility to God to stand behind our respon-sibility to one another, qualifying and norming all human exercises of accountability.

5.6 Conclusion

Recall where Thompson's account of Aristotelian categoricals left us: able to give an account of the final end or telos of individual instances of life-forms, but unable to address broader questions concerning con-flicts among individuals or larger systems. In order to do this, we need to appreciate how moral agency is directed towards goodness as such, that is, to the reflective assessment of the myriad things that are good, of the myriad evaluative responses to these varied goods by varied kinds of responders, and of the myriad norms governing appropriate evaluative

45 This is a point that can be traced back to P.F. Strawson, "Freedom and Resentment," *Proceedings of the British Academy* 48 (1962): 1–25.
46 See Linda Zagzebski's discussion of these and related issues: Zagzebski, *Exemplarist Moral Theory,* 21–2, 192–4. In Zagzebski's moral theory, the definitions of all moral terms are given by reference to exemplars.

response. This does not, of course, tell us immediately how we should act in relation to the mother lion or the non-dominant male lion, or in relation to their ecologically vulnerable populations, but it does tell us not to expect an answer to come merely from an examination of the nature of lions, nor merely from a study of ecology or evolutionary biology. We cannot step *outside* of the standpoint of practical reasoning and expect to arrive at any answers to these evaluative questions.[47] Rather, what is required is radically holistic engaged ethical reflection, ready to grapple with questions ranging from "what sort of diet is good for lions?" to "when are we justified in intervening to save the lives of individual animals?" and "what duties do we have to preserve appropriate lion habitat?" and "what is the proper role of human beings on Earth?" As I have noted, Aristotelian naturalists and pragmatists can be moral realists, taking there to be a truth of the matter concerning such questions. Yet they may find it difficult to gain any purchase on the latter, larger questions. Indeed, environmental ethicists sometime argue that we lack the moral resources to address the unprecedented, "wicked problems" brought about by anthropogenic climate change. Thomas Nagel, seeking to offer a naturalistic theory that explains the historical development of creatures who are capable of governing their actions according to judgements of value, not just what is good for themselves but what is good as such, ends up positing the existence of natural teleological laws, on which "the value of certain outcomes can itself explain why the laws hold."[48] The coming to be of creatures who consciously aim at what is good in itself is on Nagel's hypothesis part of the explanation of why there are such creatures. Nagel is a staunch atheist, who confesses himself "strongly averse" to seeing the world as an expression of divine purpose.[49] However, I find it quite striking that this line of naturalistic thinking has reintroduced the notion of cosmic teleology as the best available explanation of the emergence of moral agency. I want in closing to suggest that we have arrived at a point at which theological reflection can contribute something critically important both for theological and also for non-theological reflection, insofar as it has always nested fine-grained moral casuistry within the broadest possible, indeed all-encompassing, frame of reflection on all that is, and on ourselves as moral agents in relation to all that is, has been, will and could be.

47 Micah Lott, "Have Elephant Seals Refuted Aristotle? Nature, Function, and Moral Goodness," *Journal of Moral Philosophy* 9 (2012): 353–75; Lott, "Moral Virtue."

48 Thomas Nagel, *Mind and Cosmos* (Oxford: Oxford University Press, 2012), 67. "Eventually the attempt to understand oneself in evolutionary, naturalistic terms must bottom out in something that is grasped as valid in itself – something without which the evolutionary understanding would not be possible," Nagel, *Mind and Cosmos*, 81.

49 Nagel, *Mind and Cosmos,* 12.

Theologically regarded, all the myriad goods we encounter are, precisely as *created*, finite manifestations of God's perfect goodness. This confession is not one made by Anderson or Nagel, or required by a pluralist-expressivist theory of value. But neither does the theological move of tracing all goodness back to God undermine the plurality of goods. Rather, it supports and illumines this value pluralism. Because God radically transcends creation, having the shared property of manifesting divine goodness does not reduce the plurality of ways of being good, any more than does affirming that all share the property of being appropriately valued. In creating, God's perfectly simple goodness is, as it were, refracted, expressed in myriad finite forms. As philosophical theologian John Hare argues, in considering two closely related flowers, the greater lobelia and the spiked lobelia, it is insufficient to think of goodness only in terms of degrees of resemblance to God, because many (perhaps, we might even venture to say, all) differences among natural kinds are not differences in degree of goodness. We can add that the differences among them summon out distinctive forms of appreciation. The spiked lobelia is beautiful as "fragile, pale, tapering in its spike," unlike the great lobelia, "strong in its stem, vivid in color"; there is "goodness in the way these species differ."[50] We appreciate these distinctive finite goods properly by attending to them, not by constantly trying to look behind or beyond them. Yet it is proper to regard them at the same time, in their very distinctiveness, as manifesting and thereby pointing to God, their source and ground.[51]

For Christians, to live fittingly is to live in appropriate responsiveness to God. For as embodied practical agents – as made in the image of God, inasmuch as we are the principle of our own actions, having free will and control of our actions[52] – human persons are capable of posing the question of how we ought to live, and of grasping that being most fully what we are, embodied reason-givers, means pursuing goodness for its own sake, not for our own sake. And we may in grace come to grasp friendship with God, participation in God's overflowing self-communication into creation, as the point of all of this. To be the sort of creature capable of blame is also to be the sort of creature capable of moral responsibility, and this is also being the sort of creature capable of accepting, in Barth's terms, God's call to covenant partnership, capable of knowing and loving God and all of creation in relation to God, as shining forth God's

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50 John Hare, *God's Command* (Oxford: Oxford University Press, 2015), 103.

51 There are goods we are not equipped to appreciate, such as the tastiness of a eucalyptus leaf. Yet we are capable of indirectly valuing this good, insofar as it is a good that koalas are equipped to value, and we are capable of caring about koalas. Our reflective awareness of goodness radically expands the scope of what we can care about.

52 To evoke the Prologue to the Prima Secunda of Thomas Aquinas's *Summa Theologiae*.

glory in their myriad finite forms.[53] It is of course by the same token to be the sort of creature capable of sin and failure, not just of defect. Aquinas understood the natural law as rational creatures' special mode of participation in the eternal law, a mode of participation that comes by way of our own fallible and finite unfolding socially embodied practical reasoning. Protestant thinkers can make common cause with contemporary Aristotelian naturalism in continuing the enterprise. Christians can engage with other reason-givers in the ongoing process of applying, extending, and critiquing norms implicit in our embodied social practices. And in so doing, they seek divine law as the norming norm in and behind and beyond these social norms, following in the footsteps of the Reformers in sifting through scripture, other traditions, deliverances of personal experience and boundary-crossing dialogue in ongoing pursuit of truth concerning how to be ever more fully and harmoniously responsive to God and God's beloved creatures.[54]

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53 See: Jennifer A. Herdt, "Sleepers Wake! Eudaimonism, Obligation, and the Call to Responsibility," in *The Freedom of a Christian Ethicist: The Future of a Reformation Legacy*, eds. Brian Brock et al. (London: Bloomsbury T&T Clark, 2016), 159–74.

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6 Natural Goods and Divine Law

Protestant Theological Contributions to Neo-Aristotelian Naturalism

Pieter Vos

6.1 Introduction

In her profound and constructive contribution to this volume, Jennifer Herdt suggests that Protestant thinkers can make common cause with contemporary Aristotelian naturalism. As she observes, we are now in a position to see that natural law and virtue belonged to the *lingua franca* of ethical reflection in the post-Reformation era of Catholics and Protestants alike. Since they all are natural law thinkers, they assume a form of naturalism and teleology, and therefore can engage in principle in the ongoing reflection on the natural inclination of living creatures toward the good.[1] In a next step, Herdt points out that this doesn't mean that natural law thinking is to be adopted without any reservations. A core question is how normative standards can be derived from the natural in such a way that the naturalistic fallacy can be avoided. Herdt argues for a rehabilitation of natural teleology, of final causes in nature, as this has been put forward in contemporary Aristotelian naturalism, in particular Michael Thomson's account of 'life-forms' of living creatures as inclined to things that are good for them, and Elizabeth Anderson's pluralist-expressivist theory of value and understanding of moral agency as directed toward the good as such. These proposals offer a thick understanding of nature in terms of natural goods or Aristotelian 'categorials' and understand the moral agent as characterized by the capacity of reflectively asking whether something is actually good, whether it is appropriately valued. This includes the capacity for reflexive evaluation of others' and one's own valuations in terms of what is good, preferable, right, or just.

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1 This understanding of the continuity of the tradition appears to be a correction of some conclusions in her book: Jennifer A. Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (Chicago, IL: The University of Chicago Press, 2008), ch. 6, about the distrust of virtue in early modern Protestant theology. See my discussion of Herdt's account of Protestant virtue in Pieter Vos, *Longing for the Good Life: Virtue Ethics after Protestantism* (Enquiries in Theological Ethics) (London: Bloomsbury T&T Clark, 2020), ch. 6.

In this chapter, I focus on the relationship between the Protestant tradition and neo-Aristotelian naturalism. I strongly agree with Herdt that the Protestant tradition continues the tradition of natural law thinking, Aristotelian virtue ethics, and its naturalism and teleology.[2] However, it is not yet clear what the Protestant tradition may offer more specifically and constructively from its own sources to a contemporary Aristotelian naturalism, as proposed by Herdt. Therefore, this chapter aims to explore some potential contributions from this tradition. I will first demonstrate from several examples that a dialogue between Protestant theology and Aristotelian naturalism is not a new step, but rather belongs to the core of the Protestant theological ethical tradition, in particular Lutheran and Reformed scholasticism. I will give some examples of more specific accounts of natural law from this Protestant tradition, as these can be found in the works of two representative Reformed theologians of the 16th and 17th centuries: Peter Martyr Vermigli (1499–1562) and William Ames (1576–1633). In the next section I will explore how these accounts may contribute to naturalism, particularly in relation to the understanding of natural goods and the deontic meaning of divine law. Finally, I will offer my own constructive contribution by relating the transcendent nature of the divine law to the neo-Aristotelian inductive approach from natural goods and our responsive valuations of these goods.

6.2   Reformed Scholastic Aristotelianism: The Accessibility of the Good

As said, I agree with Herdt that the Reformers, though not paying much attention to developing their thought on natural law, simply took it for granted as a universally applicable morality. Yet, I think that the usual focus on Luther and Calvin easily prevents us from seeing how natural law was explicitly part of a generally accepted ethical framework of understanding in Lutheran and Reformed scholasticism. In this post-Reformation era, Aristotle's ethics played a role that hardly can be overstated, but this is still quite unnoticed and not generally acknowledged in the dominant perception of what is supposed to characterize Protestant ethics.

For instance, Luther's famous abolishment of Aristotle and his proposed complete revision of the curriculum that follows from it has been taken as something that actually took place, but this was not the case. Although Aristotle's *Ethica Nicomachea* disappeared from the curriculum in Wittenberg for several years, Luther's colleague Melanchthon, who had the task of teaching ethics in Wittenberg, started to lecture

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2 See my argument in Vos, *Longing for the Good Life*, esp. ch. 4.

again on Aristotle's ethics. Notably, this practice was followed by all main Protestant theological institutes. The *Ethica Nicomachea* continued to function as the main textbook of ethics in the *artes* curricula of both Lutheran and Reformed academies and universities. Not Melanchthon's use of Aristotelian ethics but rather Luther's complete rejection of it in the early years of the Reformation was the exception. Moreover, the medieval tradition of writing commentaries on the *Nicomachean Ethics* continued not only in the Renaissance but also in these Protestant universities and academies.[3] Manfred Svenson lists no fewer than 46 Lutheran and Reformed commentaries on the *Nicomachean Ethics* which appeared between 1529 and 1682. The exposition of this work continued to form the backbone of moral education.[4]

These Protestant theologians showed a preference for Aristotle, following Melanchthon who considered Aristotle as the *artifex methodi*, because Aristotle more than any other philosopher, including Plato, not only provided theologians with fundamental scientific knowledge about physics, but also had established the rules of logics for argumentation.[5] Of course, all this does not mean that these Protestant theologians were nothing but Aristotelians. Rather, they searched for a *vera philosophia*, which could not contradict biblical theology, because the truth is one. Therefore, they felt free to add new knowledge to Aristotelian insufficiencies or to correct errors in Aristotle, first of all based on biblical revelation.[6]

An interesting and representative example of Reformed Aristotelianism is Peter Martyr Vermigli's commentary on the *Nicomachean Ethics*. As a former Augustinian monk and trained as an Aristotelian at the University of Padua, Vermigli became an important Reformed theologian. From 1554 to 1556 he delivered extensive lectures on the *Nicomachean Ethics* at the academy of Strasbourg, which resulted in a detailed, unfinished commentary, posthumously published as *In primum, secundum, et initium tertii libri ethicorum Aristotelis ad Nicomachum*

3 Richard A. Muller, "Reformation, Orthodoxy, 'Christian Aristotelianism,' and the Eclecticism of Early Modern Philosophy," *Nederlands archief voor kerkgeschiedenis/ Dutch Review of Church History* 81 (2001): 309.

4 Manfred Svensson, "Aristotelian Practical Philosophy from Melanchthon to Eisenhart: Protestant Commentaries on the *Nicomachean Ethics* 1529–1682," *Reformation and Renaissance Review* 21 (2019): 218–38.

5 Luca Baschera, *Tugend und Rechtfertigung: Peter Martyr Vermiglis Kommentar zur Nikomachischen Ethik im Spannungsfeld von Philosophie and Theologie* (Zürich: Theologische Verlag, 2008), 24.

6 Ibid., 26.

commentarius in 1563.[7] In explaining how one can study philosophy from a Christian perspective, Vermigli states:

> Since true philosophy derives from the knowledge of created things, and from these propositions reaches many conclusions about justice and righteousness that God implanted naturally in human minds, it cannot therefore rightly be criticized: it is the work of God and could not be enjoyed by us without his special contribution.[8]

Such general philosophical knowledge remains within limitations and therefore should limit itself to "what creaturely knowledge has revealed about God and nature by the most certain reasoning."[9] Although, as the apostle Paul says, philosophy may be an "empty deceit," it nevertheless "has its origin in human tradition and is inspired by cosmic forces" (Col. 2, 8).[10] Vermigli distinguishes true philosophy such as Aristotle's from corrupt philosophy ("empty deceit") such as that of the Epicureans.

In line with the natural law tradition, Vermigli also makes a distinction between revealed and acquired knowledge, as subject of theology and philosophy respectively. He acknowledges the human being's natural ability to understand the good. God "endowed our minds with light and planted the seeds from which the principles of all knowledge arose."[11] The ancient philosophers themselves understood this transcendent source of philosophical knowledge, as Plato states that philosophy is "likeness to God, according to human capacity."[12] According to Vermigli, natural knowledge nevertheless needs to be corrected from revelation. Broadly in line with Aquinas' saying that *gratia non destruit sed perficit naturam*, he states that grace relates to nature as restoration to creation: "The goal of philosophy is that we reach that beatitude or happiness that can be acquired in this life by human powers, while the goal of Christian devotion is that the image in which we are created in righteousness and holiness of truth be renewed in us."[13]

This means that there are both differences and agreements between Scripture and philosophy. Vermigli describes them metaphorically: "We do not deny that it often happens that the same things are commended

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7 Peter Martyr Vermigli, *In primum, secundum, et initium tertii libri ethicorum Aristotelis ad Nicomachum commentarius* (Zurich: Froschauer, 1563)/Peter Martyr Vermigli, *Commentary on Aristotle's Nicomachean Ethics* (The Peter Martyr Vermigli Library 9), eds. Emidio Campi and Joseph C. McLelland (Kirksville: Truman State University Press, 2006).

8 Vermigli, *Ethicorum commentarius*, 7/*Commentary*, 13.

9 Ibid.

10 Ibid.

11 Ibid., 1/*Commentary*, 7.

12 Ibid., 2/*Commentary*, 8; Plato, *Theaetetus* 176B. Cf. *Phaedo* 79A-B.

13 Vermigli, *Ethicorum commentarius*, 8/*Commentary*, 14.

in the *Ethica Nicomachea* as are commanded by God in holy scripture. In such cases the topic is the same but not its form, properties, and principles; for in these, the rationale is different, as are the properties and principles, just as water from rain and from a spring is the same in substance while its powers, properties, and principles are far different."[14] Yet, moral philosophy is as useful and important as other sciences, such as law and jurisprudence:

> Jurisprudence forms its own laws and institutions out of propositions concerning the justice and goodness innate in our minds; moral philosophers analyze the same propositions and probe them most closely, so that not only might they themselves know them thoroughly, but also transmit them to others with great clarity.[15]

A different genre within Reformed scholasticism can be found in those Reformed authors who treat ethics within major dogmatic works, not just in a single chapter among other *loci* on the Ten Commandments (*de lege*) but in a more extensive way, namely as a second part following the dogmatic first part of their work. A prime example of this approach is *Medulla theologiae*[16] written by the English Puritan theologian William Ames, who worked as a professor in Franeker, and influenced to a great extent American Puritan theology and ethics. In this work he treats ethics (called 'observance') as the second part of one single theological work after having dealt with faith. Although Ames doesn't directly take Aristotle's ethics as the starting point of his exposition and in his method rather follows Ramus, he still uses Aristotelian and Thomistic categories. The same holds for his book *De conscientia, et eius iure vel casibus* (Amsterdam, 1630, which became a standard textbook at Harvard and Yale), in which he develops a profound understanding of natural and divine law.[17]

Ames acknowledges the moral knowledge that natural law provides for the human being. In *De conscientia* he divides law into divine and human, and divine law into natural law (*ius naturale*), which is the eternal law of God, and divine positive law (*ius positivum*), which is added to natural law by some special revelation of God, for instance precepts about the Sabbath. Ames defines natural law as "that which is apprehended to be

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14 Ibid.

15 Ibid., 9/*Commentary*, 15

16 William Ames, *Medulla S.S. Theologiæ … In fine adjuncta est disputatio de fidei Divinæ veritate. Editio tertia priori longe correctior* (London: Robertum Allottum, 1629), translated as *The Marrow of Theology*, ed. John D. Eusden (Boston, MA: Pilgrim Press, 1968).

17 Lee W. Gibbs, "The Puritan Natural Law Theory of William Ames," *Harvard Theological Review* 64 (1971): 37–57. The next three paragraphs on Ames are derived from my book *Longing for the Good Life*, 100–1.

fit to be done or avoided out of the naturall instinct of Naturall Light (*naturali instinctu luminis naturalis*), or that which is at least deduced from that naturall light by evident consequence." It is called *natural* as it is "ingraffed and imprinted in the *nature* of man by the nature of God."[18]

According to Ames, human conscience, literally understood as *conscientia*, i.e., 'to know together with,' is the instrument by which natural law is known by human beings: by means of God's gift of conscience—in line with Albertus Magnus and Thomas Aquinas understood as 'an act of practical judgement'—the human being knows 'together with God' the divine judgments upon human actions.[19] Thus, conscience or συντήρησις (*synteresis*) is the natural disposition of the human mind by which it apprehends the general principles of natural law.[20] Ames distinguishes between the *apprehension* of natural morality as a universal human intellectual trait, and the actual *application* of that knowledge toward the evaluation of specific actions. Although natural conscience is capable of the apprehension of moral principles in general form, the application of those principles is corrupted on a variety of levels by the effects of sin on our practical reasoning, which explains why *synteresis* can be hindered by sin from acting. Hence, Ames regularly points to the clarity of biblical moral instruction. He can even say that "there can be no other teaching of the virtues than theology which brings the whole revealed will of God to the directing of our reason, will, and life."[21] Yet, this is not in contradiction with natural reason, for "the justice and usefulness of the things commanded … are in closest agreement with reason (*cum ratione maxime consentiunt*)," the will of God is "apprehended by reason (*a ratione apprehenditur*)," and moral acts need to be done "in deliberate reason (*ex deliberata ratione*)."[22]

In sum, according to Ames, all human beings share a natural awareness of basic moral precepts, because all persons, even the unregenerate, possess a conscience, but in the regenerate conscience is enhanced by biblical education and the effects of saving grace (which Ames calls "inlightened conscience"), which enables to envision and strive for a fuller moral life.[23]

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18 William Ames, *De conscientia et eius iure vel casibus libri quinque* (Amsterdam: Joan. Janssonium, 1630) 5.1.4 and 6/*Conscience, with the Power and Cases thereof* (Franeker, 1639), 160; cf. *De conscientia* 1.2.4/*Conscience*, 5: the law "which is naturally written in the hearts of all men."

19 Ames, *De conscientia* 1.2.1/*Conscience*, 4: "a habit of the understanding by which wee doe assent unto the principles of morall actions, that is such actions as are our duty, because God hath willed, or commanded them."

20 Ames, *De conscientia* 1.1.4/*Conscience*, 2. Cf. *Marrow*, 1.10.26/*Marrow*, 112.

21 Ames, *Medulla* 2.2.16-17/*Marrow*, 226; Luca Baschera, "Ethics in Reformed Orthodoxy," in *A Companion to Reformed Orthodoxy*, ed. Herman J. Selderhuis (Leiden: Brill, 2013), 528.

22 Ames, *Medulla* 2.1.19, 2.3.8 and 2.3.14/*Marrow*, 221 and 233, respectively.

23 Ames, *De conscientia* 1.2.7/*Conscience*, 5. Cf. Ames, *Medulla* 2.1.18/*Marrow*, 221.

6.3 Reformed Scholastic Understandings of Natural Goods and Divine Law

How may these two accounts of natural law and the accessibility of the good contribute to an account of neo-Aristotelian naturalism as proposed by Herdt? Given his substantial and concise reading of Aristotle, it is worthwhile to look first at how Vermigli treats Aristotle's understanding of the plurality of goods of activities, practices, and what we may call 'life-forms.' Vermigli describes Aristotle's understanding of the variety of goods and activities as follows:

> Certainly, since there are many kinds of things, there are also many different kinds of good, and everything strives after its own good. For a horse does not seek human good, nor a dog that of a lion, but each thing in nature seeks its own proper good.[24]

This description reflects a broad Aristotelian understanding of a plurality of goods in a variety of 'life-forms.' From a pre-Newtonian framework of understanding, Vermigli comments: "'All things aim at some good,' which we readily concede in all things that have the power to act, whether they are elements, rocks, plants, animals, or humans."[25] Vermigli accepts this Aristotelian categorization without any reservation; it is in line with how God created all things as good, though they can be and often have been turned into evil due to the Fall.[26]

In line with traditional interpretations of Aristotle, Vermigli also distinguishes between relative goods and the good as such (*to agathon*), which he interprets not as the "supreme good" but as "the good itself," which means that "such an end of activities that may be the final end is not only good, … but the best."[27] This interpretation suggests an understanding

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24 Vermigli, *Commentarius* 15–16/*Commentary*, 21, commenting on Aristotle, *Ethica Nicomachea* (*EN*) 1094a1-3. Cf. *Commentarius* 11/*Commentary*, 17: "Everything requires its own proper end. For a horse does not desire the highest good of a man, nor does a dog wish for the perfection of a horse, but each looks for its own perfection."

25 Vermigli, *Commentarius* 16/*Commentary*, 22.

26 Note that Vermigli's understanding comes close to Herdt's account of divine goodness refracted in myriad finite forms, as Vermigli describes this (commenting and correcting Aristotle's treatment of Plato's Ideas) in *EN* 1096a12-16:

> We say therefore that the divine nature is one and uniform and that it is most perfect; moreover, even if creatures imitate it they do not imitate it in its entirety, nor in the same manner or extent. Therefore, just as the divine essence is referred to as a pattern for various species, at the same time different degrees of perfection may be noticed or distinguished in it … God considers himself a pattern to be imitated and mirrored in his creations in various degrees according to their characteristics …

> (Commentarius 142–143/Commentary, 142)

27 Vermigli, *Commentarius* 33/*Commentary*, 38, commenting on *EN* 1094a18-22.

of the human capacity to evaluate the variety of ends in terms of good, better and best.[28] In short, Vermigli's Reformed scholastic interpretation of Aristotle is not far removed from Anderson's neo-Aristotelian reinterpretation of the 'good as such' in terms of the evaluation of the appropriateness of our valuations of the good of things.

How is this appreciation of natural goods related to the idea of a law? In discussing Aristotle's reference to human laws, Vermigli distinguishes human laws from divine law, which first of all has the function of revealing human sin and as a consequence the need for grace, typically reflecting the law and gospel distinction. In general, "law is defined as an idea that teaches the good and discourages the bad."[29] This means that laws do not contradict what can be understood from nature as being good. As Aristotle says, "Legislators make citizens good by forming their habits; this is every legislator's intent. They fail when they do not do this properly."[30] Vermigli comments that laws are needed because people need to be trained by commanding them what is good.

> Since Aristotle says that lawgivers must have this intention, it follows that laws and lawgivers will not be deemed legitimate if they have other ends in view. Plato and Cicero also write that laws promoting injustice and indecency should not be regarded as laws at all.[31]

These statements can be understood as that the good is the measure and criterion of laws. This makes that human laws are not to be accepted without any reservation, but rather are they open to critical assessment from a natural understanding of what is just, decent, and good. At the same time, the usefulness of laws consists of their function to *command* the good to me as something that *I* should do.

As Vermigli explains in another section, this all implies that laws depend on something which is already given in nature:

> For the justice and rightness of things first have their origin from things themselves as they are in nature – not from laws and teaching. For unless from the beginning the things presented themselves for

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28 Cf. Vermigli, *Commentarius* 22/*Commentary*, 27, commenting on *EN* 1094a4-9:

> [Aristotle's] purpose … is not merely to prove that human affairs have a prescribed end […], but rather to demonstrate that these ends are manifold, and that some ends are superior to others, inasmuch as this variety of ends has its origin in human affairs that are arranged hierarchically.

29 Vermigli, *Ethicorum commentarius*, 396/*Commentary*, 374, commenting on *EN* 1109b30-35.
30 *EN* 1103b3-5, quoted from Vermigli, *Ethicorum commentarius*, 303/*Commentary*, 292.
31 Vermigli, *Ethicorum commentarius*, 304/*Commentary*, 293.

consideration to the minds of legislators and stirred their spirit and understanding, they would not have been able to translate them into law. For men perceived that the duties of life include decency, equity, and rectitude, before they made their laws about these things. Nor does it lie in our power but in nature that we are moved by these things we understand. For this reason, I judge that the origin of the right and the just is in nature, though I do not deny that subsequently good laws did much to proclaim them to the people, since not all men are endowed with refined insight. For virtues and rights are not only defended and preserved in the state by good laws, but are also proclaimed to the ignorant and uncultured.[32]

In addition, Vermigli explains that our knowledge of the good of things themselves precisely is to be traced back to the eternal law of God:

If I were then to be asked whence it is that the things themselves appear as right, just, and beneficial to our race when they are being considered by legislators, I could only answer that a certain divine law overseeing matters from eternity made it so, and if this power had been determined differently, the things themselves would be altogether different and would appear so. If anyone investigates the question more deeply, he will understand that the whole of nature depends on this kind of law. However, since I am now acting as a philosopher, I will say nothing about that divine law. I will, however, confirm what I have already said: the right and just things do indeed begin in nature but are established by laws.[33]

Similarly, Vermigli states about virtue that "the principles of virtue are to be sought in nature." In accordance with the Aristotelian emphasis on the need for training, education, and formation of virtues, he continues:

We will not, however, take the view that the virtues are innate in men on this account. For if there is no study of laws and morals and none of the discipline of education, we do not develop our minds in virtue.[34]

Let us now briefly explore William Ames' treatment of natural goods and divine law. Ames primarily understands natural law as related to the realm of human morality and socio-political structures, but he also applies natural law analogously or metaphorically to the realm of

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32 Ibid., 51/*Commentary*, 55.
33 Ibid.
34 Ibid., 50–1/*Commentary*, 54–5.

natural occurrences. Although animals do not have the power of reason to distinguish between good and evil, Ames states that animals are inclined and do have the power to lead them to their specific goal or end:

> … in all things, there is an inclination, a power and operation, which is guided by certaine reason; for as much as concernes their nature and end. And in this respect, all things created are said to have a law prescribed unto them, which law or right remaines passively onely in them.[35]

In his *Medulla* he addresses this in his doctrine of providence, in which he combines the intellectualist idea of creational natural order with the voluntaristic idea of a sovereign divine lawgiver who promulgates his laws by decree and to which his creatures obey:

> That order in natural things (*Ordo iste in rebus naturalibus*) is the law of nature (*lex naturae*) common to all things or the very nature of things, in so far as these are established in a certain order. It arises from the force and efficacy of the never revoked word of God given in the beginning, *Let it be made*.[36]

Divine government

> shines forth in the operation of all things. First, everything naturally looks toward an end; it is thus necessary that things be directed and governed by an intelligence which is everywhere present and omnipotent, i.e., by God himself. … Second, the works of nature are ordered so accurately and intelligently that they cannot but proceed from the highest reason. … Third, alongside of the ordaining power whereby everything seeks its own perfection, all things cultivate a common society, as it were, and desire the preservation of the whole more than themselves.[37]

Although Ames uses the concept of natural law in this secondary analogical sense, his primary usage of natural law concerns God's special government of rational creatures as moral beings. This means that human beings are in possession of the abilities of rational deliberation and free choice. Moreover, God has revealed a general rule to guide human beings to their proper ends.[38] This moral law, which is also called the

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35 Ames, *De conscientia* 5.1.14/*Conscience*, 102.
36 Ames, *Medulla* 1.9.10/*Marrow*, 108.
37 *Medulla* 1.9.24/*Marrow*, 109–10.
38 Gibbs, "The Puritan Natural Law Theory of William Ames," 45–6.

natural law, is "the same law as the moral law of the Decalogue"[39] and the Golden Rule as proclaimed by Jesus.[40] This means that the precepts contained in the second table of the Decalogue can be discerned by clear reasoning as necessary for human nature to attain its end. Therefore, these precepts concerning the preservation and continuation of life, the protection and promotion of intimate and social relationships, have substantially been approved by "all Nations at all times."[41]

Although William Ames defines the moral life as "observance," i.e., as doing the will of God and his law, he underscores that this is not a secret divine will, "for all creatures … do the will of God with an obedience common to all of them."[42] On the one hand, Ames emphasizes the authority of a commanding God asking for obedience. On the other hand, he stresses "the justice and usefulness of the things commanded, which also are in closest agreement with reason."[43] The core function of the commandment is that that which has been heard or in some way perceived from natural understanding actually is brought "into execution."[44] Since the content of the commandments can be understood by nature, the commandments emphasize the *execution* of what has to be done: God's will "has been revealed in order that we may do it. Mic 6:8, *He has showed you, O man, what is good*."[45] At the same time, Ames maintains the accessibility of the good to non-believers, thanks to God's abundant common grace: "these duties are not to be omitted by a man who does not yet believe, for they are good in themselves."[46]

As was common in the post-Reformation scholastic era, Ames construes a system of virtues ordered from the two tables of the Decalogue and summarized by Christ in the double love commandment. The second table of the Decalogue is interpreted in terms of the virtues of justice and charity; the language of command, obligation, and obedience is related to that of virtue, disposition, and perfection.[47] As in the Aristotelian and Thomist tradition, Ames defines virtue as "a condition or habit (*habitus*) by which the will is inclined to do well," and states that it is called a *habitus*

> because it is in general a state of mind of various degrees of perfection. It is called a habit not only because one possesses it but

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39 *Medulla* 1.10.16/*Marrow*, 111.
40 *De conscientia* 5.1.20/*Conscience*, 104–5.
41 *De conscientia* 5.1.27/*Conscience*, 107.
42 *Medulla* 2.1.3/*Marrow*, 219.
43 *Medulla* 2.1.19/*Marrow*, 221.
44 *Medulla* 2.1.5/*Marrow*, 219.
45 *Medulla* 2.1.22/*Marrow*, 222.
46 *Medulla* 2.1.18/*Marrow*, 221.
47 *Medulla* 2.16–2.21/*Marrow*, 300–27. See also the contributions of VanDrunen and Klamer in this volume.

also because it makes the subject behave in a certain manner, i.e., it moves the faculty, which otherwise would not be moved, toward good.[48]

The effect of such a conception of virtue as habitus and habit in connection with the commandments is that the *command*-character of divine law as simply a matter of obedience is softened. In sum, Ames's thoroughly theological ethics includes a clear account of natural law and habituation in his substantial account of the good and the goods, which holds his voluntarism in check.

6.4 Natural Goods and the Transcendent Character of Divine Law

Now the question is how all this is relevant to a contemporary understanding of natural goods and human responsibility in responding to these goods. Should we opt for the Aristotelian naturalism that is part of this tradition and leave the deontic element of obedience to commandments behind? Or are there still promising elements in a Protestant emphasis on obedience to divine law?

In order to make a next and final step, I first turn to Herdt's understanding of the normative evaluation of natural goods. Departing from Anderson's approach Herdt makes an interesting connection to norms understood as formalized evaluations of our valuations. This interpretation helps to understand that our valuations of the various goods are not just a matter of subjective preference or individual expressivism. In making our norms explicit and subjecting them to critique, we take for granted that they have a *truth value*. Though we may not arrive at agreement, we take there to be a truth of the matter. Otherwise, it would no longer be meaningful to explain and to communicate about why we value things and their goods in the way we do. Furthermore, this account helps to understand that a neo-Aristotelian naturalism does not exclude norms, law, and obligations. Formal principles and deontic concepts not only balance our evaluations over time and make our agency coherent, but also affirms our accountability to fellow reason-givers for our actions. To do something wrong is not simply to fail to be perfected as the kind of life-form one is. Rather it is to do something for which one can properly be reproached, censured, blamed, as Herdt puts it.

The theological contribution of the concept of law and commandments consists not in adding moral content in terms of specific norms, obligations, and commandments, for instance from the Decalogue, but in relating the plurality of goods to God as the creator who transcends

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creation. This means that living in responsibility to the plurality of goods at the same time is living in appropriate responsiveness to God. On the other hand, Herdt refers to divine law as "norming norm in and behind and beyond social norms" without, however, clarifying what this could mean with respect to the evaluation of our valuation of particular goods.

In order to unpack this transcendent character of divine law, I would suggest a slightly different understanding of the law of God, as pivotal in the Protestant tradition, without breaking with the inductive approach from natural goods and our responsive valuations of these goods. This requires to put potential Protestant voluntaristic overtones, as we found at times in Ames, aside. In my view, the transcendent character of the divine law concerns three elements in particular.

First of all, divine law may illuminate the nature of the normative character of our evaluations. If doing something wrong is doing something for which we can be blamed, reproached, or censured, this is so because in one way or another norms are at stake. We experience particular acts as violating the good, that is, *as transgressions of certain moral boundaries*. These boundaries do not consist in a detailed set of concrete norms, but are general, or perhaps we could say: universal in nature, though not vague. The negative form of the "thou shalt *not*" formulas of the commandments of the Decalogue are primarily expressions of these basic moral boundaries, rather than specific revealed moral precepts about how to treat life (don't murder), sexual or family relationships (do not commit adultery), possession (do not steal), etc.

Second, the concept of divine law explains why a particular good rests upon me *as an obligation*, as a demand that I have not laid on myself. As Oliver O'Donovan explains, the divine character of a command means that some goodness lays a claim on us in a way that not all goodness does. The idea of a divine command accounts for this morally transcendent claim.[49] A 'divine command' neither founds what is good, nor explains why anything is good, but simply explains why this or that good rests upon me as an obligation. The concept of divine command accounts for a sense of responsibility, the demand of unconditional and overriding responsibility itself, prior to any content. Theologically speaking, the law makes me accountable as a moral agent *before God*. However, a reference to God is not inescapable—God enters moral reasoning by inductive inference—responsibility itself points to a 'reality' that holds me answerable.[50] Being responsible presupposes openness to a call, a demand I have not laid on myself. Understood in this way, the *norma normans* of divine law is not a particular set of ultimate norms, but the

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49 Oliver O'Donovan, *Finding and Seeking (Ethics as Theology*, Vol. 2) (Grand Rapids, MI: Eerdmans, 2014), 28.
50 Ibid., 31.

demand of responsibility itself. The law expresses that I must do right, whatever right may be, unconditionally. The responsibility to which the command calls me, binds me, and forces me to ask about relative claims presented in particular moral fields whether they interest me here and now or not. In Ames' terms: The problem is not in the apprehension of the law but in the application, i.e., doing that of which we already know we ought to do. In this obligatory sense the law of God is not so much about *what* we ought to do, but rather about *that* we ought to do what we already know we ought to do, although in the command *that*, the *what* is included as well. This second element emphasizes the *"shalt"* in "thou *shalt* (not)."

Finally, the third distinctive notion of divine law concerns *my* responsibility. It is about the "*thou*" in "thou shalt (not)." The question, what shall *I* do here and now, asks for deliberation and prudence, in an attempt to take responsibility given the various goods of reality, moral laws and principles, and given my particular responsibility in a particular situation. Deliberating about how to act responsibly in a given situation is not just a matter of keeping laws. Laws are constructs which mediate the order of reality. Because they are generic, laws and rules cannot fully prescribe what we ought to do. Directly obeying laws can result in immoral acts, even in brute injustice. This is why laws and moral principles do not override human responsibility. Rather than just providing a particular set of norms the commands of the divine law rather account for this unconditional responsibility. Moreover, it accounts for a responsibility in and behind *and beyond* established norms, social practices, institutes, structures, etc. or what counts as virtuous in them. The law of God is, so to say, the transcendent guarantee of such a free space, that makes a critical stance to any norm in principle possible, because the law of God primarily speaks to the individual moral agent as free and responsible *coram Deo*. Again, this does not mean that there is no content in the divine commands—particular practices, such as honoring one's parents or taking care of all living creatures are defined as good while others are defined as wrong—but it means that 'command' refers to something prior to this content, namely that *I* must do right. This opens up the possibility that what human beings take as following from natural law or divine command—say, that one should never break with one's parents—can always put under critique, because it may be that positive law, humane legislation, societal norms etc., turn out to be unjust, wrong, or against the good.

6.5 Conclusion

Reformed scholastic ethics clearly allows for a profound acknowledgment of natural law and natural goods of life-forms, as I have illustrated from Vermigli and Ames. Moreover, I have argued that a Protestant

account of divine law has something to offer in addition. First, the law of God clarifies the nature of the normative character of our evaluations as related to moral *boundaries*. Second, divine law explains why a particular good rests upon me as an *obligation*, i.e., the demand of unconditional and overriding responsibility itself. Finally, the law of God keeps open the possibility of criticizing norms, social practices, and human valuations of particular goods from a transcendent point of view, rooted in human accountability before God, i.e., in a responsibility that is *my* responsibility. As *norma normans* the law of God guarantees the free space of critical human responsibility in and beyond any normativity.

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7 The Relationship of Virtue and Divine Law

Early Reformed Thought and Its Contemporary Appropriation

David VanDrunen

In a theological ethics course I teach every year, I begin by describing aretaic, teleological, and deontological approaches. Like many other ethics teachers, I imagine, I suggest to my students that each of these captures part of the truth and that a sound Christian moral theology will incorporate all three. The integration of virtue and teleology is perhaps the easiest to understand, especially in the Aristotelian-Thomistic trajectory that sees virtues as dispositions toward ends. But the integration of virtue and law seems less obvious for many. In fact, a familiar narrative holds that the Protestant Reformation and post-Reformation thought turned their attention away from virtue toward a deontological, law-focused approach, and that this development contributed profoundly to our modern and postmodern predicaments.[1]

I will not directly evaluate this narrative, which others have begun to do.[2] Instead, I wish to contribute to the positive argument that virtue continued to play a coherent and important role in early Protestant, and particularly Reformed, ethics. In recent years, several interesting studies have considered the place of virtue in a number of prominent early Reformed theologians, including Peter Martyr Vermigli, John Calvin, Theodore Beza, Lambert Daneau, Amandus Polanus, Antonius Walaeus,

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1 Among prominent proponents of this narrative, see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, (Notre Dame, IN: University of Notre Dame Press, 1984); and Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge: MA: Belknap, 2012). Cf. Jennifer A. Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (Chicago: University of Chicago Press, 2008), chs. 6 and 7, which questions whether the theology of divine and human agency in Martin Luther, John Calvin, and John Bunyan (and other Puritans) has a coherent place for growth in virtue through habituation.

2 Many scholars have critiqued the larger narrative of MacIntyre, Gregory, et al. For critique of the narrative with respect to virtue, see Pieter Vos, *Longing for the Good Life: Virtue Ethics after Protestantism* (New York: T&T Clark, 2020); and David S. Sytsma, "John Calvin and Virtue Ethics: Augustinian and Aristotelian Themes," *Journal of Religious Ethics* 48.3 (2020): 519–56.

William Ames, and Johann Heidegger.[3] If virtue was as important to such figures as the evidence suggests, it raises many interesting questions. These include the relation of Reformed ethics to the different classical virtue traditions,[4] the character of habituation,[5] the role of virtue in light of the Reformed doctrine of justification,[6] the Holy Spirit's role vis-à-vis virtue,[7] and the relationship between natural and Christian virtues.[8]

   I will not focus on any of these issues, nor upon the theologians considered in earlier studies. My focus is on the integration of virtue and the law of God, particularly as it came to expression in two prominent catechetical documents, the Heidelberg Catechism and Westminster Larger Catechism, and two important theologians, Zacharias Ursinus (1534–1583) and Wilhelmus à Brakel (1635–1711). Early Reformed theology *did* give great attention to the law of God, but not at the expense of virtue.[9] I argue that these documents and theologians not only affirmed a place for both virtue and law but also *integrated* virtue and law in coherent ways. I also argue that there are good biblical and theological

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3 On Vermigli, see Sebastian Rehnman, "Virtue and Grace," *Studies in Christian Ethics* 25 (2012): 473–93; Eric M. Parker, "*Fides mater virtutum est*: Peter Martyr Vermigli's disagreement with Thomas Aquinas on the 'form' of the virtues," *Reformation & Renaissance Review* 15 (2013): 54–67; and Simon J. G. Burton, "Between Aristotle and Augustine: Peter Martyr Vermigli and the Development of Protestant Ethics," *Studies in Medieval and Renaissance History* 11 (2014): 225–60. On Calvin, see Elizabeth Agnew Cochran, *Protestant Virtue and Stoic Ethics* (New York: Bloomsbury T&T Clark, 2018); Vos, *Longing for the Good Life*, ch. 3; and Sytsma, "John Calvin." On Beza, see Kirk M. Summers, *Morality After Calvin: Theodore Beza's Christian Censor and Reformed Ethics* (Oxford: Oxford University Press, 2017). On the other five figures, see Luca Baschera, "Ethics in Reformed Orthodoxy," in *A Companion to Reformed Orthodoxy*, ed. Herman J. Selderhuis (Leiden: Brill, 2013), 519–52. Several decades ago, Donald Sinnema also discussed Daneau on the virtues in a still very helpful essay; see "The Discipline of Ethics in Early Reformed Orthodoxy," *Calvin Theological Journal* 28 (1993): 21–31.

4 As considered in Cochran, *Protestant Virtue*.

5 As considered in Pieter Vos, "Setting Free and Bringing to Purpose: The Work of the Spirit in Cultivating the Virtues," in *The Spirit Is Moving: New Pathways in Pneumatology: Studies Presented to Professor Cornelis van der Kooi on the Occasion of His Retirement*, eds. Gijsbert van den Brink, Eveline van Staalduine-Sulman, and Maarten Wisse (Leiden: Brill, 2019), 293–306.

6 As considered in J. V. Fesko, "Aquinas's Doctrine of Justification and Infused Habits in Reformed Soteriology," in *Aquinas Among the Protestants*, eds. Manfred Svensson and David VanDrunen (Hoboken, NJ: Wiley-Blackwell, 2018), 249–65.

7 As considered in Vos, "Setting Free."

8 As considered in Rehnman, "Virtue and Grace."

9 I will work with a general understanding of virtues and vices as habitual character traits, and will not discuss the precise understanding of virtue in each writer/document considered. This is due in part to space constraints and in part because not all of these writers/documents provide a definition.

reasons to concur with their basic approach and thus to appropriate it for contemporary Christian ethics.

7.1 The Integration of Virtue and Divine Law

It is probably worth saying at the outset that attempts to integrate virtue and law preceded the Reformation. The medieval era's most famous moral theologian, Thomas Aquinas, understood law and virtue in connection with each other. A few examples illustrate.

When expounding the law of nature, Thomas claims that "all acts of virtue are prescribed by the natural law," since to act according to reason is to act according to virtue.[10] Virtue is also important when Thomas turns to "divine law," by which he meant the law revealed in Scripture. He says there are four reasons for such a divine law. The third is that people are incompetent "to judge of interior movements, that are hidden," and yet proper interior movements are necessary "for the perfection of virtue."[11] Thomas distinguishes divine law into Old Law and New Law. The Old Law included "precepts about acts of virtue," and in fact the "moral precepts" of the Old Law were "about all the acts of virtue."[12] But in respect to "works of virtue as to exterior acts," the New Law is more burdensome than the Old, because the former prohibits some interior movements not forbidden in the latter.[13] The following statement perhaps best captures the synergy between divine law and virtue: the "intention of the law...aims at leading man to virtue, by habituating him to good works."[14]

The preceding is hardly a thorough treatment of Thomas's views, and Thomas was obviously not the only virtue theorist who influenced Reformed theologians. But these examples at least indicate that thinking about virtue while expounding the divine law would not have seemed like an odd thing for 16th- and 17th-century Protestants. I now wish to show that Reformed theologians of this era did indeed consider the two in relation to each other, by looking especially at two of the most important confessional documents of the Reformed tradition, the Heidelberg Catechism and Westminster Larger Catechism. These catechisms are useful for present purposes because they reflect widely held Reformed views about doctrine and piety, and thus provide more insight into what was genuinely "Reformed" than does examining the views of

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10 Thomas Aquinas, *Summa Theologiae* 1a2ae 94.3. Quotations are from *Summa Theologica*, 5 vols., trans. Fathers of the English Dominican Province (Allen, TX: Christian Classics, 1981).

11 Thomas Aquinas, *Summa Theologiae*, 1a2ae 91.4.

12 Thomas Aquinas, *Summa Theologiae*, 1a2ae 99.2; 100.2.

13 Thomas Aquinas, *Summa Theologiae*, 1a2ae 107.4.

14 Thomas Aquinas, *Summa Theologiae*, 1a2ae 100.9.

any individual Reformed theologian. These catechisms are also useful because their expositions of the Decalogue may, on their face, seem to bolster the narrative that the early Reformed tradition focused on law at the expense of virtue.

7.2 The Heidelberg Catechism and Ursinus's Commentary

The final part of the Heidelberg Catechism describes the grateful moral life Christians ought to pursue in response to their redemption in Christ. After several introductory questions, it begins an exposition of the Decalogue. Along with a subsequent consideration of prayer, this exposition constitutes the catechism's entire treatment of the moral life. To state the obvious, God's law is prominent. But the catechism appeals to virtues to explain what this law requires, and to vices to explain what it prohibits.

For example, the first commandment requires *humility* and *patience* in looking to God (Q&A 94). The sixth commandment forbids *hatred* and *envy* (Q&A 105, 106), the seventh commandment *unchastity* (Q&A 108), and the eighth commandment *greed* (Q&A 110). Of special note is Q&A 106: "By forbidding murder God teaches us that he hates the root of murder: envy, hatred, anger, vengefulness. In God's sight, all such are disguised forms of murder."[15] This correlation between divine law and virtue seems easy to describe: God's law requires and prohibits not only external actions but also virtuous and vicious dispositions. From this perspective, consideration of virtue is absolutely necessary for a thorough exposition of the law of God.

This evidence for the continuing importance of virtue for early Reformed thought is neither spectacular nor obscure, but its mundaneness doesn't make it less compelling. Still, we might wonder just how much importance the composers of the catechism really meant to ascribe to virtue. Since Zacharias Ursinus was its primary author, his commentary on the catechism provides special insight.[16] And his commentary makes virtue crucial for understanding God's law.

Before considering the individual commandments, Ursinus lays down a number of rules for interpreting the Decalogue, many of which are relevant to our present inquiry. His second rule, for instance, strongly suggests that the Decalogue requires virtue: every commandment demands

15 Quotations of the Heidelberg Catechism are from *Trinity Psalter Hymnal* (Willow Grove, PA: Trinity Psalter Hymnal Joint Venture, 2018).

16 For the argument that Ursinus was primary author, see Lyle Bierma, "The Purpose and Authorship of the Heidelberg Catechism," in *An Introduction to the Heidelberg Catechism: Sources, History, and Theology* (Grand Rapids, MI: Baker Academic, 2005), 49–74.

"internal and external obedience in the understanding, will, heart and actions...."[17] The fifth rule leaves no doubt:

> The same virtue, or the same work may, for different ends and in different respects, be enjoined in more than one commandment; because the end for which any thing is done gives character to the action, and the same virtue may contribute to different objects....

As an example, he points to fortitude, a virtue of both the fifth and sixth commandments.[18] His sixth rule is also explicit. After noting that negative commands imply a corresponding positive duty, and vice versa, he concludes: "In this way the law enjoins the practice of virtue, in forbidding vice, and contrariwise...."[19]

Perhaps even more striking than these general rules is the way Ursinus unpacks the commandments individually. He explains his method for doing so: "to make a division of the obedience which every precept requires, into the virtues that are peculiar to it as parts, and then take up and consider the vices which are opposed to these virtues."[20] And this is precisely what he does for nearly every commandment, often in considerable detail. I provide just a few of many possible examples. Among the virtues required by the fifth commandment are universal justice, particular distributive justice, laboriousness, diligence, fidelity, love, gratitude, gravity, modesty, and equity.[21] The three virtues demanded by the seventh commandment are chastity, modesty, and temperance.[22] The eighth commandment requires commutative justice, contentment, fidelity, liberality, hospitality, parsimony, and frugality.[23] And the virtues demanded by the ninth commandment are veracity, candor, simplicity, constancy, docility, taciturnity, affability, and urbanity.[24] Such lists provide an idea of how thoroughly Ursinus thought about virtue (and vice) as he contemplated each commandment. Virtue was not peripheral to his treatment of God's law, but central.

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17 Zacharias Ursinus, *Commentary on the Heidelberg Catechism*, trans. G. W. Williard (1852; Phillipsburg, NJ: Presbyterian and Reformed, n.d.), 502.
18 Ursinus, *Commentary*, 503. It is interesting that Ursinus incorporates teleological concerns as he correlates virtue and divine law. He also links deontological and teleological concerns in his fourth rule.
19 Ursinus, *Commentary*, 503.
20 Ursinus, *Commentary*, 508.
21 Ursinus, *Commentary*, 581–82.
22 Ursinus, *Commentary*, 590.
23 Ursinus, *Commentary*, 596–99.
24 Ursinus, *Commentary*, 601–5.

7.3 The Westminster Larger Catechism

As we turn to the Westminster Larger Catechism, we advance 80 years in Reformed history, to the 1640s, and move from Germany to England. Despite the maturation of Reformed theology during this interval and the change in locale, the relationship of law and virtue in the Larger Catechism looks very similar to that in the Heidelberg Catechism and Ursinus's commentary. The Larger Catechism uses the Decalogue as a framework for expounding the Christian moral life, establishes rules for interpreting the Decalogue, and includes many lengthy lists of virtues and vices in its treatment of the individual commandments.

The second rule for interpreting the Decalogue is relevant. It notes that the law "is spiritual, and so reacheth the understanding, will, affections, and all other powers of the soul; as well as words, works, and gestures" (Q&A 99). Like Ursinus's second rule, this appeal to the affections and powers of the soul suggests that the commandments require virtues and prohibit vices.

The Larger Catechism's subsequent exposition of the individual commandments provides many concrete illustrations to confirm this suggestion. According to the catechism, these commandments not only require and forbid a host of external actions but also a range of virtues and vices. Two examples must suffice. The seventh commandment demands chastity, temperance, and modesty and forbids unnatural lusts, idleness, gluttony, and drunkenness (Q&A 138, 139). And the eighth commandment demands moderation and frugality while forbidding covetousness, envy, idleness, and prodigality (Q&A 141, 142). Clearly, virtue is crucial to understanding God's law in the Larger Catechism.

7.4 Later Reformed Thought

To supplement this evidence from the catechisms, it may be helpful to look at a representative theologian from a still later point in Reformed history. A figure from the Dutch Second (Further) Reformation seems fitting. This movement within the Dutch Reformed church, like the counterpart Puritan movement in England, was characterized by a deep interest in piety alongside a rigorous doctrinal orthodoxy, so it seems particularly relevant for present purposes. Wilhelmus à Brakel's large work, *The Christian's Reasonable Service* (originally published in 1700) is an excellent representative text. This is not only one of the most eminent products of the Second Reformation but also advances us more than a half century further in Reformed history.[25]

25 Another interesting example could be à Brakel's younger contemporary, Campegius Vitringa. He discusses virtue and vice at length in *The Spiritual Life* (trans. and ed. Charles K. Telfer (Grand Rapids. MI: Reformation Heritage, 2018), originally

We saw above how two Reformed catechisms teach that God's law requires people to possess and exercise virtues. Making a similar point, but from the other direction, à Brakel states: "There are no virtues which are not comprehended in the perfect rule of life, the law of God." Shortly thereafter, he defines virtue as "*that within man which perfectly harmonizes with the will of God as presented in the law*."[26] But he also embraces the way the catechisms deal with it, for his extended treatment of the Decalogue includes a section entitled "Virtues Enjoined" for each of the commandments. Again, I provide only a sampling of the virtues à Brakel associates with the law. He mentions love for life, tolerance, meekness, compassion, and friendliness as virtues required by the sixth commandment.[27] The seventh commandment demands hatred of all uncleanness, modesty and purity of heart, and chastity.[28] And he discusses love of righteousness, diligence, moderation, generosity, and contentment as virtues enjoined by the eighth commandment.[29] As with the catechisms, virtue was inextricably linked to God's law for à Brakel.

7.5 Constructive Appropriation

That early Reformed theologians integrated law and virtue is clear, as even this small slice of evidence indicates. They believed that God's law requires not only external actions but also internal motions and character traits. Conversely, virtues are comprehended in God's law. In my judgment, this basic perspective is compelling, biblically and theologically.

To see why, it may be helpful first to observe the integration of law and virtue in a particular New Testament text. A good example is Paul's moral exhortations in Galatians 5:13–6:10. Paul begins by commanding his readers to serve one another in love, for "the whole law is fulfilled in one word: 'You shall love your neighbor as yourself'" (5:13–14).[30] Paul

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published in 1717). Vitringa defines the spiritual life in terms of "good capacities and dispositions [*habitus*] infused into a man in Christ by the grace of the Holy Spirit" (15). He identifies five cardinal vices (46–50) and discusses six virtues of Christ to which Christians ought to be conformed (59–63). Later he speaks in detail of eight major areas of vice to avoid (98–111). On virtue in Vitringa, as representative of broader Reformed spirituality, see Richard A. Muller's foreword to *The Spiritual Life*, xii–xiii. See also discussions of the relationship of law and virtue in four Reformed orthodox theologians in Baschera, "Ethics in Reformed Orthodoxy," 523–4, 532, 538, 543–4.

26 Wilhelmus à Brakel, *The Christian's Reasonable Service*, vol. 3, trans. Bartel Elshout (Pittsburgh: Soli Deo Gloria, 1994), 243. The italics are his.

27 à Brakel, *The Christian's Reasonable Service*, 3.202–4.

28 à Brakel, *The Christian's Reasonable Service*, 3.212.

29 à Brakel, *The Christian's Reasonable Service*, 3.223–24.

30 Scripture quotations are from The ESV Bible (The Holy Bible, English Standard Version), copyright 2001 by Crossway, a publishing ministry of Good News Publishers. Used by permission. All rights reserved.

returns to the law toward the end of this text. After exhorting readers to restore those who are caught in transgression, he makes the (arguably) climactic statement: "Bear one another's burdens, and so fulfill the law of Christ" (6:1–2). While scholars debate Paul's view of the relationship between the Mosaic law referred to in 5:14 and the law of Christ referred to in 6:2, it makes little difference for this study. Although Paul argues repeatedly in Galatians that Christians are not under the Mosaic law in important respects, he makes clear that God's law (in some form) remains the normative standard for the Christian moral life. God's law frames Paul's moral exhortations in Galatians, we might say.

But in between the appeals to God's law in 5:14 and 6:2, Paul has obvious concern for virtue and vice. He mentions many external actions, to be sure, but he roots these in a person's internal life, in the "passions" and "desires." The desires of the Spirit and desires of the flesh stand opposed, and Paul calls his readers to bring forth the fruits of the Spirit. His list of the "works of the flesh" includes external conduct but also several vices, including enmity, jealousy, and envy (5:20–21). The fruits of the Spirit, on the other hand, are essentially a collection of virtues, including love, joy, patience, kindness, and gentleness (5:22–23). Pauline ethics clearly integrates virtue and law. For Paul, the requirements of God's law and the virtues cultivated through the Spirit are of a piece.

How might we summarize the nature of this integration? Or, what does God's law do for virtue, and virtue for God's law? Let me suggest two things in each direction.

One crucial thing God's law does for virtue is provide a normative standard to orient it.[31] Those persuaded that ethics should give attention to virtue must identify what the requisite virtues are and what they seek. Aristotle famously held out the good person as the standard for virtue.[32] And he said virtue is "defined by reason and as the prudent person would define it."[33] Aristotle was a moral realist and hence expected reason to yield insight into objective truth. Yet his standard of the prudent person, as understood through reason, has a degree of circularity that leaves the content of objective moral truth somewhat unclear. How do we know who the just and moderate people are who can provide models for justice and moderation? Who is the prudent person whose reason is fit to define courage? If we cannot know what virtue is apart from the virtuous person, we also cannot know which person is virtuous apart from knowing what virtue is. A Christian conception of God's law provides clarity unavailable to Aristotle (without requiring us to deny the importance of

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31 Vos makes a similar point in *Longing for the Good Life*, ch. 3.

32 E.g., see Aristotle, *Nicomachean Ethics*, Bk. 2, Ch. 4.

33 Aristotle, *Nicomachean Ethics*, Bk. 2, Ch. 6. Translation from *Aristotle's Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011), 35.

reason or the usefulness of the prudent person as model). By indicating what the virtues are, or even simply by indicating what actions we ought to perform (and thus implicitly the direction in which our habits ought to orient us), God's law, particularly as revealed in Scripture, provides a standard by which to evaluate habits and persons.[34] To put things concretely, biblical law reveals that humility and hope (for example) are virtues, although this was not evident to Aristotle's prudent person. As another example, most people would agree that chastity is a virtue, in the general sense that sexual desires need to be ordered, but God's law specifies the direction in which chaste desires point.[35]

God's law does another important thing for virtue: it orients virtue to God. Scripture hardly ignores the flourishing of human beings themselves, either as individuals or communities. But if virtues point us to proper ends, and if God's law identifies God's glory as the ultimate end of human existence and action (e.g., 1 Cor 10:31; 1 Pet 4:10–11), then God's law calls for virtue oriented toward a transcendent rather than simply immanent *telos*. The first question-and-answer of both the Westminster Shorter and Larger catechisms helpfully frames human flourishing in a divine-centered context: humanity's chief end is to glorify God and enjoy him forever. Aristotle thought virtue orients us to our own flourishing as highest end.[36] Even if it's proper to understand Aristotle's conception as having a transcendent dimension, a Christian conception of God's law at least addresses more clearly what Aristotle could only vaguely identify.

In the other direction, what does virtue do for divine law? From a pedagogical standpoint, attention to virtue illuminates the law's requirements. Unlike human civil law, which ordinarily regulates external conduct but cannot adjudicate affairs of the heart, divine law also governs the inner person. Scripture communicates this idea in a variety of ways. The Decalogue prohibits covetousness (Exod 20:17; Deut 5:21). Psalm 119 focuses relentlessly on God's law, yet repeatedly refers to the heart as that which keeps, obeys, and rejoices in it. And Jesus's restatement of

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34 Of course, interpretation of God's law – whether natural or biblical – presents its own epistemological challenges!

35 And if one believes virtues develop by habituation, this suggests another thing that God's law does for virtue: it compels people to do the sorts of actions by which virtue is acquired. Thomas spoke in this way in *Summa Theologiae*, 1a2ae 100.9, as noted above. Many early Reformed theologians also believed that virtues develop by habituation (at least in part). E.g., à Brakel, *The Christian's Reasonable Service*, 3.243, explains that God infuses a "propensity" toward virtue at regeneration and that virtue is "acquired by way of many exercises." This is a topic worth further study, I believe.

36 E.g., see Aristotle, *Nicomachean Ethics*, Bk. 1, Ch. 9, 13.

the law calls attention to the vices that underlie external wrongs (Matt 5:22, 28).[37]

Furthermore, from a practical standpoint, virtue enables people to do what God's law requires. Even a moral theology focused upon law has to be concerned about sinful humans' ability to keep it. Apart from the sanctifying grace of the Spirit, sinners are unable to keep God's law, at least in a way that truly pleases God and leads to life (e.g., Rom 8:6–11). But the sanctification of the Spirit involves much more than enabling people to perform discrete righteous actions. It transforms people themselves. Sanctification renews minds (Rom 8:6; 12:1), purifies desires (Gal 5:16–17), and creates a "new self" (Eph 4:22–24; Col 3:9–10). Only those who are virtuous through the Spirit's sanctification can truly conform to God's law.

I might summarize matters in this way: God's law is an objective standard while virtues are subjective (internal) character traits. The former identifies proper character traits as well as proper external actions. The latter orient people toward obeying the former. Without God's law, the identity of virtue remains obscure. Without virtue, God's law remains unperformed.

7.6 The Kind of Law to Which Virtue Orients

The second, and final, section of this paper seeks to push the inquiry a little further. If law and virtue stand in the kind of relationship described in the preceding section, does this imply a particular understanding of virtue or law? This relationship between law and virtue is at least consistent with the popular view that virtues are habitual character traits, and I will not pursue this issue any further here. But I do suggest that the early Reformed understanding of the integration of law and virtue rests upon a view of law different from a contemporary view many people seem to embrace uncritically. Whereas many today believe that law consists of rules, a robust integration of God's law and virtue requires a conception of law as a holistic system, or *moral order*. I now wish to argue that early Reformed theologians took this latter view of law and

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37 The traditional Reformed conviction that concupiscence itself is sin (following Romans 7:7–8, 14, 25) also corresponds to this idea. If evil desires and inclinations are sin, and sin is lawlessness (1 John 3:4), then speaking of virtue and vice should clarify this important aspect of God's law. For discussion and defense of this Reformed conviction about concupiscence and sin, see e.g., *Synopsis of a Purer Theology*, vol. 1, ed. Dolf te Velde et al (Leiden: Brill, 2015), 370–4, 384–5, 398–9. Reformed theologians argued this point against Rome. The Council of Trent denied that concupiscence is "truly and properly sin" in the regenerate, even while admitting that Paul spoke of it as sin. See *Canons and Decrees of the Council of Trent*, trans. H. J. Schroeder, O.P. (St. Louis: B. Herder, 1941), 23 (Fifth Session, section 5).

that it corresponded to their understanding of virtue. Then, I will explain why they had good moral-theological justification for seeing things in this way.

7.7 Virtue and Law as Moral Order

I should first explain why viewing law as moral order makes good sense, if law and virtue indeed ought to be integrated. As we consider how virtues operate, it seems correct to say that virtues orient people in certain directions and toward certain ways of living in the world. Virtues do *not* simply enable performance of a set of discrete rules. Consider a few examples. On any fair definition, the virtue of chastity is about much more than just refraining from adultery. The virtue of honesty is about much more than just refraining from lies. And for a virtue such as temperance, it is difficult to identify any single general rule that effectively summarizes its scope. Temperance says: Don't eat too much. Don't drink too much. Don't work too much. Don't play too much. Don't talk too much. Soon we realize that rules are helpful for getting the gist of what temperance is, but don't really capture temperance in any comprehensive sense. Temperance describes an attitude or a posture—a way of living in this world. And upon reflection, surely we wish to say something similar about chastity and honesty. Virtues, in early Reformed perspective, orient people toward God's law as an objective norm. And it would seem most coherent to understand this norm not as a collection of discrete rules, but as a moral order that presents a holistic way of life suited for existence in this world, given its present purposes and eschatological destiny.

7.8 Early Reformed Thought

It is not surprising, therefore, that early Reformed theologians did indeed have some conception of law as a holistic moral order and did not reduce divine law to rules.[38] To see this, it is helpful to return to Ursinus's commentary on the Heidelberg Catechism and to the Westminster Larger

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38 I believe the same can be said of Thomas Aquinas. He affirmed that there are "precepts of the natural law," both primary and secondary (*Summa Theologiae*, 1a2ae 94.2, 4, 6). But he viewed natural law as a participation in the eternal law (1a2ae 91.2; 94.2), and he thought eternal law moves "all things to their due end," such that "the eternal law is nothing else than the type of Divine Wisdom, as directing all actions and movements" (1a2ae 93.1). This indicates that natural law is not *simply* rules, but has a teleological character. It orients or directs human beings toward proper human ends, as established and known by divine wisdom. Natural law precepts describe this orientation/direction, but do not themselves constitute the natural law.

Catechism. In both cases, their rules for interpreting the Decalogue are again illuminating.[39]

As mentioned above, Ursinus's second rule states that every commandment demands "internal and external obedience in the understanding, will, heart and actions…."[40] This indicates that each commandment is comprehensive in its own way. It pertains to a swath of a person's entire being. And if God's law regulates such a broad spectrum of existence, already we get the sense that describing law as a collection of rules is insufficient to capture what it's really about. Ursinus's seventh rule gets at something similar:

> Care must be taken that we do not understand the commandments in too restricted a sense. Commandments which are particular must always be comprehended in the general; the general must be understood in the particular; the cause, in the effect; and the correlative, in the relative.[41]

Each commandment, in other words, points to a range of desires and conduct. It points beyond itself to something broader and more complex.

Ursinus's fourth rule reinforces these initial observations. He writes:

> That we may form a correct judgment, or come to a proper understanding of every commandment, it is above all things necessary that we consider the design, or end of each precept of the Decalogue; for the end of the law shows its meaning, and from the object which God intends, and wills to accomplish by each commandment, we may easily and correctly judge concerning the means which lead to the attainment of this end.[42]

This incorporates a teleological component into the interpretation of God's law. No commandment is an end in itself, but serves a larger divine design. Or, we might say, each commandment points beyond itself to a broader moral purpose. If no individual rule has clear meaning apart from a larger moral system that reflects God's purpose and design, then God's law cannot consist simply in these rules, but must somehow set this moral system before its recipients as the standard of their obligation.

Ursinus's fifth rule is relevant as well. He says that the same virtue or work may, "for different ends and in different respects, be enjoined in

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39 Perhaps needless to say, offering "rules" for *interpreting* God's law is not the same thing as thinking that God's law simply consists of rules. But given this equivocal use of "rules," this point is probably worth stating.

40 Ursinus, *Commentary*, 502.

41 Ursinus, *Commentary*, 503.

42 Ursinus, *Commentary*, 503.

more than one commandment; because the end for which any thing is done gives character to the action, and the same virtue may contribute to different objects…."[43] This implies the interconnection of the commandments. Two different commandments may promote an overlapping set of ends and virtues. Ursinus gives the example of fortitude as a virtue of the both the fifth and sixth commandments. The fifth commandment is about respect for authority and the sixth about respect for life. But if Ursinus is correct, both of them prescribe a certain *kind* of behavior that takes effect in multiple areas of human experience. This means that law is not just about individual rules but about interrelated patterns of conduct—that is to say, a moral order.

The Westminster Larger Catechism's rules for interpreting the Decalogue are similar to Ursinus's and we find similar implications there. In fact, Q&A 98, which immediately precedes the list of these interpretive rules, is also relevant. It states that the moral law is "summarily comprehended" in the Decalogue. If the rules of the Decalogue are but a summary, it implies that the law itself is something broader than these rules.

Every one of the interpretive rules in Q&A 99 supports this point, in my judgment. The first states that "the law is perfect, and bindeth everyone to full conformity in the whole man unto the righteousness thereof…so as to require the utmost perfection of every duty, and to forbid the least degree of every sin." If the law is "perfect" and requires "every duty" and touches the "whole man," then it is comprehensive in scope, in a way that no collection of rules could be. The second rule of interpretation reinforces this comprehensiveness: the law "is spiritual, and so reacheth the understanding, will, affections, and all other powers of the soul; as well as words, works, and gestures." No mere set of rules could capture all of these things.

The third interpretive rule follows: "One and the same thing, in diverse respects, is required or forbidden in several commandments." This makes perfect sense if the law points us to a *unified* moral life whose different aspects are harmonious. It requires patterns of conduct that cut across individual rules. Then the fourth interpretive rule adds: "Where a duty is commanded, the contrary sin is forbidden; and, where a sin is forbidden, the contrary duty is commanded…." Perhaps this is just common sense. But it again presumes that the individual rules are a window into a larger moral reality that the rules themselves cannot exhaust. The fifth interpretive rule is that "what God forbids, is at no time to be done; what he commands, is always our duty; and yet every particular duty is not to be done at all times." This also makes a presumption: life is complicated and varied, and thus demands wisdom and prudence. This in turn presumes the existence of a comprehensible moral order in which people

43 Ursinus, *Commentary*, 503.

can make rational decisions about what conduct befits a particular situation. If law governs such a complicated world, then law is about more than rules. The sixth rule fills out the picture further: "Under one sin or duty, all of the same kind are forbidden or commanded; together with all the causes, means, occasions, and appearances thereof, and provocations thereunto." This indicates that the law's obligations are an interconnected whole. Particular obligations can be grouped with others as belonging to the "same kind." Thus, some sort of moral order must underlie the rules.

The final two interpretive rules round out this discussion. The seventh states: "What is forbidden or commanded to ourselves, we are bound, according to our places, to endeavor that it may be avoided or performed by others, according to the duty of their places." And the eighth adds: "In what is commanded to others, we are bound, according to our places and callings, to be helpful to them; and to take heed of partaking with others in what is forbidden them." Both of these imply a shared human nature and condition. We are in this together. The divine law doesn't merely treat my own moral life as an integrated whole but also deals with me as part of a moral community in which one person's responsibilities are intertwined with others'. Once again, this defies a conception of law as simply a series of rules.

In short, I suggested above that a robust view of the integration of divine law and virtue makes most sense if law is not a set of rules but a moral order. The interpretive guidance from Ursinus and the Larger Catechism indicates that early Reformed theologians shared this view of law, even if they didn't describe it in just this way. The fact that both of them expound the meaning of the Decalogue in such an expansive manner reinforces the conclusion: the law's rules point to a moral order much broader than the rules themselves.

7.9 Constructive Appropriation

I believe that viewing law not merely as rules but as moral order is sound, and worth constructive appropriation today. I offer two brief arguments in support, from the perspectives of natural law and biblical law, respectively.

First, if natural law is one manifestation of divine law, then this too points away from a conception of law-as-rules toward one of law as moral order. It is indisputable that early Reformed theology recognized natural law as God's law, and I now assume that this idea is theologically sound rather than make an argument for it.[44] What I wish to observe,

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44 My own description of the historical record and theological defense of natural law appear, respectively, in David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids, MI: Eerdmans, 2010) and *Divine Covenants and Moral Order: A Biblical Theology of Natural Law* (Grand Rapids, MI: Eerdmans, 2014).

first, is that the existence of natural law implies that nature is morally meaningful and humanly comprehensible. It presumes that there is a proper way for creatures with a nature such as ours to live in a world such as this. If God had made us or our world with different natures, our moral obligations would be different. Now, it is undoubtedly useful to identify rules that express our natural obligations (or, to use traditional terminology, "precepts of the natural law").[45] Such rules can indicate boundaries and point in profitable directions, but they can only tell us so much. Our world is complex, human nature is complex, and merging our lives together in communities is more complex still. Natural-law rules are thus under-determinative. There are multiple ways to live properly, given human nature and the nature of the world. Human nature has many features and capabilities, and no one person can develop all of them. Human communities have many needs, and no one person can contribute to them all. And even sound natural-law rules are often highly dependent upon social context for their concrete usefulness. Implementing "do not steal," for example, hinges upon knowing a system of property laws in a particular community. If all this is true, I conclude that natural law refers to a natural moral order and that the "precepts" of the natural law serve as (very helpful) pointers to what that moral order is.[46]

Second, there's good reason to conclude that biblical law also envisions law as moral order rather than simply rules. There is more to biblical law than the Mosaic law, but since the latter is the most prominent example of law in Scripture, it's fitting to consider it briefly.

The Mosaic law obviously contains many rules, but those rules are far from comprehensive. It hardly addresses some important areas of life at all.[47] The Mosaic law required comprehensive obedience, yet the Israelites would have had to fill in all sorts of things to make it work in everyday life. Unless this enterprise was totally arbitrary, the Mosaic law must have represented a broader yet intelligible moral order, such

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45 As cited above, see e.g. Thomas Aquinas, *Summa Theologiae*, 1a2ae 94.2, 4, 6.

46 For my extended argument for this way of seeing things, see David VanDrunen, *Politics after Christendom: Political Theology in a Fractured World* (Grand Rapids, MI: Zondervan Academic, 2020), ch. 5. Among other contemporary natural lawyers who have explored the under-determinate character of the natural law, see perhaps especially the work of Jean Porter; this is a prominent theme in, e.g., "Does the Natural Law Provide a Universally Valid Morality?" in *Intractable Disputes about the Natural Law: Alasdair MacIntyre and Critics*, ed. Lawrence S. Cunningham (Notre Dame, IN: University of Notre Dame Press, 2009), 53–95; and *Ministers of the Law: A Natural Law Theory of Legal Authority* (Grand Rapids, MI: Eerdmans, 2010). I have sympathy for aspects of Porter's proposal, although my approach isn't identical.

47 Among works on the Mosaic law that helpfully acknowledge and wrestle with this fact, see e.g., Joe M. Sprinkle, *'The Book of the Covenant': A Literary Approach* (Sheffield: Sheffield Academic Press, 1994); and Jonathan Burnside, *God, Justice, and Society: Aspects of Law and Legality in the Bible* (Oxford: Oxford University Press, 2011).

that the Israelites could act and render judgment coherently and harmoniously, whether or not the law specifically addressed a particular issue.

But how did the Mosaic law do this? Its use of case law provides a clue. Unlike contemporary Western legal codes, which multiply definitions and rules and tend to be exceedingly long in a quest for comprehensiveness, many parts of the Mosaic law describe a modest number of concrete cases that provide representative examples: "When men strive together and hit a pregnant woman…" (Exod 21:22); "When an ox gores a man or a woman to death…" (Exod 21:28); "If fire breaks out…" (Exod 22:6). Such case law doesn't try to give a rule for every conceivable circumstance, but models appropriate responses in a variety of situations. These cases don't require the memorization of rules, but the perception of patterns. This is another way of saying that Israelites learned the Mosaic law by growing in *wisdom* and thereby absorbing its paths of justice. What, for example, was to be done if X's dog bit Y, when there was no rule to specify? Act in accord with the system of justice perceptible in the cases one can read, and perhaps especially ponder what was supposed to happen if X's ox gored Y (Exod 21:28–32) and implement an analogously just response. In short, the Mosaic law was far more than its rules. It educated Israel in a moral order.

7.10 Conclusion

Early Reformed ethics did not simply recognize a place for virtue, but thoroughly integrated concern about virtue with its exposition of God's law. To claim that early Reformed thought was law-centric at the expense of virtue is entirely misleading. Reformed theologians even viewed law as a moral order rather than a collection of rules, a perspective at home in a thought-world conversant with virtue. Centuries removed from this theological labor, I suggest we have good biblical and moral-theological reasons to re-appropriate these convictions.

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8 Law, Virtue, and Duty in Petrus van Mastricht's *Theoretico-Practica Theologia*

Dominique Klamer

8.1 Introduction

The pre-modern Christian conception of divine law and morality formed a hybrid whole, in which teaching of virtues, the gift of grace, and divine and natural law had a place. Until recently, a dominant narrative held the Reformation as the origin of a loss of this classic Western conception of morality,[1] a break with virtue ethics, and a turn toward a deontological line of thinking. Against this narrative, recent scholarship shows continuity of Aristotelian ideas in (post-)Reformation theology.[2] In particular, post-Reformation theologians continue to speak generously about virtue. However, their emphasis on dependence on and obedience to God and his commandments, could put the classical concept of virtue and its cultivation under pressure.

In this chapter, I would like to show how Petrus van Mastricht (1630–1706), in his systematic theological work *Theoretico-Practica Theologia*, deals with the seeming tension between virtue and law, and how his concept of duty clarifies this connection. I will explore the two main questions David VanDrunen poses in his chapter *The Relationship of Virtue and the Law of God*: the question of the relationship between virtue and revealed divine law and the question how this relationship connects to law as a moral order. I will examine firstly, the relationship between revealed divine law, virtue, and duty in Van Mastricht's

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1 E.g., Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (London: Belknap Press of Harvard University Press, 2015); Alasdair C. MacIntyre, *After Virtue* (London: Bloomsbury Academic, 2014), 36–78.

2 Stephen John Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2007); Richard J. Mouw, *The God Who Commands* (Notre Dame, IN: University of Notre Dame Press, 2004); Richard A. Muller, "Reformation, Orthodoxy, 'Christian Aristotelianism,' and the Eclecticism of Early Modern Philosophy," *Nederlands archief voor kerkgeschiedenis / Dutch Review of Church History* 81/3 (2001): 306–25; Pieter Vos, "Breakdown of the Teleological View of Life? Investigating Law, Telos and Virtue in Calvinistic Ethics," *Journal of Reformed Theology* 9 (2015): 131–47; Manfred Svensson and David VanDrunen, *Aquinas among the Protestants* (Hoboken, NJ: Wiley Blackwell, 2018).

thinking, secondly, how this relationship relates to the notion of law as a moral order, and finally, what is left of the classical concept of virtue itself.

8.2 Virtue, Law, and Duty

VanDrunen clearly shows an intricate relationship between law and virtue in the four works he discusses: the Heidelberg Catechism, the Westminster Larger Catechism, and the writings of Ursinus and á Brakel. I have found similar lines of thinking in Van Mastricht's work.

Van Mastricht writes that Christian theology, the art of living in God (*artificium vivendi Deo*), consists of two elements. The first is how we are made alive after being spiritually dead, the second, how we, being made alive, may live in God. The first element exists in faith, the second takes place in obedience of faith. The nature of this faith is dealt with in the first eight books of the *Theoretico-Practica Theologia*. The second part of the *Theoretico-Practica Theologia* centers around the obedience of faith. In this second part, he calls the first three books the *Idea Theologiæ Moralis*, which deal with the virtues and vices of obedience, and the last four books the *Hypotyposis Theologiæ Asceticæ*, which are about the practice of these virtues.[3]

In the first part of his work, on the nature of faith, Van Mastricht states that "the law of God provides the *norm* and also the *abridgement*, of equally virtues and good works."[4] By the law he means the "*lex moralis*," which is a "universal law," that "obliges all men, in all time and in every place, to its observation."[5] The moral law is universal and knowable outside of revelation, but only as "first principles," from which further conclusions must be logically deduced. The further these conclusions are from their first principles, the more uncertain and unknown they become. That is why these conclusions must be delimited by laws.[6] In this chapter, Van Mastricht elaborates on how a concrete

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3 Petrus van Mastricht, *Theoretico-Practica Theologia* (Trajecti ad Rhenum: Gerardum Muntendam, 1698), 2: 1102. Since Van Mastricht made some significant clarifications in his new edition of 1698, I refer to the new edition in this paper, unless specified otherwise.

4 All English translations are my own. Italics are Van Mastricht's. "*Normam* igitur, atque etiam *compendium*, virtutum pariter, & bonorum operum, præstat lex Dei…" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 739).

5 "[S]ola lex moralis (…) [h]aec nihil aliud est, quam lex *universalis*, que omnes homines, omni tempore & loco, obstringit ad sui observantiam" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 739).

6 "Omne *jus* prostat in Lege *morali*, quoad sua *principia*, ex quibus *conclusiones*, per legitimam consequentiam sunt diducendæ: hæ quo longius distant à suis principiis, eo sunt incertiores & ignotiores, hinc legibus sunt determinandæ…" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1144).

expression of this universal law, namely the Decalogue, is an abridgment of the virtues and vices as their opposites. In the second part of his work, on the obedience of faith, he states that out of the whole of Scripture, the virtues according to divine law are most carefully discerned in the Decalogue.[7] Indeed, in both elements of Christian theology the Decalogue plays an important role, which will become more distinct in the rest of this chapter.

Very similar to the works VanDrunen discusses, Van Mastricht couples each commandment, firstly, with a general virtue and a contrasting vice, secondly, with subsequent virtues and vices. For example, the sixth commandment is coupled, firstly, with the main virtue of kindness and the main vice of murder, and secondly, with the subsequent virtues of meekness, patience, endurance, readiness to be appeased, harmony and benevolence, affability, politeness, equanimity; and vices like hardship, and cruelty.[8]

Van Mastricht makes use of the key-term *officium*, to describe the relationship between law and virtue. In the Dutch translation of 1749–1753, *officium* is translated as "plicht" (duty), however, *officium* can also indicate office, service, courtesy, kindness, responsibility, favor, or liturgy of the Hours.[9] Duty[10] in this sense is a rich concept. It does not entail a necessary movement toward deontological ethics, but it is open to a cohesion of commandment, virtue, and duty. Van Mastricht uses the concept in this broad way when he connects each commandment with virtues and corresponding duties, sketching a triangle of law, virtue, and duty, in which the three concepts are closely related. I will first give some examples of the triangle that he draws, and then I will make a few distinctions.

Van Mastricht begins his exposition on the Decalogue by stating that the general virtue of the entire law is love and its opposing vice is hatred.[11] The object of love is twofold: love of God and love of the neighbor (which includes love of oneself). The first table of the Decalogue expresses the love toward God, the second table the love toward

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7 "Tandem virtutes secundum legem divinam, accuratissimè dispescuntur, in Religionis, quibus proclives sumus in cultum divinum, juxta priorém legis tabulam, de quibus libro Secundo, & juftitiæ quibus proclives sumus ad justa proximo præstanda, secundum posteriorem tabulam, de quibus libro tertio. Proinde" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109).

8 Van Mastricht, *Theoretico-Practica Theologia*, 2: 741.

9 Leo F. Stelten, *Dictionary of Ecclesiastical Latin*, Peabody, Massachusetts, 2008 [1995], in the *Database of Latin Dictionaries*, http://clt.brepolis.net.vu-nl.idm.oclc.org/dld/pages/QuickSearch.aspx, accessed October 19, 2020. A similar variety of meanings, yet more elaborate, can be found in *Dictionary of Medieval Latin from British Sources*, eds. R. E. Latham, D. R. Howlett and R. K. Ashdowne (Oxford: British Academy, 1975–2013).

10 For the sake of clarity, I will consistently translate *officium* with "duty."

11 Van Mastricht, *Theoretico-Practica Theologia*, 2: 739.

the neighbor. Building on this notion of twofold love, Van Mastricht explains: "The love towards God comprehends all duties, which are owed to God immediately."[12] Consequently, the general virtue of the first table is holiness (*sanctitas*). "The love towards our neighbor, comprehends all those duties, which – being prescribed by God – we owe our neighbor. All of which are captured with the word 'justice' (*justitia*)."[13] That is why justice is the summary and virtue of the entire second table.

The duties belonging to the love toward God, are described by the word "*religio*" which directs the *cultus Dei*. This worship of God is twofold: natural (*naturalis*) or instituted (*institutus*). The natural worship of God, which God's nature itself requires (by example knowing God, faith, hope, love, obedience, reverence, etc.), includes duties "which through his nature, God is not able to not require from creatures of reason," and is knowable through nature.[14] The general virtue, in which direction the natural worship is directed, is piety (*pietas*).[15] This virtue and its corresponding duties are connected to the first commandment of the Decalogue. Subsequent virtues belonging to the first commandment are faith, hope, and love. At this point in Van Mastricht's argument it becomes particularly clear that virtue and duty are thoroughly interconnected. Faith, hope, and love are namely the "particularities of piety," the fundamental virtues, out of which other virtues are born, like prayer, the hearing of the Word of God, and community with God.[16] These "other virtues" correspond to the two duties that flow from the fundamental virtues of faith, hope, and love: "we hear God, speaking to us," and "we speak to our God, so he would hear us."[17]

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12 "Charitas versus *Deum* omnia comprehendit officia, quæ Deo *immediatè* debentur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

13 "Charitas versus *proximum*, omnia illa comprehendit officia, quæ ex præscripto Dei, proximo debemus, quæ omnia unâ *jusititiæ* voce designantur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

14 "Cultui huic naturali dirigendo, quia per naturam quoque nobis potest innotescere. Deus *unum* tantum, sed primum tamen & primarium præceptum destinavit" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

15 "Cultus Dei, quem Religio dirigit, duplex est: *naturalis* alter, quem ipsa Dei natura exigit, v. g. agnitio Dei, fides, spes, charitas, obedientia, reverentia &c. quæ per *naturam* suam, Deus non potest non exigere à creaturâ rationali; *Virtus* generalis, quâ cultus hîc naturalis dirigitur, est pietas" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

16 "Pietatem contemplati sumus *generaliter*, jam ad ejus *particularia* descendemus. Sunt autem primò virtutes fundamentales, fides, spes, charitas. Ex quibus porro nascuntur aliæ, v. g. Auditio verbi divini & precatio, & ex his juramentum, fors & communio cum Deo, cui opponitur tentatio Dei" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1121).

17 "Ex pietatis virtutibus fundamentalibus, fide, spe & charitate, duo fluunt officia: alterum, quo nos *Deum audimus*, nobis loquentem: alterum, quo nos Deum *alloquimur*, ut nos audiat" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1128).

The duties belonging to the instituted worship (*cultus Dei institutus*) are connected to commandments two through four.[18] These duties "are not required by God's nature, but by his will, without any natural necessity, sheer for his good pleasure. By example, it prescribes human beings to worship God with sacrifices."[19] God gave as much as three commandments to direct the instituted worship, because this worship "is not perceived by us through nature."[20] The second commandment indicates the duties, which should be observed, regarding the entire external cultus (e.g., Sunday services, sermons, prayers, singing of Psalms, sacraments, etc.), the way this has to be done (namely, in veneration of God's name), and the time that should be spend at the instituted observance, namely the seventh day.[21] The relationship between duty and law becomes more clear when Van Mastricht writes about the second commandment: "The second precept directs all these [duties], prohibiting that for the instituted worship nothing is allowed as duty from one's own imagination; but only from the divine precepts."[22] The general virtue of the second commandment is then obedience (*obedientia*) in the stricter sense of wanting "that which is perceived right, not in our own eyes, or in the eyes of other people (...), but which is right in the eyes of the Lord."[23] From this explanation of the second precept, we can deduce that a duty is something we perceive as right based on Gods commandments. Obedience to the commandments is important to Van Mastricht, nevertheless, it is not a simple blind obedience that he proposes, as will be shown in Section 8.2.

The notion of the interconnectedness of virtue, law, and duty, is continued in Van Mastricht's introduction of the second table of the Decalogue, which is about love towards our neighbor: "The love towards our neighbor, comprehends all those duties, which – being prescribed by God – we owe our neighbor, all of which are designated with the one word of justice, which therefore is the summary of the virtue of the

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18 I follow the Protestant numbering of the Decalogue.

19 "Alter Dei cultus, est *institutus*, quem *voluntas*, ut distincta à naturâ Dei, exigit: quem Deus, absque ullâ naturali necessitate, pro mero suo beneplacito, hominibus præscribit, v. g. Deum colere sacrificiis" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

20 "Hunc cultum, quia *naturâ* nobis nequaquam est perspectus; Deus, tribus posterioribus, prioris tabulæ præceptis dirigit…" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

21 Van Mastricht, *Theoretico-Practica Theologia*, 2: 740.

22 "Ista omnia dirigit *secundum* præceptum, prohibendo ut *nihil* hîc pro officio cultus instituti admittatur, ex propriâ imaginatione; sed ex solo praescripso divino" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

23 "…quod rectum videtur, non in oculis propriis, aut in oculis aliorum hominum (…), sed quod rectum est in oculis Domini" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740).

entire second table, as we show our neighbor what is righteous, just as the summary of vice is injustice."[24] In this quote, Van Mastricht argues that duty must be aligned with the commandments, while virtue is the summary of the commandments.

Another aspect of the relationship between virtue, law, and duty is described in Van Mastricht's explanation of the fifth commandment, which is ultimately about the honor of our neighbor. Here, Van Mastricht writes about reciprocal duties (*officia reciproca*) between someone of inferior status and a person of superior status. Examples of those reciprocal duties are veneration, love, observance, submission, obedience, faithfulness, and the jurisdiction of justice and charity.[25] The general virtue directing these reciprocal duties is humility (*humilitas*):

> Moreover, the general virtue, by which all these reciprocal duties are directed, is *humility* toward the neighbor, through which we are prone to acknowledge and testify this excellence, as much as God has granted to each one (…), just as the opposing general vice of the fifth precept, is pride (*superbia*), through which, through contempt of the neighbor, we neglect these duties, which, from having been prescribed by God, we owe himself.[26]

In this quote, the general virtue of humility directs the reciprocal duties. Moreover, the opposing vice leads to neglect of the duties that we owe to God and that are prescribed by him. Clearly, both virtues and commandments direct the duties, however, this quote also explains something about the relationship between virtue and divine law: Van Mastricht assesses virtue (defined as "a habit, by which the will is inclined to do well")[27] as helping us to perform the duties that God prescribed, while vice makes us neglect the duties God has prescribed. Virtue corresponds to divine law, or, as VanDrunen puts it: "virtue enables people to do what divine law requires." (130) However, the

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24 "Charitas versus *proximum*, omia illa comprehendit officia, quae ex praescripto Dei, proximo debemus, quae omnia una *justitiae* voce designantur Eph.IV. 24. quae proinde *summaria* est, totius secundae tabulae *virtus*, qua, quod justum est, proximo praestamus: prout *vitium* summarium, est *injuria* Rom.I.18" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 740; see also 2: 1119).

25 Van Mastricht, *Theoretico-Practica Theologia*, 2: 740–1.

26 "Virtus autem universalis, quâ omnia ista officia reciproca diriguntur, est *humilitas* erga proximum, quâ proclives sumus ad agnoscendam & testificandam illam excellentiam, quam Deus cuique contulit (…), prout oppositum generale vitium quinti præcepti, est *superbia*, quâ per contemtum proximi, ea negligimus officia, quæ, ex præscripto Dei, ipsi debemus (…)" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 741).

27 "Est habitus, quo voluntas propendet ad benè agendum" (Van Mastricht, *Theoretico-Practica Theologia*, 2:1109) See also Section 4 ('Virtue') below.

interconnectedness between law, virtue, and duty, does not indicate that law is the dominant element. In order to show why, I will discuss the notion of law as a moral order.

8.3 Law as a Moral Order

In this paragraph, I would like to address the second question in Van-Drunen's paper, namely, how the notion of law as a "moral order"[28] is connected to the relationship between revealed law and virtue, and between revealed law and moral law.

The interconnectedness of revealed divine law (in the Decalogue) and virtue shown above, evidently supports the notion of law as a moral order. This support, *inter alia*, becomes clear in the twofold nature of virtue, for the virtue that leads to the proper fulfillment of the duty towards the neighbor is only true virtue when it has both an inward and an outward effect. For instance, Van Mastricht explains about honor, that "it exists neither in only the external observance; nor in only the internal; but in both together."[29] Likewise, true love of the neighbor is done

> (a) with the heart, not with the mouth, gestures and whatever external instruments, such as the actions of the hypocrites are. Although (b) not only with the heart, but with both hand and deed, or work, so that love should be in the act.[30]

This true virtue is then again connected with revealed law: "it should flow from an honest love towards God, and compliance towards his command."[31] Virtue entails both an inward and an outward movement that concur with the divine commandments. Furthermore, the emphasis on *both* inward *and* outward effects shows that revealed law does not

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28 VanDrunen clarifies this 'moral order' as law, which is "not just about individual rules, but about interrelated patterns of conduct" (VanDrunen, David, "The Relationship of Virtue and Divine Law: Early Reformed Thought and Its Contemporary Appropriation," in *The Transcendent Character of the Good: Philosophical and Theological Perspectives,* ed. Petruschka Schaafsma (London/New York: Routledge, 2022), 133.

29 "…neque in solâ *externâ* observantiâ consistit; neque *internâ* solà; sed in utrâque" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1147).

30 "(a) Proximus diligendus est *verè*; corde, non ore, gestibus & apparatu tantum externo quovis, quales actus sunt hypocritarum: sed (b) Non corde tantum; sed & manu & re, seu *opere*, ut sit *dilectio in facto*" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1146).

31 "Ut *scaturiat* ex ingenuo amore versus Deum, & obsequio versus ejus mandatum" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1146).

ask for *blind* obedience. A similar line of reasoning can be found in Van Mastricht's twofold definition of justice:

> Justice is the propensity of the will, to act according to the law. This can be observed twofold in many things. In one way, as one considers the nearest end, and the obliging words of the law. This is said to be justice in the strictest sense. In another way, as one considers the remote end, and the reasons of the law. This is called 'equity,' or *epieíkeia*.[32]

The nearest end of justice corresponds to the outward movement and the remote end of justice to the inward movement. Thus, on the one hand, we see that Van Mastricht closely connects virtue to the (outward) performance of the law, on the other, virtue encompasses a *confident* obedience to the law, wherein an inward change is needed, so that one understands that God's commandments are good. I will explain this further below. Petrus van Mastricht's view on the relationship between virtue and law places interrelated patterns of conduct above individual rules, although the individual rules have their place in guiding us in our conduct.

Regarding the Moral Compass Project, another interesting question concerns the nature of the moral order. Is this moral order universal? Van Mastricht certainly believes so: "[O]nly the moral law (…) is nothing else than universal law, and it obliges all men, in all time & [in every] place, to its observation."[33] If it is, what then is the relationship between this universal moral order and the Decalogue as *revealed* law of God? To examine this relationship, I will now investigate the virtue piety (*pietas*) from the perspective of the moral order.

Van Mastricht connects piety with the first commandment of the Decalogue, with the first table of the Decalogue, and with the nature of God himself:

> Piety does not express anything else than these duties, which are immediately suitable to God, and [which are] in fact from his nature, why we hold God for our God, not only by word, but with deed, according to the first precept of the Decalogue. Therefore it [piety]

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32 "*Justitia*, est *propensio* voluntatis, ad agendum secundum *jus*. Hujus duplex in multis observatio, quarum *una* respicit finem *proximum*, & verba legis obligantis, quæ *justitia* strictissimo sensu dicitur; *altera* finem *remotum*, & legis rationes, quæ *æquitas*, seu *epieíkeia* (Gr.) appellatur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1144).

33 "[S]ola lex moralis (…) nihil aliud est, quam lex *universalis*, que omnes homines, omni tempore & loco, obstringit ad sui observantiam" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 739).

considers God, from the nature of the first table, and [it considers] the nature of God, from the first precept, where we are commanded to have God for our God, by word, and by affection, and by deed.[34]

Hence, several duties belonging to piety make clear that God is to be worshipped as highest good, supreme Lord, Lawgiver, and Ruler. Van Mastricht aligns himself with the classical view on virtues as attributes and perfections of God, who is the highest good. With God as supreme Lord, Lawgiver, and Ruler, not only virtue, but also duty and law flow from God's nature. His description of the duties belonging to piety shows clearly how God's nature leads to certain duties:

> (1) That we should acknowledge and get acquainted with him as our God. (2) That we should have faith in him as the truthful. (3) That we should put our trust in him, as he is faithful to his promises. (4) That we should esteem him highly, as the highest good. (5) That we should revere him, as worthy of all honor and reverence. (6) That we should obey him, as supreme Lord and Legislator, that (7) We should submit us to him, as supreme Ruler.[35]

Similarly, Van Mastricht's account on commutative justice [*justitiâ commutativâ*] shows how God's nature leads to the Ten Commandments, as he emphasizes that God as supreme Lord and Lawgiver asks justice from us in the Ten Commandments, while he himself is doing the same in all his ruling. This justice is among God's perfections and while we resemble these, we approach his perfection, and we are restored more perfectly.[36] In like manner, Van Mastricht argues that God commands us commutative justice that He himself exercises in the most perfect way,

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34 "Pietas (…) nec aliud sonabit, quam ea officia, quæ Deo immediatè competent, & quidem ex *naturâ* ejus, quibus Deum habemus pro Deo nostro, non tantum *ore*, sed & *re*, juxta primum Decalogi præceptum. Proinde respicit *Deum*, ex naturâ prioris tabulæ, & *naturam* Dei, ex primo præcepto, quo Deum, & ore, & affectu, & re, jubemur habere pro Deo nostro" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1119).

35 "Peculiariter, ut eum: 1. Agnoscamus & cognoscamus pro Deo noftro. 2. Ut ei fidem habeamus velut veraci. 3. Ut in eo fiduciam collocemus, tanquam fideli in promissis suis. 4. Ut eum diligamus, velut summum bonum. 5. Ut eum revereamur, velut omni honore & reverentiâ dignum. 6. Ut ei obediamus, velut supremo Domino & Legislatori, ut 7. Ei nos submittamus, velut supremo Gubernatori" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1119).

36 "*Bona* justitiæ, ob quæ exercenda: (1) Deus supremus rerum omnium Dominus & legislator, eam exigit à quovis, & quidem peculiari præcepto decalogico, eamque *sua* bona dispensans, stipulatur â nobis. (2) Eam ipse exercet, in omni suâ gubernatione suum cuique tribuens, quamvis nemini debitor ipse sit. Estque inter præcipuas ejus perfectiones, cui dum assimilamur, ad perfectionem ejus accedimus, & perfectiores reddimur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1154).

and not because God is a debtor to someone, but because this justice flows from his own nature.[37] The interconnectedness of law, virtue, and duty, and correspondingly God as highest good and supreme legislator, points towards commandment as not simply the will of God, but as flowing from God's being. Consequently, the commandment is not simply good because God wills it, but because it flows from God's being as the highest good.

Elsewhere in his work, Van Mastricht is committed to making explicit that God is not subject "to his own straight nature that is a law," as if it is prescribed from outside of himself, but that God

> has the straightest and most sacred nature, that right, or eternal law, as one is accustomed to call it, yes he has that law of nature, which in the Decalogue he prescribed to the rational creatures, to which he organizes himself freely, in the government of creation.[38]

A remarkable difference emerges when we compare this passage in the 1698 edition (as quoted so far) and the 1682 edition: "[God] has the straightest and most sacred will, and indeed that law of nature, which he prescribed in the Decalogue to the creation, to which he organizes himself freely, in the government of creation."[39] Apparently, while making the point that God is not ordered around by his own nature but orders himself freely to it, to Mastricht it becomes important to stress God's nature over his will and to connect it to the eternal law. Building on this idea, Van Mastricht explains that this nature of God is revealed in the Decalogue, which in turn is written in the heart of man when "still uninjured."[40] Other examples of this idea in his thinking are phrases like "the law of the Decalogue, [is] inscribed in his/her heart,"[41] and "that law, that for the

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37 "…quamvis nemini debitor ipse sit. Estque inter præcipuas ejus perfectiones…" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1154).

38 "Non habet quidem *jus* aut regulam, *à naturæ* suæ rectitudine diversam; nec tale quod sibi *præscriptum* sit aliunde; nec tale ad quod cogatur se componere: habet tamen rectissimam ac sanctissimam *naturam*, quam *jus*, seu *legem æternam*, appellare sonsueverunt: imo habet legem illam *naturæ*, quam in Decalogo, creaturis rationalibus præscripsit, ad quam sponte se componit, in creaturarum gubernatione" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 194).

39 "Non habet quidem jus aut regulam, à naturæ suæ rectitudine diversam; nec sibi præscriptam aliunde; aut ad quam se necessariò componat: habet tamen rectissimam ac sanctissimam voluntatem, imo & legem illam naturæ, quam in Decalogo creaturis præscripsit, ad quam sponte sese componit, in creaturarum gubernatione" (Van Mastricht, *Theoretico-Practica Theologia*, first edition 1682, 317).

40 "…cum homine adhucdum integro" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 416).

41 "…legi (…) decalogicæ, cordi ejus inscriptæ" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 416).

most part, was engraved in human nature."[42] The notion of God's nature as law, created into the original human nature, points towards law as a universal moral order. Moreover, the connection of God's nature with the highest good and the eternal law that is revealed in the Decalogue, seems to tie in with Thomistic thinking and leaves little room for voluntaristic views. Because both virtues and law flow from God's nature, as the highest good and supreme Lawgiver, it is a logical consequence that virtues correspond with the law. Therefore, I concluded above that virtue encompasses a *confident* obedience to the law, so that a person exercises virtue in accordance with the commandments, not out of blind obedience to the law, but because of an inward change that leads to the understanding that God's commandments are good in and of themselves.

Thus far I have focused on the relationship between virtue, duty, and law, and how this relationship supports law as a moral order. I have shown that both virtue and law direct the duties, and that all three flow from God's own nature. Next, I would like to zoom in on the concept of virtue, to examine how much is left of the classical notion of virtue as exercisable and forming character, but also as part of a process in which there is room to search for the best concrete interpretation of virtue in a given circumstance.

8.4 Virtue

Van Mastricht describes virtue's nature as:

> a habit, by which the will is inclined to do well. A habit or propensity, an inclination by which willingly, easily, promptly we act. It is in the will (in fact, the intellectual virtues are not characteristic of the name 'virtues', although they do bring [something] to virtue). It is inclined to the moral good, and indeed to do well. Its form is not in the mediocre; but in conformity to its rule, as they show not the opinions of the wise, but the word of God alone.[43]

Although Van Mastricht holds on to the idea of virtue as a habit, he comments that the rule of virtue is not found in the ideas of the wise, but only in Scripture.

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42 "…legi isti (…) quæ maxima sui parte, hominis naturæ erat insculpta" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 416).

43 "Est habitus, quo voluntas propendet ad benè agendum. *Habitus* seu propensio, inclinatio quo lubenter, facilè, promptè agimus. Est in *voluntate*; virtutes enim intellectuales, non sunt proprii nominis virtutes, quamvis ad virtutem conferant. Vergit in *bonum* morale, & quidem ad benè *agendum*. Ejus forma non est in *mediocritate*; sed in *convenientiâ* cum sua regulâ, quam præstant non placita sapientum; sed solum Dei verbum" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109).

For every virtue, Van Mastricht describes the means in which virtue is produced or increased. First, this happens by faith and becoming one with Christ, second, by imitating Christ:

> 1. Through faith to apprehend Christ, so that with him united, we may draw to us his powers, life, and spirit, in which we are able and want the good. 2. So that we may constantly have before our eyes the image of Christ, in which is abundance of all virtues, and we may strive to be shaped more and more after this [image].

Imitation of Christ cultivates a Christ-like character. Further (3) we should do the works that promote virtue and (4) abstain from that in which virtue is crippled and gradually extinguished, and (5) "we should exercise us frequently and zealously in those things, which belong to that virtue: for the habit of virtue is generated, under divine grace, in repeated works". Finally, (6) we should "beseech virtue from God by prayer."[44] Here Van Mastricht balances the idea of doing what promotes virtue and abstaining from what diminishes virtue with the continuous exercise of virtue, the gift-like character of virtue, and the asking for virtue by prayer. The act itself as well as the exercise, receiving of and asking for virtue, form an organic whole in Van Mastricht's thinking.

After a description of virtue in general, Van Mastricht discusses the four cardinal virtues as "general dispositions of the virtues, which moreover possess the nature of the virtues themselves."[45] Similar to William Ames, he affirms the doctrine of the unity of the virtues by using the cardinal virtues to define the other virtues: justice "orders and constitutes virtue," prudence "directs and frees from error," fortitude "strengthens against the disagreeable," and temperance "makes pure, and guards against seducing allurements."[46] In these virtues the importance of rea-

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44 "*Media*, quibus procreatur & augetur virtus: 1. Fide apprehendere Christum, ut cum eo uniti, ejus vires, vitam, & spiritum, quibus possimus & velimus bonum, ad nos attrahamus. 2. Ut imaginem Christi, constanter habeamus ob oculos, in quâ est plenitudo omnium virtutum, eique magis magisque configurari nitamur. 3. Ut eis operam demus, quibus virtus promovetur (…). Ut 4. ab eis abstineamus quibus virtus debilitatur, & paulatim exstinguitur. Ut 5. Frequenter & studiosè nos exerceamus in eis, quæ propria sunt istius virtutis: generatur enim virtutis habitus, sub gratiâ divinâ, crebris operationibus. 6. Ut virtutem precibus à Deo flagitemus" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109).

45 "Pergimus ad virtutis *affectiones* generales, quæ & ipsæ naturam virtutum habent, suntque *iustitia*, *prudentia*, *fortitudo* & *temperantia*" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110).

46 "In his *prima* virtutem ordinat & quasi constituit; *secunda* dirigit & liberam præstat ab errore; *tertia* confirmat adversus incommoda; *quarta* puram facit, & munit adversus oblectamenta seducentia" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110). In this quote, he uses almost the same words as William Ames without

son comes to the fore, especially in the virtue of prudence. In prudence's nature in general,

> indeed all powers of reason are extended, to find that which is right, and to correctly direct all of its means. It includes the power and perfection of all the intellectual virtues, which by no other name are moral virtues, as far as that they are not only prescribed by God, but also direct the will in doing well.[47]

In portraying the nature of justice, Van Mastricht starts with an equation of *jus* (right, law) with *lex* (law):

> *Jus*, comes from the word *jussu*, which signifies, either (a) Law; or (b) action which the Law prescribes; or (c) practical knowledge of laws, just as the common: *jus est arts æqui ac boni* [right is the art of equity and the good]; or (d) the power of acting according to the law, thus someone is said to use his own right.[48]

In (c) and (d) he approaches natural law as primarily the rational capacity to distinguish right from wrong and the ability to make laws ourselves.

   Not only does reason have an important role to play in the exercise of virtue, but vice actually effects our rational nature. The injuries of vice, because of which vice is to be avoided, entail first of all that "[i]t renders us averse of the good," secondly "[i]t makes us prone to evil, through which the rational nature is deformed."[49] Even a lack of virtue corrupts

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referring to a source: "Ex quatuor istis conditionibus virtutis, prima virtutem ordinat & quasi constituit; secunda dirigit & liberam præstat ab errore; tertia confirmat adversus incommoda: quarta puram facit, & munit adversus omnia oblectamenta, quæ seducunt" (William Ames, *Medulla S.S. Theologiæ … In fine adjuncta est disputatio de fidei Divinæ veritate. Editio tertia priori longe correctior* (London: Robertum Allottum, 1629, 2.2.32). For how Ames affirms the thesis of the unity of the virtues, see Pieter Vos, *Longing for the Good Life: Virtue Ethics after Protestantism* (London: Bloomsbury T&T Clark, 2020), 165–6.

47   "*Naturam*, quâ *generaliter*, quidem omnes rationis vires intenduntur, ad illud quod rectum est inveniendum, & omnia ejus media rectè dirigenda. Complectitur omnium virtutum *intellectualium* vim & perfectionem, quæ non alio nomine virtutes *morales* sunt, quam quod non tantum præscribantur à Deo; sed & voluntatem dirigant in benè agendo" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110).

48   "1. Jus, à *jussu* dictum, notat, vel a. *Legem*: vel b. *Actionem* quam Lex præscribit: vel c. *Peritiam* legum, juxta vulgatum: *jus est ars aqui ac boni*: vel d. Potestatem agendi secundum legem, sic dicitur quis suo *jure uti*. Cui affine est *privilegium*, quod vel lege, vel æquali auctoritate, alicui conceditur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1143).

49   "1. Reddit nos aversos à bono. 2. Proclives ad malum, quo natura rationalis deformatur" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109–1110).

the good we do bring about, so that it is not truly good.[50] Therefore, it would seem that for Van Mastricht a person who lacks a certain virtue, or a person with many virtues but also a vice, is not virtuous. However, he maintains that there is a difference in virtue from person to person regarding their natural disposition and whether or not they have received grace in conversion and sanctification:

> There are virtues in nature, and there are by grace: those that spring up from nature, which are greater in one, than in the other, likewise in the gentiles and unregenerates sometimes also occurs; and [those that spring up] from grace, which are without grace excluded in regeneration, conversion and sanctification, and they belong to the elected.[51]

A human person should start with what he has received, either natural or by grace, and grow from there. Likewise, Van Mastricht states about prudence that while prudence is first of all a gift of God,[52] "we should encourage all the strengths of our natural disposition, the observations, the studies, to obtain that spiritual prudence."[53]

Further, he keeps emphasizing that virtue needs to be *exercised*, and that it will be attained *gradually*, which both imply a certain imperfection in the present state of affairs. Underlying this notion of imperfection is the view of the human being as created in the image of God but corrupted by the Fall. Because of the violation of the covenant of nature by the disobedience to God in the garden of Eden,[54] this image has been damaged, "the labor of imitation" requires "that from God we are to be restored to the granted goodness; which is by regeneration towards life, by conversion to faith in God and Christ, by sanctification towards the restauration of the image of God,"[55] in order that through

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50 "Ipsum etiam bonum, quod pro re natâ perpetramus, defectu virtutis, ita vitiari, ut bonum verè non sit" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110).

51 "Sunt & [v]irtutes *natura*, sunt & gratiæ *diakritimes*; illæ ab *iuquia* quadam *naturæ* prosiliunt, quæ in uno major est, quam in alio, & in gentiles etiam & irregenitos quandoque cadunt; & *gratiæ*, quæ à gratiâ regenerante, convertente & sanctificante excluduntur, & electis propriæ sunt" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109).

52 "Non est aliunde exspectanda, quam à Deo per Spiritus S. illuminationem…" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110).

53 "Ut omnes ingenii vires, observationes, studia, arrigamus ad spiritualem istam prudentiam obtinendam" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1110).

54 See Van Mastricht, *Theoretico-Practica Theologia*, 1: 413ff.

55 "Proinde, imitationis negotium, ante omnia requirit, ut (1) à Deo *restituamur* ad admissam *bonitatem*, quod sit *regeneratione*, ad *vitam*; *conversione* ad *fidem* in Deum & Christum, *sanctificatione*, ad redintegrationem *imaginis* divinae" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 176).

a daily renewal, "we learn to do good."[56] Virtue plays an important role in this process, for "[i]t is inclined towards the moral good, and indeed to which is to be done well."[57] By imitating God's goodness, "we will be made similar to God in the most perfect of his properties, as we will be restored to sharing the divine nature."[58] In addition, Van Mastricht explains about this divine nature: "In which exists, in particular, perfection of the creature of reason,"[59] thereby linking it back to the importance of reason. Human beings will never attain ultimate perfection in this life on earth, but growth is possible and desired. For example, Van Mastricht distinguishes perfect sincerity, "lacking in all corruption, or sinister intentions," from a more imperfect sincerity, "in that which we naturally do, all corruption should be banished as much as possible, and in diverse degrees, [b]ecause sincerity can exist together with much and great imperfection. Therefore weakness should not be confused with hypocrisy."[60] Progress in the exercise of piety and its subsequent virtues presupposes an "imperfection, from which continuously is to be proceeded towards the more perfect."[61] Furthermore, "diverse degrees" of spiritual perfection exist, which consider "inward grace," "knowledge, wisdom, and prudence," and "virtue and the duties of piety, in order that by this continually you should become strong."[62] This growing strength, on the one hand, eradicates sin and natural corruption, on the other hand, it increases virtue: "Regarding virtue, that (a) you should make progress from one to the other (…). That (b) in every [virtue], you should continually acquire new degrees."[63] As a result, Van Mastricht can hold on to the doctrine of the unity of virtue, asserting

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56 "Restituti ac *renovati* à Deo, nos indies *renovemus* magis magisque (…), *lavemus nos, removeamus malum à conspectu Dei, discamus benefacere*" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 176).

57 "Vergit in *bonum* morale, & quidem ad benè *agendum*" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1109).

58 "Ista bonitatis divinæ imitatione: 1 Deo in perfectissimâ quâdam ejus *proprietate*, assimilabimur, ac *natura divina*, *reddemur participes*" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 176).

59 "In quo, præcipua consistit, creaturæ rationalis perfectio" (Van Mastricht, *Theoretico-Practica Theologia*, 1: 176).

60 "…& *imperfectior*, quâ id ingenuè agimus, ut quantam fieri potest, omnis corruptio exulet, idque per diversos gradus. Potest enim sinceritas cum multá & magnâ imperfectione consistere. Nec proinde infirmitas cum hypocrisi est confundenda" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1108).

61 "…imperfectionem, à quâ continuò pergendum ad perfectiora" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1161).

62 "*Gradus* varios perfectionis (…). Et hic respicit, vel (a) *Gratiam* internam (…), (b) *Cognitionem*, sapientiam, & prudentiam (…), vel (c) [*v*]*irtutem* & pietatis officia, ut eis perpetuò invalescas" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1161).

63 "Ut: (a) ab unâ progrediaris ad aliam (…). Ut (b) in *Singulis*, novos continuò acquiras gradus, ut v.g. *charitas* reddatur ferventior (…)" (Van Mastricht, *Theoretico-Practica Theologia*, 2: 1161).

that no human being has mastered all the virtues perfectly because of sin and corruption, while affirming that there are degrees of virtue in which a person can grow and become more virtuous.

8.5 Conclusion

In this chapter, I have tried to show how Petrus van Mastricht assesses the seeming tension between virtue and law. Van Mastricht uses the concept of duty to show an interdependent relationship between virtue, law, and duty. This interdependence supports a view on law as a moral order, rather than a set of specific rules, as it has both inward and outward effects, and as it flows from God's own nature. The Reformed emphasis on obedience and dependence on God do have their influence on the concept of virtue in Van Mastricht's thinking, that is, true virtue is not to be measured by the words of the wise, but by Scripture. In particular, virtue should correspond to revealed divine law, since both virtue and law originate in God's own nature. The emphasis on obedience, however, does not imply that virtue is secondary to law, rather, it indicates that virtue entails a confident obedience to the law, understanding that the law is good. In addition, despite the emphasis on dependence on God, virtue is still seen as exercisable, forming a Christ-like character, and part of a process of growth, a restauration of the image of God in the human being. In this process exercise, receiving, and asking for virtue form an organic whole.

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Part III

Topical Moral Issues

Transcendence of the Good in
Euthanasia and the Family

9   When Conscience Wavers

Some Reflections on the Normalization of Euthanasia in Belgium[1]

Willem Lemmens

9.1 The Embarrassment of the Law

The euthanasia law has been established in Belgium since 2002. The law states that a physician does not commit a crime in intentionally ending the patients' life when he meets a number of strict conditions. In certain circles, the euthanasia law is still hailed as a major success story, making Belgium an ethical beacon for the whole world. It is often said that euthanasia has been 'accepted' by most of the population and that the so-called opposition, which may have existed initially, has melted away. Euthanasia stands as a figure for the "good death" (eu-thanatos), which more and more people choose every year. In the period 2016–2017, for example, 4,337 euthanasia cases were officially registered; 2028 in 2016 and 2309 in 2017.[2] Officially, about 1 Belgian in 50 has currently ended his or her life through euthanasia.[3] It is therefore appropriate to speak of a certain normalization of euthanasia as an integral part of

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1 This is a slightly modified version of a previously published article: Willem Lemmens, "When Conscience Wavers. Some Reflections on the Normalization of Euthanasia in Belgium," in *Euthanasia: Searching for the Full Story. Experiences and Insights of Belgian Doctors and Nurses*, ed. Timothy Devos (Cham: Springer, 2021), 25–37, doi: 10.1007/978-3-030-56795-8_3. Reprinted with permission.

2 Federale Controle- en Evaluatiecommissie Euthanasie, *Achtste verslag aan de wetgevende kamers. Jaren 2016–2017*, Accessed July 19, 2021. https://overle-gorganen.gezondheid.belgie.be/sites/default/files/documents/8_euthanasie-ver-slag_2016-2017-nl.pdf.

3 The actual number of euthanasia cases annually might be considerably higher than the official number, which is based on the cases that are reported to the national control commission for euthanasia. This reporting of each euthanasia is legally required. A study of 2010 notices that in a sample period of six months in 2007 "approximately half (549/1040 (52.8%, 95% CI 43.9% to 60.5%)) of all estimated cases of euthanasia were reported to the Federal Control and Evaluation Committee. Cf. T. Smets et al., "Reporting of Euthanasia in Medical Practice in Flanders, Belgium: Cross Sectional Analysis of Reported and Unreported Cases," *BMJ* 341 (2010): 891, doi:10.1136/bmj.c5174. It remains remarkable that in the French-speaking part of Belgium there are significantly less euthanasia cases officially declared than in the Dutch-speaking Flanders: for 2016, 436 vs. 1592 cases, in 2017 517 vs. 1792 cases (roughly 40% of the population in Belgium is French speaking).

the end-of-life care in Belgium. Apparently, the legislative initiative has achieved its goal.

Yet there are also dissonant voices. For example, there is great concern among psychiatrists about euthanasia in cases of mere psychological suffering. Here according to many experts, in recent years there have been avoidable deaths, patients who were obviously not terminally ill and who could have been treated.[4] Sometimes these are young women with complex psychiatric problems and a strong persistent wish to die, who are often in a socially precarious situation and clash with the limits of inadequately developed care. Their death often causes a shock to the family and the immediate social environment. In one case, this recently led to a criminal prosecution that came before the court of assize (the criminal court in the Belgian juridical system that treats the most severe crimes), a case which affected society as a whole and enjoyed massive press interest. The doctors involved were in the end acquitted, but the trial revealed severe concerns about the way this particular euthanasia was offered and executed. In fact, there was offered evidence during the trial that the law on euthanasia was not respected on several fundamental points and that the control commission played an active role in the initial attempts to silence the concerns and questions of the bereaved family. Despite all these worrisome elements, the doctors went free, after a debate behind closed doors of eight hours by the lay jury. Apparently, in the end the idea that the autonomous wish of the patient was respected and that the physicians had only good intentions overruled the fact that the euthanasia law was interpreted by them in a very lenient way.

Since the trial, a significant group of doctors have argued for a thorough evaluation of the law.[5] Within psychiatric care there has been concern for some time: several stories of problematic euthanasia cases are

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4 Ariane Bazan et al., "Euthanasie pour souffrance psychique: un cadre légal discutable et des dommages sociétaux," *Le Soir* September 9, 2015, Accessed February 2, 2022. https://www.lesoir.be/6046/article/2015-09-09/leuthanasie-pour-souffrance-psychique-un-cadre-legal-discutable-et-des-dommages; Stephan Claes et al., "Euthanasia for Psychiatric Patients: Ethical and Legal Concerns About the Belgian Practice," (Response to Lieve Thienpont et al., "Euthanasia Requests, Procedures and Outcomes for 100 Belgian Patients Suffering from Psychiatric Disorders: A Retrospective, Descriptive Study"), *British Medical Journal Open*, November 6, 2015, https://bmjopen.bmj.com/content/5/7/e007454.responses#euthanasia-for-psychiatric-patients-ethical-and-legal-concerns-about-the-belgian-practice; Willem Lemmens, "Psychiatric Patients and the Culture of Euthanasia in Belgium," in *Euthanasia and Assisted Suicide. Lessons from Belgium*, eds. David Albert Jones et al. (Cambridge: Cambridge University Press, 2017), 258–77.

5 According to a poll of the *Artsenkrant/Le journal du Medecin,* 70% of the physicians in Flanders and 61.5% in French speaking Belgium insist on an evaluation of the law: Geert Verrijken, "Artsen vragen evaluatie euthanasiewetgeving," *Knack*: 31-01-2020, https://www.knack.be/nieuws/belgie/artsen-vragen-evaluatie-euthanasiewetgeving/article-normal-1559221.html.

known, even though some doctors simply deny this. How should that be dealt with? Even if it appears that the law has been complied with in all these cases, is a law that creates traumas among relatives and causes such discussions in society not intrinsically problematic? And what about the legal certainty of the doctors involved? The law is formulated in such a way that any violation results in a murder charge. Was that the intention of the legislator? Observers note that the acquittal of the doctors sends this signal: do not turn a doctor who tries to help into a murderer. Even though he or she may fail to offer euthanasia on some points in an optimal way, you could hear the defense argue in the assize process, there can be never be spoken of murder in case of euthanasia, because the doctors acted with good intentions or, as one says, 'in good faith.'

However, as more critical voices remark, these observations raise the thought that the current law looks like a rag of paper, with a purely symbolic function: it cannot really be violated, since it is based on trust in the doctor who commits euthanasia and the belief that nobody asks for euthanasia in a lighthearted way or haphazardly. As long as the doctor follows the correct procedures and faithfully reports every euthanasia case to the monitoring committee, he or she is fine.

What is the function of the law? Apparently, the law recalls the need for careful handling of something as extremely important and complex as euthanasia, but at the same time it wants to give doctors legal certainty. In the aftermath of the trial mentioned, the chairman of the audit committee that was created on the basis of the law in 2002 unequivocally says that the role of the committee is to act as a buffer between doctors and public prosecutor. This seems to imply that the only possible violations of the law are limited to procedural negligence and carelessness that can be detected by a purely administrative-recording committee. What action must be taken on infringements, and what exactly those violations could consist of, remains unclear. This may explain why few physicians or law experts are currently willing to sit on this committee. One doctor already resigned in 2018 because it was clear to him after two sessions that, in his opinion, manifest violations of the euthanasia law are being ignored by the committee and swept under the carpet. A letter from this doctor to the parliament, to whom the audit committee is accountable, simply remained unanswered.

In what follows, I do not want to delve deeper into the controversies and discussions that continue to take place around the euthanasia law in Belgium, nor do I want to comment directly on whether or not problematic cases keep popping up. Rather, from a philosophical point of view, I want to try to understand why euthanasia, as a kind of symbol of 'good death,' but also as a lived reality at the end of life, apparently inevitably continues to have something unruly and confronts us with fundamental medical and moral questions and problems, next to personal tragedies and traumas among families of patients that receive euthanasia. These

experiences within the realm of end-of-life care lead to ongoing discussions at the level of civil society, whereby critical voices, asking for a serious and independent evaluation of the euthanasia social experiment are countered by pro-euthanasia lobbyists who plea for a further extension of the law to people with dementia and a better access for patients with psychiatric afflictions and disorders. These last pleas are fostered, so to say, by the normalization of euthanasia, which by critics is interpreted as a proof of the slippery slope dynamics that inevitably emerges wherever euthanasia is legally permitted.

Why is the normalization of euthanasia welcomed by some and rather feared by others? Moreover, why should according to staunch defenders of the euthanasia law the act of euthanasia become an integrated part of normal therapeutic practice in the clinic, while others are vehemently opposed to this idea and plea for a more cautious attitude toward the further normalization of the active ending of human life in end-of-life-care? Finally, there is the tricky issue that the *mere possibility* of euthanasia would exert pressure on both the physician and the patient, but also on the whole society as such. Does that pressure indeed exist or does the law, based on self-determination, allows everyone the freedom to choose for euthanasia or not, free from any social pressure?

9.2   Euthanasia: Medical Act or Transgression?

The Belgian law describes the act of euthanasia clearly and elegantly. Euthanasia is, we read, "the intentional termination of life by a person other than the person concerned, at his request…" It is important that this act is performed by a doctor and that a number of additional conditions are met. In fact, the euthanasia law decriminalizes an act that is subject to a radical prohibition in every legal order: the intentional killing of another, the most severe crime a human being can commit. The law therefore clearly states that the doctor does not commit a crime *if* he complies strictly with the conditions of the law. Moreover, an important clause in the law states that no treating physician can be obliged to "apply euthanasia," although he or she must explain any refusal and pass on the medical file to a doctor designated by the patient or the confidant (Law on Euthanasia, Chapter VI, Article 14). Apparently, the Belgian law thus respects explicitly the freedom of conscience of the physician, a crucial principle of course of classical medical deontology.

It is clear that the original concept of euthanasia has been considerably curtailed by the legislative initiative: in its original meaning, euthanasia refers to a "good death," and was classically understood to mean the most optimal way in which a person can say goodbye to life, implying among other things a death free from unbearable suffering and pain. In the 19th and 20th centuries this concept evolved into the determination

of a medically induced death, initially even from the idea that some "unworthy" forms of life may be terminated by a physician based on his medical judgment and skills.[6] In fact, euthanasia in this sense could be offered for a wider range of cases than just unbearable suffering and pain: as the Nazi program Aktion T4 testifies in a gruesome manner, where euthanasia was welcomed as the 'good death' for some 200,000 persons with a handicap or a psychiatric affliction.[7] This has also led to the bad connotation that the concept of euthanasia still has in some countries, especially in Germany.

It must be emphasized: crucial in Belgian legislation (such as in the Netherlands and Luxembourg) is the clause that the life-ending act is performed by a doctor *at the explicit request of the patient*. That euthanasia must be the result of an autonomous expression of will, untainted by pressure or occasional emotional distress, is regarded as the moral core of the euthanasia law: thus, the ultimate right to self-determination, and therefore to a dignified, self-chosen death, is honored. Nevertheless, after 18 years and a few thousand euthanasia cases there seems to remain a gap between the alleged transparency of the law and the practice of intentional life-ending actions by physicians. How come?

There are two ways of looking at euthanasia as it is practiced today in Belgium and the Netherlands (and recently also in Canada, where euthanasia is rather called Medical Assistance in Dying (MAID)): on the one hand, it can be seen as a strictly medical act, contextualized by a procedural framework and whereby the already mentioned normalization implies that euthanasia is becoming more and more integrated in end-of-life care. In contrast, it can also be seen as an act that presupposes a certain medical expertise and takes place in the context of the clinic or medical care *but falls radically outside of the normal therapeutic practice*. I think there are good reasons for understanding euthanasia in the second sense. Let me clarify this.

Euthanasia always emerges as an action figure when the curative, healing objective of medicine falls short of a limit. It concerns a weighty, always existentially charged act, in principle performed when a patient is incurably ill and death is imminent, in which a dying process is concluded by a direct intervention. The closer the act is to the moment of a foreseeable death, the more it still *seems* to fall within the therapeutic space of normal end-of-life care. However, in Belgium euthanasia is also legally possible for non-terminal patients. Euthanasia is then offered on the basis of a serious illness or affliction, which is incurable or apparently

6 For more on the history of euthanasia cf. the excellent study by Ian Dowbiggin, *A Concise History of Euthanasia. Life, Death, God, and Medicine* (Lanham, MD: Rowman and Littlefield Publishers, 2007).

7 Erik Thys, *Psychogenocide. Psychiatrie, kunst en massamoord onder de Nazi's* (Berchem: EPO, 2015).

untreatable and which causes unbearable suffering, but at a moment in time where death is not at all imminent or even to be expected. This is especially the case with euthanasia demands for merely psychiatric diseases and suffering. Here, the physician, so one could say, leaves the normal therapeutic realm and has to take a decision to stop all normal therapeutic actions and perform a life-ending act on the basis of a far more complex, and never purely medical ground. Moreover, if euthanasia is not granted, the patient has all chance to continue his life – even if there is a death wish or suicide threat. As most psychiatrists admit, at this point the social and existential dimension of euthanasia demands must be highlighted: psychiatric patients that ask for euthanasia do so often under the influence of a detrimental social situation and existential isolation. Significantly, the law in Belgium insists that a physician who considers to positively follow a euthanasia demand should try to consult family members and friends, but only on the condition that the patient gives his or her permission to do so. The law here reveals a possible tension between the *colloque singulier* of doctor and patient and the inevitable social dimension of dying.

9.3 Euthanasia as Transgression

Given all these facets I would call euthanasia *a special, transgressive act*, which one cannot reduce to a purely therapeutic option, possibly replaceable by another, technically speaking equivalent medical act. The word *transgression* can make the eyebrows frown. But in several respects, medicine is a practice that involves transgressions. I would like to make a distinction here between transgressions that fall within the normal therapeutic-clinical practice, and transgressions with an existential and therefore deeply moral meaning.

In a way, transgressions belong to the essence of medicine and are a daily practice within the clinic or clinical care: the cutting of the surgeon, but also the physical examination and screening of the body with complicated equipment is inevitably part of good medical practice. This means that the doctor in the clinic or at the bedside comes in specific contact with the most intimate of the human person: his or her body. It is no coincidence that implicitly felt, or sometimes more explicitly formulated rules apply here, which frame the transgressive nature of medical practice and ensure that patients are treated respectfully. Unmistakably, this also means that the doctor who abuses his transgressive actions is expected to perform a morally reprehensible act.

Medically justified transgressions in the clinic and at the sickbed are inextricably intertwined with transgressions with an existential-moral meaning. Here too one can speak of morally acceptable transgressions, which are situated on the borderline of strictly therapeutic and more person-related attitudes and relations between physician and patient. For

example, a physician can in the course of a long-term treatment share in a certain way the privacy and intimate personal history of the patient. Empathy in medicine is very important, and always presupposes a person-to-person relationship of a certain sort between physician and patient. In psychiatry this is the case par excellence, but not only there: in other forms of prolonged medical care the relation between physician and patient has inevitably this more personal dimension. This affects in a fundamental way the medical, moral, and existential impact of euthanasia.

This should not surprise us. Euthanasia concerns one of the two liminal moments by which every human life is structured and affected: birth and death. It is no coincidence that in every culture these moments, of crossing the border between existence and non-existence as a corporal human being, beget a sacred meaning. Even in our liberal and highly secularized culture we remain sensitive to this sacred character of life and death. It is no coincidence that the atheistic liberal political philosopher Ronald Dworkin says that when it comes to abortion and euthanasia, the "sanctity of life" is at stake. He calls the moral questions about abortion and euthanasia remarkably, inevitably *religiously* charged.[8] From this perspective, in all cultures we find strict rules and taboos that regulate our behavior and attitudes toward birth and death. In fact, the purpose of these rules and taboos is double: on the one hand, they serve to protect the community from transgressions that threaten the sacredness of life and death, on the other hand they structure and symbolize the way members of a specific community are supposed to behave toward newborn or dying human beings.

From the perspective of the physician, euthanasia should be considered a transgression in several respects. Giving a lethal injection to a patient, which results in his or her immediate death, implies an inversion of the attitude a doctor has toward his or her patient in a normal therapeutic treatment. Here, the iatrogenic power of the physician reveals itself in a dramatic way.[9] Indeed, the 'technical' act of a lethal injection is in the case of euthanasia inevitably loaded with a strong symbolic-existential meaning. This implies that ending a life by euthanasia never

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8 Ronald Dworkin, *Life's Dominion*: *An Argument about Abortion, Euthanasia, and Individual Freedom* (New York: Vintage Books, 1994), ix: "We stand on the edge of a new age of religion, though a very different one from the long religious era that history began to leave behind in the eighteenth century." I think Dworkin's conception of an atheistic religious spirit, which sacralizes individual freedom and self-determination is deeply problematic, but it remains significant that he stresses the need to address issues of life and death from a religiously inspired perspective. Cf. also: Ronald Dworkin, *Religion without God* (Cambridge: Harvard University Press, 2013).

9 About the possibility of iatrogenic harm caused by physician cf. T. A. Cavanaugh, *Hippocrates' Oath and Asclepius' Snake. The Birth of the Medical Profession* (Oxford: Oxford University Press, 2018), 18–22, 108–16.

can become a normal medical act: if something goes 'wrong' at the offering of a lethal injection, it is almost impossible to conceive of this as a merely medical-technical issue. Complaints of bereaved families after a botched euthanasia on one of their beloved ones, as in the Tine Nys case, bear testimony to this. Remarkably, some Belgian doctors seem to take their own 'technical' mistakes rather lightly and openly avow to consider the offering of a lethal injection a merely neutral medical act.

In fact, while causing the death of a patient by an intentional act the physician steps outside the normal therapeutic space and his role of healer, who is focused on preserving life and the bodily integrity of his or her patient. When offering euthanasia, the doctor enters the personal existential realm of the patient: he fulfills a deeply expressed wish, without doubt in most cases in good conscience, but also a wish that comes out of tragic and apparently irresolvable dilemma: the patient wants his or her suffering to end and sees no other solution than death. The doctor is therefore addressed also as *himself or herself, as a person, and not merely as a physician*. He must fulfill a most intimate wish of the patient, which is always emotionally charged and expects the physician to step outside his or her therapeutic role. The physician is here addressed *as a human being, in his or her own moral integrity*. Obviously, the patient and his or her family expect and hope that the doctor is acting in good conscience when he offers euthanasia and is not merely an executive technician. If this latter is the case, it might make one wonder whether the physician is not causing a deep moral harm, that is hard to discern, let alone to sanction, but that in a way contaminates his whole profession. "It's no small deal, ending a life," a doctor once told me, "It crawls under your skin, it lingers even when it goes well and in a serene way."

Offering or performing an act of euthanasia is therefore in the end a deeply morally charged *existential transgression*. It affects the physician inevitably as a human being and gives him or her a power which is from a juridical point of view, immense. As the Belgian law on euthanasia indicates, the doctor commits a crime if the prerequisites foreseen by the law are not respected: if so, euthanasia comes down to killing another human being, the gravest sort of transgression that one can commit. No matter how you turn it, the depenalization of euthanasia allows a doctor to break a commandment on which in principle the entire legal order is built. Of course, the aim of the act is in principle humane and shows a deep concern for a crucial goal of medicine as such: the relief of distress and pain. The well-acting doctor is moved here by compassion, he might even see it as his duty to offer euthanasia to a specific patient. However, this does not detract from the charged, weighty nature of the act: euthanasia symbolizes the radical inversion of normal medical therapy.

Because of this transgressive nature, I believe that euthanasia can never be conceived of as a purely contractual-procedural act, which

follows the logic of supply and demand. Yet, paradoxically, due to its depenalization in the law of 2002, and the strong procedural outlook it provided to the intentional ending of a human life, there is a temptation to see euthanasia in this way. In wider society, that view often resonates: "I do what I want with my life, if I ask to die autonomously, no one has business with it, only the doctor I ask. And doctors only have to agree 'yes' or 'no,' nobody has any business with this."

Notice how this viewpoint implicitly presupposes a very instrumental relationship between doctor and patient: the offering of euthanasia is seen as a service of a merely contractual nature. But is the reality not more complex? Often doctors will confirm this, but it must also be observed that many among them seem to experience a sort of habituation toward the very act of euthanasia and the fact that it is more and more demanded by the patients as a sort of right that should be granted by the medical world. A doctor who provides euthanasia a dozen times a year or more often, can he still be sensitive to the transgressive nature of euthanasia? One could say: we as a society have no business with that, isn't that simply a question of the subjective feeling of the doctor? But should we, as a society, not consider the idea intolerable that there would be doctors who see euthanasia as a purely technical intervention, or, worse, actually like to do this, experience a certain power in it?

Pro-euthanasia physicians eagerly defend that in the Belgian medical world euthanasia is always granted and performed with the utmost care and respect for the patient. Moreover, physicians that offer euthanasia always do so in good conscience, so it is said. Remarkably, when one consults physicians and medical experts in Belgium and ask for their experiences with euthanasia in the clinic, there seems to exist no risk of what Albert Bandura calls "moral disengagement," this is the tendency to ignore a sense of moral uneasiness or distress of conscience.[10] As Bandura explains, this moral disengagement can consist in passively turning away from critique or in the practice of actively constructing arguments to silence one's feelings of uneasiness and moral confusion.

Indeed, even doctors who are willing in principle to offer euthanasia, and who are in favor of the law, sometimes struggle with the limits that they think they should respect when life ends. This is actually a recognition of the inevitably transgressive nature of euthanasia. Personal differences in attitude and capacity, but also in moral conviction, stand out here: "I can offer euthanasia to conscious patients who are suffering somatically and who are at the end, but do not ask me to euthanize a demented person." Or: "Euthanasia in psychiatric patients, one cannot ask this from me. I am unable to do that." "I can only euthanize

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10 Albert Bandura, *Moral Disengagement. How People Do Harm and Live with Themselves* (New York: Macmillan, 2016).

a patient that I have followed for a long time, and with whom I feel personally connected." We discern the same sensitivity among doctors when they express in specific cases their conscious objection or remain in principle very reluctant or unwilling to commit euthanasia. These attitudes of reluctance and principled opposition should be respected, because they exemplify the awareness of the transgressive nature of euthanasia.

However, to conclude that among pro-euthanasia physicians the tendency of moral disengagement is totally absent would be premature. In fact, there are two ways in which the euthanasia law, and the practice it has created, strengthens problematic coping attitudes on the side of some physicians who welcome the normalization of the act of actively ending human life. These physicians, while somehow recognizing the vexing, complex and transgressive nature of euthanasia, seem to silence possible conflicts of conscience in two ways. Either they hide completely behind the law and let the procedures, provided for by the law, take the place of their conscience: "the papers are filled in correctly, everything is fine." Another attitude consists in pretending that one, as a physician, in fact is *always* motivated by a pure good will, not contaminated by doubts or afterthoughts: one's moral self-conception coincides so to say with one's conscience. These physicians cherish in a way the illusion that given one's spontaneous moral integrity it is impossible to act wrongly.

The latter attitude became manifest after the euthanasia trial in Ghent, where the accused psychiatrist, after her acquittal, stated in the press plainly: "Maybe I could have 'saved' Tine if she had come to me 10 years earlier." In other words, the advice pro-euthanasia, and therefore the death of her patient ten years 'too late', is implicitly acknowledged as being somehow a contingent tragic event. But what excludes that the decision to grant Tine euthanasia is based on an equally contingent belief on the side of the psychiatrist that 'now the time has come'? After all, as every physician will acknowledge, there is no strictly objective method to decide that from a medical point of view death is the only solution left for a patient who is in no way terminally ill. Unaware of the highly problematic character of her avowal, this psychiatrist openly testified after the trial on television and in newspapers of her alleged purity of conscience: she used her acquittal to plea self-confidently for an *extension* of the access to euthanasia for psychiatric patients: in her view, the taboo on actively ending a human life for mental suffering needs to be lifted further.

In short, the normalization of euthanasia in Belgium does lead to a form of moral disengagement: the attitude of hiding behind the procedural form of the law, as well as the attitude of self-indulgence and alleged purity of conscience ignore in a fundamental way the transgressive nature of euthanasia.

9.4 Between Law and Conscience: Euthanasia and Moral Integrity

I return to the three questions I asked earlier.

1   How should we understand the divergent responses to the so-called normalization of euthanasia? To some in Belgium, it goes without saying that a "right to euthanasia" exists, and could even be derived from human rights, or the right at self-determination. The disappearance of the taboo around euthanasia is from this perspective a good thing, because it seems to make the dying process manageable and death less threatening. Moreover, it derives from the most intimate wishes of the individual patient and respects his or her right to self-determination by lifting the irrational and paternalistic taboo on death.

   However, as I have argued, euthanasia can in my view never be regarded as a purely instrumental transaction in which only the autonomy of the patient and the willingness of the doctor (possibly supported by compassion) are at stake. Euthanasia always has an existential, moral and even spiritual meaning it is impossible to neglect without causing deep harm to the collective mind of a whole society and end-of-life care in general. The fear of normalization among some is a fear that this weighty dimension of euthanasia and its public meaning will no longer be seen. Our collective morality, where self-determination is so central, threatens to expand euthanasia even further beyond the clinic's boundaries: euthanasia becomes a sort of emblem of clean, self-desired death, even for people who are not terminally ill. Remarkably, the law, which in fact symbolizes the great impact of euthanasia, seems to have an eroding effect here. Our moral culture is being thoroughly changed, but there is also much confusion and uncertainty: the transparency the law was promised to offer, remains a far dream.

2 As a transgressive act, so I would defend, euthanasia inevitably falls outside the realm of normal therapeutic action. Yet there is still a debate between those who think that there is a right to euthanasia, and those who dispute this. Until now, the Belgian law recognizes and protects the doctor's freedom of conscience not to commit euthanasia. Claiming that euthanasia should and can therefore become a 'normal' therapy ignores this. If euthanasia is just an extension of good medical practice, there would be no reason not to recognize it as a patient right. But that would also mean that a doctor may not refuse euthanasia if, within the medical-therapeutic freedom he or she has, it appears to be the 'best option.'

   But if euthanasia is *a right the patient can claim*, why should it not become an integral part of the medical training? I received the

testimony from a young physician whose mentor thought it would be good she would by way of training get involved in a euthanasia case. Happily, this young physician was able to refuse to do so but her attitude becomes less and less accepted by some pro-euthanasia voices. In Canada, bio-ethicist Udo Schüklenk contends that in a democratic state the doctors' conscience clause must be restricted. 'Conscientious objection' should never compromise the patient's rights to have access to certain medical treatments.[11] If euthanasia or MAID is thus considered as a normal medical therapy to which the patient has a right, this would cause an ethical landslide: the freedom of conscience of the physician would be restricted and controlled by the state. Fundamental transgressive acts such as euthanasia and abortion would thus become a public good, available for all. Doctors would turn into a sort of public medical servants.

3   Given the fact that euthanasia is a transgression that affects personal conscience as well as the collective mind of a society, it becomes understandable why it puts, if legalized, such a pressure on individual doctors, their patients and the whole medical profession. The proponents of euthanasia in Belgium usually ignore this by stressing that no one is 'forced' by the law to ask for euthanasia, one just has the option to do so. The euthanasia law is therefore praised for being very liberal: it leaves maximum space for personal choice, so it seems.

   Yet, reality is more complex. Doctors testify they experience conflicts of conscience that lead to disagreement, for example in a group practice. Sometimes patients seem to be under pressure from the family to ask for euthanasia, however subtle. Or they put pressure on the doctors themselves, often in a state of depression and emotional instability and despair. This proves once again that dying inevitably has a social dimension, but also, and more fundamentally, that it puts a heavy burden on a physician's conscience. He or she is pulled from the strictly therapeutic sphere in the direction of a heavily existentially charged decision and act. Just because the claim to his or her conscience is so great, there is a tendency to hide, as it were, behind the purely procedural requirements of the law. This further promotes the normalization of euthanasia, whereby the active ending of a human life is increasingly considered a purely technical intervention, a therapy like another.

   The normalization of euthanasia is further nourished by the media and influenced by public opinion through lectures, leaflets, moving stories, etc. The message of these public stories is always the same:

11 Udo Schüklenk, "Conscientious Objection in Medicine: Accommodation Versus Professionalism and the Public Good," *British Medical Bulletin* 126 (2018): 47–56.

thanks to the euthanasia law, dying has become human, bearable and serene, and unworthy and inhuman suffering can be avoided. Euthanasia is a gift to the patient and helps the medical profession to deal with the end of life in a dignified manner. Euthanasia is presented as a completely neutral act that is completely independent of any ideology and just meets the patient's right to self-determination. At the same time, any criticism of the way in which euthanasia is applied in practice, or the identification of potential problems or abuses of the law, are rejected or minimized with great persistence. Critics of the euthanasia practice in Belgium are presented as conservative, ideologically biased by religion and lacking empathy and humanity: their attitude is said to exemplify an obsolete and condescending paternalism.

Such a response shows that the euthanasia law and practice itself is not value-free and is based on an ideology of self-determination and radical autonomy. Moreover, it does not square with the facts: there are also in Belgium staunch non-religious and atheist physicians who share the worries and critique of many colleagues concerning the current euthanasia practice, on legal, medical and deontological grounds.[12] However, in the mainstream media and increasingly also in the medical world, the normalization of euthanasia goes hand in hand with its sacralization as a symbol of emancipation: euthanasia has become a new way of dealing with human finitude and the mystery of suffering and death. The sacralization of euthanasia in the name of self-determination thus simultaneously makes every reference to the more ancient Hippocratic tradition into a taboo: it can no longer be said or remembered that euthanasia, all things considered, will remain a transgression that is alien to the nature of medicine and the highly ethical calling of the medical profession. Even the doctor who tries to go along with standardization ("I do euthanasia occasionally, but please not too much") might inevitably at some point find himself in a state where he experiences a dilemma or the wavering of conscience. The farther the request for euthanasia—and if granted, the life-ending act—lies from the moment of natural death, the more likely there might arise a struggle of conscience, but also palavers and dissensus between all involved: patients, but also caretakers, physicians, family members. This fatal and never avoidable dynamic is most poignantly exposed in the case of euthanasia for psychiatric patients.

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12 There are good arguments to be given against the legalization of euthanasia or assisted suicide from an atheist and liberal point of view. Cf. for this Kevin Yuill, *Assisted Suicide. The Liberal, Humanist Case Against Legalization* (London: Palgrave MacMillan, 2013).

9.5 Conclusion

All of this raises three concluding observations.

First of all, the depenalization of euthanasia puts pressure not only on the medical world, but also on society at large. This inevitably might trigger a conflict of conscience for the physician and the entire medical team involved in end-of-life care. But the family and wider social environment might also be affected by this process of normalization and experience pressure to choose for euthanasia or to propose it as the most appropriate way to die.

Secondly, the attempt to make active life-ending actions more transparent and unambiguous through the euthanasia law, and to release the doctor from the pressure of legal sanctions, has led to a new kind of uncertainty, now at the level of the freedom of conscience of the physician. Where the Hippocratic Oath used to be a benchmark and a guideline, the doctor now has to look for self-invented or very volatile benchmarks for his or her conscience.[13] It is no coincidence that recently in Belgium attempts are being made by groups of doctors—for example, the psychiatrists—to formulate additional rules to somewhat frame the transgressive act of euthanasia and to lead to morally responsible decisions in response for a demand of euthanasia.[14] At the same time, this creates the temptation, under pressure from the culture of normalization, to reduce euthanasia to a purely procedural act, the result of an almost contractual agreement between doctor and patient, whereby even the medical and existential considerations shift to the background. In this way, morally speaking, euthanasia is made completely neutral, which is evident from the statement of a euthanasia prone doctor: "Who am I not to respect the will of the patient? I am not God!"

Thirdly, among some physicians, the normalization of euthanasia goes hand in hand with a form of moral disengagement, whereby one silences one's conscience or sense of moral uneasiness by hiding behind the procedures of the law or cultivating a self-indulgent conception of one's moral integrity. However, as I hope to have pointed out, it would be highly undesirable to reach as a society a point where doctors are no longer appealed in their conscience—and either reduce euthanasia to a purely procedural semi-therapeutic act, or sacralize it as a highly moral intervention. If this point of normalization is ever reached, it is also done

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13 Arguments in favor of the sustenance of the classical Hippocratic tradition with regard to euthanasia or MAID are given in: Charles L. Sprung et al., "Physician-Assisted Suicide and Euthanasia: Emerging Issues from a Global Perspective," *Journal of Palliative Care* 33 (2018): 197–203.

14 Vlaamse Vereniging voor Psychiatrie, "Hoe omgaan met een euthanasieverzoek in psychiatrie binnen het huidig wettelijk kader? Adviestekst van de Vlaamse Vereniging voor Pyschiatrie in 2017 over te hanteren zorgvuldigheidsvereisten," Accessed July 19, 2021. https://vvponline.be/uploads/docs/bib/euthanasie_finaal_vvp_1_dec.pdf.

with the freedom of conscience of the doctor. Perhaps this is the most important lesson to be learned in Belgium, now that the social experiment on euthanasia is 20 years old: as a transgressive act, euthanasia should always remain controversial and possibly embarrass the doctor's conscience and by extension the entire society. This embarrassment cannot and should not be eliminated by any law or procedural decision. But if this is right, it also cannot be expected that the normalization of euthanasia will ever succeed. The active ending of a human life, even on demand of the patient, will always fall outside the realm of normal medical practice and remain thus the object of possible controversies, clashes of conscience and deeply felt traumatic experiences, which affect a whole society.

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10 How Legal Euthanasia Continues to be Transgressive

Some Observations from the Netherlands

A. Stef Groenewoud and Theo A. Boer

10.1 Introduction

In his piece, "When Conscience Wavers: Some Reflections on the Normalization of Euthanasia in Belgium," Willem Lemmens argues philosophically in favour of the claim that euthanasia is and remains a transgressive act.[1] First, euthanasia goes far beyond the realm of other medical interventions that are considered transgressive but morally acceptable, such as the use of a scalpel that cuts through a person's skin and the occurrence of relationships of personal proximity. Second, euthanasia is transgressive in that it crosses the border between the existence and non-existence of human beings; in a sense, euthanasia therefore has sacred character. Thirdly, more than in most other medical interventions, euthanasia involves the physician as a person and not merely as a professional; as a human being, in their own moral integrity.

In the second part of his chapter, Lemmens problematizes the process of normalization of euthanasia. The fear is not only that – as a result – euthanasia's weighty dimensions will no longer be discerned (namely, the existential or even sacred character of the act of ending another human being's life), but also that it will further permeate our societies, and will even turn into a collective morality of self-determination. In the end, euthanasia will have become the emblem of a clean, self-desired death, including for those who are not terminally ill. Lemmens concludes with three observations regarding the normalization process of euthanasia: first, the depenalization of euthanasia has increased pressure on the conscience of individual physicians, especially when a patient's death is not reasonably foreseeable. At the same time, and this is his second observation, the transgressive act of euthanasia is reduced to a neutral, and purely procedural act in which existential, moral and professional considerations move to the background. Third, Lemmens addresses that the normalization of euthanasia has strengthened problematic coping

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1 When in this piece we use the term, 'euthanasia,' this refers to both euthanasia and physician-assisted suicide. In Belgium and the Netherlands, both forms of assisted dying reside under one law.

attitudes on the side of physicians as they both (i) hide behind legal procedures, and (ii) pretend that one, as a physician, is motivated by a pure and good will, not contaminated by doubts or afterthoughts.

10.2 Ethics, Law, and the Transgressive Character of Euthanasia

Both Belgium and the Netherlands have laws that allow euthanasia. Compassion and autonomy are the core values underlying these laws but they are not the only ones: the respective legislative bodies also stress the duty to protect human life and the duty to protect vulnerable citizens. Legally therefore, the intentional killing of a human person is a last resort. Given this transgressive character of euthanasia, committees were put in place to assess each reported euthanasia legally and ethically. In the Netherlands five so called Regional Review Committees (RTE) exist, each consisting of one lawyer, one physician, and one ethicist; in Belgium, there is one national committee with a similar composition. The combination of legal, medical, and ethical perspectives has proven to be increasingly enigmatic.[2] The task of ethics is to describe practices in a way that does justice to their moral complexity. In comparison, a legal assessment is simpler: an autonomous patient's request in a situation of unbearable and irremediable suffering are the main requirements. What the legal experts that preside the committees (plus the physicians waiting for their verdicts) have to ascertain, is whether or not a case has met these requirements. The Dutch and Belgian committees' verdicts can go only two ways: affirmation or rejection. If a case meets the criteria, the euthanizing doctor receives an exculpatory notification; if it is defective in one or more of the due care criteria, it is sent to the public prosecutor and the health inspector general for further examination. This happens very rarely: in 2020, only two out of 7,000 cases were rejected, one because the physician used the wrong vein, the other because the consulting doctor was registered as a patient in the euthanizing doctor's practice.[3]

Ethically, however, such affirmative or dismissive verdicts may be less satisfying.[4] It is, for example, very well possible that cases that are found to be legally sound continue to be ethically problematic. What if

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2 Berna van Baarsen, "Oordelen toetsingscommissies euthanasie soms onvolledig. Kanttekeningen bij werkwijze regionale toetsingscommissies euthanasie," *Medisch Contact* 39 (2019): 14–17.

3 Regionale Toetsingscommissies Euthanasie, *Jaarverslag 2020* (*Annual Report 2020*) (Den Haag, 2021), https://www.euthanasiecommissie.nl/binaries/euthanasiecommissie/documenten/jaarverslagen/2020/april/15/jaarverslag-2020/2101423_RTE-jaarverslag-2020_DRUK.pdf.

4 Berna van Baarsen, "De toetsing van euthanasie: zorgen om kwaliteit, argumentatie en normontwikkeling," *Tijdschrift voor Gezondheidszorg en Ethiek* 28(3) (2018). https://www.tijdschrifttge.nl/documenten/archief/tge/tge201803_p79-87_vbaarsen_de.pdf.

a patient partly bases their autonomous request on concerns for their loved ones? What if a patient refuses to consider their loved ones' viewpoints and emotions? What if not the patient but the physician or the relatives bring up the idea of euthanasia? What if feasible alternatives are rejected beforehand? To what extent are a patient's fears of admission to a care facility influenced by the societal imaginary about nursing homes? What if euthanasia, instead of a last resort to prevent a terrible death, becomes a way to prevent a dreaded life? The opposite may also hold: a case can be made that the two cases that were found defective in 2020 were hardly problematic ethically.

We believe that many of the moral concerns are connected with the transgressive character of active and intentional killing itself. Indeed, this transgressive character was a reason to include an ethical perspective in the review procedures. But although in the past two decades both the annual numbers of euthanasia and the complexity of the cases increased significantly, the Belgian and Dutch committees instead have resorted to more expedient methods to handle the workload. At present, more than 90% of the euthanasia reports in the Netherlands are managed by secretarial staff with legal training.[5] The ethicist- and physician- members have formal access to these reports and may influence the verdicts, but in practice only 10% are discussed in an interdisciplinary setting.

It seems that neither the Dutch nor the Belgians, who both placed euthanasia under the Criminal Code, succeed in upholding a public awareness of euthanasia's transgressive character. This is even more worrisome now that several countries are currently thinking of legalizing euthanasia or physician-assisted suicide outside the Criminal Code, or have already done so (such as Canada). We wonder how under those regimes the transgressive character of the act ('killing a patient at their request') will remain part of the public consciousness.

10.3 A 'Wavering Conscience' or a 'Waiver of Conscious Deliberation'?

Lemmens makes some observations on the apparent normalization of euthanasia from a philosophical perspective. One is that euthanasia in the eyes of many features as "a completely neutral act that is completely independent of any ideology and just meets the patient's right to self-determination."(171) Lemmens argues that the awareness that euthanasia is the outcome of a conflict of values is fading. He claims that this has consequences for the functioning of the doctor's conscience. More in particular, euthanasia laws and practices together tend to silence possible conflicts of conscience in two ways. First, "[physicians] hide completely

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5 Regionale Toetsingscommissies Euthanasie, *Jaarverslag 2020*.

behind the law and let the procedures, provided for by the law, take the place of their conscience: 'the papers are filled in correctly, everything is fine'." This point is also addressed by the Dutch philosopher and physician Peter Harteloh in his book *Pondering about Death*.[6] Euthanasia, according to Harteloh, has become a merely procedural practice and lacks a clear vision on "the good death." Furthermore, Lemmens postulates that as a result of this normalization, physicians may be tempted to believe that they are "motivated by a pure good will, not contaminated by doubts or afterthoughts: one's moral self-conception coincides so to say with one's conscience"(168). Indeed, this trust in the doctor's integrity plays an important role in the origins of the Dutch euthanasia law.[7]

At this point, we suggest that we can go even further than Lemmens does. What if the transgressive nature of the euthanizing act is not just ignored; what if the physician's conscience not only undergoes minor changes? Could it be that in the end a physician's conscience not only wavers (i.e., falters, trembles), but waivers (i.e., faces its virtual abandonment)?

The unintended consequences of legal or financial incentives on people's behaviour, and even on their characters have been extensively described in legal, (moral) economical, psychological and (political) philosophical literature, under the header "cultivation and stimulation of desired and virtuous behaviour." Political philosophers from Aristotle to Thomas Aquinas, Jean Jacques Rousseau, and Edmund Burke recognized the cultivation of civic virtue not only as an indicator of good government, but even as its essential foundation. "Legislators make citizens good by forming habits in them," Aristotle wrote in his *Ethica Nichomachea*, and he continues "it is in this that a good constitution differs from a bad one."[8]

Whereas these and other thinkers (such as David Hume, Niccolò Machiavelli, and the theologian Walter Rauschenbusch) argued that good laws can lead to desired behaviour, others, such as Adam Smith, believed that not laws but markets would do so, and even in a better way.[9] We see these views together make their way into liberal democracies in the 1980s. The *New Public Management* is a neoliberal movement intended to reform public sectors such as health care and education. This was reached through a combination of minimal governmental

6　Peter P. M. Harteloh, "Filosoferen over de dood," *Filosofie en Praktijk* 36 (2015): 95–100.

7　Cf. Anne-Mei The, *Verlossers naast God. Dokters en euthanasie in Nederland* (Amsterdam: Thoeris 2009).

8　Aristotle, *Nicomachean Ethics* Book II, section 1 (trans. W.D. Ross). http://classics.mit.edu/Aristotle/nicomachaen.2.ii.html.

9　Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Oxford: Oxford University Press, 2008, reissued paperback version 1776).

legal prescriptions, accountability procedures, and (oftentimes financial) incentives. The assumption in all this is that legal as well as financial incentives leave the objects of interest (i.e., those to whom these incentives apply, as well as their character and motivation) unchanged: unchanged both in terms of its intrinsic value, as well as in terms of the deepest motivations and character traits of those involved.

But this assumption may not stand experiential evidence, as we will now illustrate with examples from the field of education and health care. Before we do so, however, we want to stress that, of course, not all laws or incentives are bad, even if they may have negative unintended consequences that can reasonably successfully be dealt with. But our concern is that some laws may negatively change people's behaviour and, even more consequential, their characters. Sometimes the cure may turn out worse than the disease, in which case we may consider to reverse the rules and abandon the incentives.

In a famous TED-talk,[10] related to his book, *What Money Can't Buy: The Moral Limits of the Market*, Michael Sandel recounts an experiment in the US city of Dallas where children were paid US$ 2 for each book they read. Indeed, these children started reading more books. They also read thinner books however. It was found that in the long run they developed a wrong idea about the intrinsic value of reading books. Sandel concludes:

> if you pay a child to read a book, as some schools have tried, you not only create an expectation that reading makes you money, you also run the risk of depriving the child forever of the value of it. Markets are not innocent.[11]

Obviously, not all incentives (non-intrinsic stimuli) are neutral, since they may change the way people think about the intrinsic value in the things they do. They may be tempted to act in a certain way, not because this is good or right to do, but for the reward they will receive afterwards. The result is an excavation of people's virtuous characters.

A second example of the intricate relations between incentives and moral behaviour comes from health care. In 2015, Dutch General Practitioner Chantal van 't Zandt received a letter from one of the largest insurance companies in the Netherlands. The company wanted to pay her a visit because they found her to be in the top 50 of high-volume prescribers and referrers of all contracted GPs. Especially the amount of

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10 Michael Sandel, "Why We Shouldn't Trust Markets with Our Civic Life" (TEDGlobal 2013), accessed February 23, 2022, https://www.ted.com/talks/michael_sandel_why_we_shouldn_t_trust_markets_with_our_civic_life#t-342423 (min 5:00 and onward).

11 Ibid.

care she provided to terminally ill patients had attracted attention.[12] In a way, the insurance company merely did what the *Health Care Insurance Law* wanted them to do: promoting the use of appropriate care through control mechanisms, and decrease utilization of low-value care. Then why is this a disturbing narrative? Because the insurance company's intervention affected this doctor's deepest feelings of integrity, questioned her motives as a family doctor, and challenged her principles as a virtuous person. If the company had persisted in its claims, and if the physician had complied, this could have had a serious impact on the way she acts and reflects as a professional. She reports how the insurance company forced her to either unveil patient–doctor confidentialities – thus to breach her professional code of ethics – or to change the way she cared for her patients in the future – which would have also meant an external interference in her professional acting as a physician. This illustrates that rules and procedures are not neutral. They do affect the way people act and think, touch upon their moral convictions, and sometimes lead to conflicts of conscience. One would expect that as a physician she would act in accordance with her professional values, guided by her conscience. But what if such conduct will have long-term financial or professional consequences? Will she continue to be a conscientious doctor?

A third example is the closest to our subject: the way legal euthanasia procedures may impact the moral deliberation between and within physicians. It is taken from a interview with Odette Schouten and Marieke de Brouwer, who are both general practitioners. After performing a euthanasia together, Schouten and De Brouwer were summoned to attend an RTE-meeting and answer questions that had risen on the basis of their euthanasia report.[13] Schouten remembers, "My first thought: I have done something wrong. I panicked. I associated it with the Inspectorate – shaming and blaming." Her colleague describes herself as …

> … emotionally affected. Angry. You do what is best for your patient. And then you get this. All kinds of scenario's crossed my mind: 'this

12 Chantal van het Zandt, "De 'materiële controle' van de verzekeraar," *Medisch Contact* 12 (2015): 288–90.

13 Martijn Reinink, " 'Ik voel me kwetsbaar.'Op gesprek bij de Regionale Toetsingscommissie Euthanasie," ("'I feel vulnerable.' On interview with the Regional Euthanasia Review Board.") *Arts en Auto* (October 2020): 18–21. https://www.artsenauto. nl/op-gesprek-bij-de-regionale-toetsingscommissie-euthanasie/. Quote in Dutch: "Mijn eerste gedachte: ik heb iets fout gedaan. Ik was in paniek. Ik wist niet wat zo'n gesprek zou inhouden, maar associeerde het met de Inspectie, shaming & blaming." Translation by Stef Groenewoud.

is going to last for years,' 'Do I have to quit my profession? Search for a different job?'[14]

They describe how the forms they had to complete when reporting the euthanasia felt like a straightjacket and did not match their (moral) considerations:

> I really struggled with the form. It did not enable me to tell my story, because questions were solely somatically oriented. Then I consulted a colleague. He said: 'keep it short, otherwise you raise all kinds of questions.' And therefore I decided to stick with the main diagnosis: pathological mourning.

This procedural and legal focus is reinforced by lawyers who assist physicians who are invited by the RTE: "We explain what doctors may expect, we look over their shoulder: are all forms filled out correctly, are all the files complete? What parts of the report may raise questions?" When Schouten finally received a phone call from the committee that her euthanasia was judged to be 'in accordance with the legal requirements, "[t]his was reason enough to open a bottle of champagne."[15] Still, her experiences were enough to decide not to perform euthanasia anymore. "At least, not for now. That is the downside of the whole story. I feel vulnerable. We had been working so meticulously. And still... it went wrong."[16] Schouten and De Brouwer thus narrate how the euthanasia procedures, in forcing them to comply with the legal requirements, undermined their moral involvement. Again, we have to conclude that the way these legal procedures work, may seriously affect the moral functioning of the medical professional.

From different vantage points, these three examples show that incentives, rules, and procedures are not neutral. Not only the moral values of the phenomenon that is supposed to be incentivized, legalized, or formalized, may be silenced or overlooked, but also the involved persons (their moral characters, habits, and motivations) may be affected. According to Michael Sandel, some incentives "erode certain moral and

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14 Ibid. Dutch quote: "Maar toch was ik aangedaan, boos. Je doet wat het beste is voor je patiënt. Vanuit je hart. Je bent ervan overtuigd dat je zorgvuldig hebt gehandeld. En dan krijg je dít op je dak. Dan gaan er allerlei scenario's door je hoofd. Van: dit gaat misschien wel jaren duren. Tot: moet ik mijn dokterstas erbij neergooien en van baan veranderen?" Translation by Stef Groenewoud.

15 Ibid. Dutch quote: "Al snel na het gesprek met de commissie krijgt zij te horen dat de uitgevoerde euthanasie aan alle zorgvuldigheidseisen voldoet. "Dat was wel reden voor een fles champagne." Translation by Stef Groenewoud

16 Ibid. Dutch quote: "We zijn zó zorgvuldig geweest, juist door het met z'n tweeën te doen. Hebben alles gecontroleerd en dan kan het tóch misgaan." Translation by Stef Groenewoud.

civic goods worth caring about."[17] The first effect is stressed by Samuel Bowles when he adds to Sandel that there is "evidence that incentives (non-intrinsic stimuli) may finally crowd out ethical and generous motives" of the people involved.[18]

10.4 An Empirical Study on the Experiences of Relatives

We now turn to some of the empirical ethical research that was conducted under our auspices, and that illustrates from the inside that euthanasia continues to be not only medically and ethically complex, but also transgressive. In collaboration with a number of funeral directors, we collected 43 stories in which relatives tell about their experiences with euthanasia for a loved one.[19] We mention five of those positive sides here, after which we will turn to five experiences about the dark sides.[20] Quotes are taken from the book's reflection section (pp. 215–28).

Firstly, the experience that serious and/or senseless suffering has come to an end is positive and makes relatives grateful. "I have always supported my mother's choice. I also thought it best if she could be spared the worst suffering." For many, preserving dignity means, in addition to the mode of death by euthanasia, the certainty to be ahead of suffering, loss of independence and loss of mental faculties. Past experiences often play a role.

> With her father, she had seen how badly he wanted to die and had even pulled the ventilator and IVs a few times because he didn't want to go on. He was tied up by the doctors. A long agony followed, eventually resulting in death. Since then, my mother has been a strong supporter of euthanasia.

And another: "The urge to control her own life was very deep. The misery and pain she saw from the death of her son and many others around her only reinforced that urge." A relative of one author is initially sceptical because of her faith, but says: "The scales tipped for me to the concept of mercy." Compassion, of course, is an old Christian virtue. There

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17 Michel. J. Sandel, "Market Reasoning as Moral Reasoning: Why Economists Should Re-Engage with Political Philosophy," *Journal of Economic Perspectives* 27 (2013): 121.

18 Samuel Bowles, "The Moral Economy: Why Good Incentives Are No Substitute for Good Citizens," *Journal of Economic Sociology – Ekonomicheskaya Sotsiologiya* 17 (2016): 100–28.

19 Theo A. Boer, A. Stef Groenewoud, and Wouter D. de Jonge, *Leven met Euthanasie. Geliefden vertellen over hun ervaringen* (Utrecht: Kok Boekencentrum, 2021).

20 The following quotes are taken from Boer, Groenewoud, and De Jonge, *Leven met euthanasie*, 215–28. Translation Stef Groenewoud.

are also references to what would have happened if euthanasia had not taken place: "Astrid would have faced a short but difficult and painful death struggle." Sometimes the medics involved also clearly indicate that they find euthanasia a palpable solution.

> Jan made the decision early in the process to talk to his physician about euthanasia. He didn't have to think for a moment, it was clear to him that you don't have to wait for the entire process with such an illness.

And:

> One day after [her] death, I was contacted by telephone by her doctor. He assumed that Astrid would have lived another week, but that that week would have been a very heavy and difficult week for her and her loved ones. According to him, the euthanasia had been on time and this was the best solution in Astrid's situation.

Secondly, there is the positive experience of dying itself: a peaceful, certain and desired death without serious suffering and in the presence of loved ones. "We wished her a good journey. It felt like a nursery," writes one person, "there was a loving, clear atmosphere. Almost sacred." "Bye all, thanks," a dying person is quoted as saying, "Oh, I can feel it coming." "It all went very smoothly and quietly. No breathlessness, no panic, just falling asleep peacefully as envisioned. When I think about euthanasia, I now see that moment before me." "Our mother died a sweet death at the age of 94, thanks to the Euthanasia Clinic." "In the end, an enormous sense of gratitude has remained, that we could experience and finish this so very close together." "The euthanasia itself is special: while I hold her hand and my mother looks at everyone in the room again, she falls asleep. [...] She lies quietly and peacefully in the pillows. The euthanasia was successful." "Are you sure this is the time?" the doctor asked. "Yes," was her firm reply. With our son close to us she fell asleep on a beautiful summer day [...]. Her last words were, "I'm so proud of you." As the moment itself can be beautiful, so are the memories: "We look back on the entire process with great satisfaction. There were no second thoughts." "I didn't find the euthanasia scary at all" writes a young person, "It has a sad, yet fond moment in my memory."

> The moment of euthanasia was right. His children were there, we listened to Chopin and he went full of surrender. It was a liberation. After that, we never had a moment of remorse or regret. A deep gratitude that we live in a country where euthanasia is possible.

Someone who saw three euthanasia cases writes: "In all three of these deaths, I, and I think I can speak on behalf of the rest of the family, have been grateful that euthanasia is possible." These experiences also have the indirect benefit of reducing the relatives' own fear of a dreadful death. "My son told me later in the evening that he wouldn't be afraid of death at all now that he had experienced this. Because dying can be peaceful and quiet."

A third kind of positive experience concerns the ability to plan and foresee death coming. There is a "dot on the horizon," illness and death do not last indefinitely. "We did not know what his life expectancy was at that time," writes the wife of a man with Parkinsonism, "At least I couldn't have continued to take care of him." That waiting period allows for impressive memories. "I could take her in my arms and felt that she completely surrendered to me" writes one author, and another: "As soon as the decision was made, Jan became calmer and he was no longer afraid." The planning prompts people to prepare: "Because euthanasia always has to be planned," one writes, "I was given time to prepare, which helped tremendously in processing afterwards." A conscious farewell can be prepared; last words can be spoken. This also applies to the preparation of the day itself.

> We as daughters made her beautiful that morning for the moment she was looking forward to. For us this was a nice way of saying goodbye: we painted her nails, did her hair and put her on the nicest clothes.

The planned ending brings loved ones closer together: "We were invited as a group of friends to attend this event," writes one person, "I found this gathering intimate and of great significance." The realization that the end is near also makes humour possible. "At eleven o'clock the ambulance nurse came to put the IV on. 'You still look very good, sir,' the nurse said rather clumsily. 'Yes, but you look even better,' was the witty reply."

A last positive side of euthanasia is that it fulfils someone's last wish. "When my husband told me he wanted to die, I couldn't help but feel that this was the autonomous wish of an autonomous man." "His choice was completely in line with his character," wrote another. And although euthanasia may now be a natural option to many – this is also clear from many stories – it is not always an easy choice. "Euthanasia also requires a certain courage and confidence," one writes, "unbelievable how strong you were." It is experiences like these that sometimes make relatives decide to want euthanasia for themselves. "I am grateful and have experienced the value of self-determination even more. I notice that because of this I cannot rule out euthanasia for myself either." In one of the stories, a euthanasia is described for two people at the same time.

Someone writes in response to this happening in her parents: "My father said, 'Now this is still an issue, in ten years people will find this very normal'." Obviously, the self-determination of one person may produce the desire for self-determination in the other.

But there are also dark sides, and this is important given the fact that they feature even in the narratives of those who overall welcome the euthanasia in their loved ones. Firstly, euthanasia is not always what it is expected to be. One relative says she had expected the euthanasia "a little more romantic." Rather than falling asleep organically, the patient dies abruptly and the speed overtakes the bystanders. "The transition from our serene farewell to a situation in which death suddenly became visible was […] abrupt." One relative experienced the speed as "awful." Sometimes patients themselves react fearfully to the impending termination of life. "I regularly see this in front of me," someone writes, "The look in my father's eyes, cheerful at first, until the moment just before it changed into a frightened cry. It completely upset me." Another:

> I want to describe one moment of the euthanasia, because it was so special and confusing. At one point I shifted a bit to look him in the eye one more time, but he didn't look back. I was shocked, shifted again, but no, I couldn't get in touch with him anymore.

"We returned home orphaned. […] cried a lot afterwards. Probably also because of the tension beforehand, because I found it scary to be so aware of someone who dies." Things can also go wrong medically. There is the story in which the euthanasia had to be postponed because no usable vein could be located. "I was angry and also very sad," writes one bereaved, "You consciously say farewell and then this happens." Some relatives have difficulty accepting the timing of a euthanasia on the day.

The advantage of plannability also creates stress: "setting a date," "calendars that must be coordinated," waiting for "the moment." Someone writes,

> You're in a kind of weird waiting position, between when the date is set and the moment when life ends […] The tipping point is the most difficult when making a decision to euthanasia. If there is […] a time when you know: from now on there is no going back.

Another side of this plannability is that because euthanasia is not a normal procedure, professionals act with extreme caution. Too cautious, according to some. The family regularly assumes that a doctor will perform the euthanasia whenever the patient is ready, only to find out that physicians also need time. In addition, any intention to euthanasia must also pass a second doctor's assessment. One scribe calls the interview

with this physician "a job interview" and "a horror." A survivor is upset when a consulting doctor comes to visit unannounced.

> [The doctor] visits my mother unannounced and finds her in one of those rare moments. She sits upright in her wheelchair and is playing bridge with three friends. My mother feels caught, especially when the doctor notes that he has never seen anyone wanting to die so much, while having so much fun.

Patients and their families sometimes try to use conscious skills to show themselves from their "best" side. When a planned or expected euthanasia is postponed, it can be a bitter disappointment for the patient and their loved ones. Paradoxically, an experience that would not have occurred if euthanasia was not possible at all.

Thirdly, some relatives are not at peace with the euthanasia and some find themselves hard-hitting afterwards: "Where was I myself?" This sometimes manifests itself in physical or psychological complaints afterwards. "Euthanasia is a redemption, a solution for the person who is very ill," someone writes, "but in my view it is an emotional burden on the grieving process of the loved ones." And another: "Dad, it's your life, you're in control. If you want that, I support your choice," only to add: "[But] my feeling screamed, 'Don't go!'" One survivor says: "[The euthanasia intention] took over her life and eventually there was no room for anything else." There is the story from a best friend:

> When you chose it, I wasn't ready. But a person has to make his own choices – that is what they say. But I don't know about myself. […] Your choice made my world collapse. I'm still not completely healed. I still carry the despair and fatigue with me.

Fourthly, relatives have doubts whether the euthanasia was necessary, or in place yet: did caregivers and loved ones give up too easily? Did the deceased leave too soon? "Was this the right way?" "Shouldn't I have taken mother in my house?" Another doubt is whether this is what the person really wanted: "Because even though she said many times a day that she wanted to die and she could cry pitifully, when visitors came she became happy and she could easily forget her death wish," writes someone, who continues to be convinced of the correctness of this euthanasia. In several stories, relatives run into their own and unexpected negative emotions. Someone writes after a euthanasia, which had been planned and desired for a long time:

> After that I was very confused. Was this really what she wanted? I felt that I had let her down. As if I was responsible for how things had gone. Rationally I knew I wasn't, but it felt desperately different.

A fifth drawback is that an intended euthanasia sometimes leads to disagreement between family members. In one narrative, a surviving relative had a serious clash with his now deceased mother and other family, and afterwards with his mother's doctor, about euthanasia. In another story the euthanasia was cancelled for this reason. The euthanasia decision and process are often experienced differently by relatives of one and the same patient. Where one supports this choice, others are angry. Such instances may put a serious strain on the relations between the relatives.

What these positive and negative experiences with euthanasia have in common is that they all illustrate that from the perspective of relatives and friends euthanasia is not a normal medical treatment. No matter how good memories or experiences are, all story-tellers would have preferred a natural, peaceful, and pain-free death for their beloved one, if this would have been possible. Even most positive experiences have a (less positive) flipside, which stresses the need for thorough and multiperspective moral deliberation upon the transgressive act of euthanasia.

10.5 Practice Variation

A second phenomenon that illustrates the transgressive, and therefore controversial character of euthanasia is the great diversity in its incidence throughout a country such as the Netherlands (but also in Canada), which is partly caused by considerable regional diversity in (moral) views on euthanasia.

In January 2021, we published a study of regional variation in the incidence of euthanasia in the Netherlands.[21] This resulted into two coherent findings: a large variation in practice and a locally very high incidence of euthanasia. When it came to euthanasia performed by general practitioners, which accounted for 85% of the Dutch euthanasia cases, we found a regional difference of a factor 25. That is, in municipalities with a high incidence euthanasia accounted for a 25 times higher percentage of total mortality than in municipalities with a low incidence. If we adjusted this factor score for possible explanations on the part of the care user – church attendance, political preference, socio-economic status, and the presence or absence of volunteers – an unexplained score of seven was left. In other medical procedures, the international literature on the subject of regional (or: practice) variation hypothesizes that if demographical, medical, and preferential factors have been taken into account (as we did in our study), an unknown (but probably considerable) part of the remaining variation may be supplier induced. This

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21 A. Stef Groenewoud, Femke Atsma, Mina Arvin, Gert P. Westert and Theo A. Boer, "Euthanasia in the Netherlands: A Claims Data Cross-Sectional Study of Geographical Variation," *BMJ Support Palliative Care* 14 (January 2021). doi:10.1136/bmjspcare-2020-002573.

means that this variation may be caused by differences in the type and amounts of treatments that are offered by doctors. After a careful deductive analysis, our study concludes that it may vary from region to region whether doctors (the suppliers) bring the option of euthanasia forward, as in some regions doctors may refuse to discuss euthanasia altogether. Other supplier-induced explanations for regional variation in euthanasia that we mention in our conclusions may be that reasonable alternative options for euthanasia, such as appropriate palliative care, are not equally accessible or available in all the country's regions.

Our second finding was that, measured at a more detailed zip code level, some euthanasia rates were even higher – and the differences correspondingly larger. We found residential areas where euthanasia by general practitioners accounted for 18% of all deaths. We should consider that this is a percentage of the total mortality which includes sudden deaths, accidents, and deaths in incompetent patients, in all of which cases euthanasia cannot be considered. Moreover, euthanasia by medical specialists is not included in this research, meaning that an additional 18% more euthanasia cases could not be taken into account. Considering all this, the conclusion is that in parts of the Netherlands euthanasia has become a more or less default choice when people are fatally ill. At the same time in other regions it continues to be practically absent. Thus whereas in some other neighbourhoods euthanasia is in the process of becoming a normal, uncontested medical practice, it features in other neighbourhoods as a highly transgressive act.

10.6 Attitudes and Experiences in the Pastorate

A third empirical study that underpins the claim that euthanasia still is a transgressive act, is a recent study among pastors who provide pastoral care and counselling for parishioners who face end-of-life decisions, and also euthanasia.

We found that pastors in the Protestant Church in the Netherlands (PCN – the largest Protestant denomination) have broad experiences with euthanasia. Given the widespread conviction that religious people, generally speaking, are opposed to euthanasia, this finding may be surprising to some. However, positions held by mainstream Dutch Protestants tell a different tale. In the 1970s and 1980s, the two largest Reformed denominations in the Netherlands issued reports that advocated the possibility of ending a patient's life in the face of unbearable suffering. Many influential Protestant theologians and physicians supported this stance.[22]

22 Theo A. Boer and A. Stef Groenewoud, "Dutch Reformed support for Assisted Dying in the Netherlands 1969-2019: An Analysis of the Views of Parishioners, Pastors, Opinion Makers, and Official Reports of the Protestant Church in the Netherlands," *Journal of the Society of Christian Ethics (JSCE)* 41 (2021): 125–47.

Despite this view found in church bodies and amongst Protestant thinkers, we found that parishioners continue to hold very diverse – and mutually conflicting – views about the topic. Within the PCN, the incidence of euthanasia varies. As reported by pastors, in the Orthodox-Christian parts of the church, 5% of the deaths was preceded by euthanasia, which is roughly the same as in the Netherlands as a country. This number was reported to be 13% in the more liberal part of the PCN.[23]

Of PCN-pastors, 21% state that euthanasia conflicts with their Christian convictions, with again considerable internal differences: 66% of orthodox pastors reject euthanasia, whereas this is 3% for liberals. Younger pastors appear more reticent than their older colleagues, and in their pastorate these younger pastors report a lower euthanasia incidence than their colleagues. The acceptability of euthanasia for PCN-pastors also depends on the type of disease or suffering: on average 66% of the pastors find euthanasia acceptable in a terminal illness, whereas this number is 20% in "completed life," i.e., when elderly persons have an active death wish in the absence of a serious disease. It thus seems that amongst PCN-pastors euthanasia has gained broad acceptance but younger pastors, especially in the orthodox modalities, continue to hold strong moral and religious reserves.[24]

Notwithstanding the broad acceptance of euthanasia among PCN-pastors, they still report that they experience serious problems during their pastoral care in cases of euthanasia. A recent survey among parishioners resulted into a list of more than 600 topics and situations that they mention as 'difficult' in case of euthanasia.[25] In a follow-up study, using concept mapping as a hybrid qualitative/quantitative method, this large number of themes could be narrowed down to ten clusters of 'difficulties' pastors experiences when delivering pastoral care in case of euthanasia: (1) *pastors' doubts and concerns* (especially in controversial cases, e.g., where terminal illness is absent); (2) *parishioners' controversial choices* (e.g., when the pastor does not share the judgement 'unbearable suffering'); (3) *conflicting opinions about suffering and treatment* (when do we stop medical treatment and how does the concept of suffering fit into that?); (4) *family and relatives* (e.g., if family interferes to a great extent); (5) *image of the pastor* (parishioners and their relatives have certain expectations regarding the pastor's attitude, e.g., that they will reject euthanasia); (6) *communication and timing* (how and when is the pastor informed, and about what?); (7) *tension between pastoral*

23 Ibid., 133.
24 Ibid., 133.
25 Theo A. Boer et al., "Legal Euthanasia in Pastoral Practice: Experiences of Pastors in the Protestant Church in the Netherlands," *International Journal of Public Theology* 14 (2020): 41–67.

proximity and professional distance (e.g., if the time that is shared with a dying parishioner exceeds the acceptable amount of time); (8) *communication with involved physicians;* 9) *the pastor personally* (dealing with their own emotions, convictions and doubts); and (10) *pastoral colleagues* (if colleagues have different moral convictions and opinions).

Again, these empirical findings underpin the claim that was postulated by Lemmens, that euthanasia is still in its character a transgressive act. The increasing incidence, also in the practices of Protestant pastors do not change that character. Our findings that we brought forward in this section underline once more that – in spite of its increasing acceptance, also within the church – the action itself is still seen as transgressive and brings all kinds of moral difficulties.

10.7 Concluding Remarks

In his article, Lemmens describes exactly the phenomena we have just been taking a closer look at. He states that it is

> undesirable to reach as a society a point where doctors are no longer appealed in their conscience – and either reduce euthanasia to a purely procedural semi-therapeutic act, or sacralize it as a highly moral intervention. If this point of normalization is ever reached, it is also done with the freedom of conscience of the doctor. (172–73)

Furthermore, "as a transgressive act, euthanasia should always remain controversial and possibly embarrass the doctor's conscience and by extension the entire society. This embarrassment cannot and should not be eliminated by any law or procedural decision." (173) Lemmens' plea to continue regarding euthanasia as a transgressive act also resounds in a recent interview with chief public prosecutor in the Netherlands, Rinus Otte. In the aftermath of the groundbreaking coffee-euthanasia case (where an elderly woman suffering from dementia received euthanasia while she was visibly resisting) he argues that there is need for additional information about the euthanasia practice, more than is found in the RTE's annual reports, because "euthanasia should remain a worrisome theme."[26]

The question is however: have countries that have legalized the practice of euthanasia not already set sail in the direction of a partial abandonment of the doctors' conscience? If we should believe philosophers such as Sandel and Bowles, who criticize the assumption that laws and other

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26 Marten van de Wier, "OM-topman Rinus Otte legt uit waarom euthanasie volgens hem een tobberig thema moet blijven," *Trouw,* July 28, 2021. https://www.trouw.nl/binnenland/om-topman-rinus-otte-legt-uit-waarom-euthanasie-volgens-hem-een-tobberig-thema-moet-blijven~ba159233/. Translation by Stef Groenewoud.

non-intrinsic-stimuli leave the people ('s characters) unaffected, and if we look at the examples and empirical research results given above, we must conclude that the special moral character of the act of euthanasia, as well as some doctors' ethical receptivity have already started to be affected. They may have already started to waiver (with an 'i', meaning that in case of an ethical appeal some doctors' consciences seem not to be inclined to actively reflect). We suggest that in the near future we need more research and empirical evidence for or against these claims.

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11 Family/ies and Transcendence

Cristina L. H. Traina

"Home is the place where, when you have to go there,
They have to take you in."
 "I should have called it
Something you somehow haven't to deserve."[1]

   "We are... called upon, and this is only possible because we are in some sense vulnerable to claims that we cannot anticipate in advance and for which there is no adequate preparation."[2]

In a pluralist, secular century, an attempt to attach transcendent meaning to any term as ideologically and politically fraught as "family" seems misguided. The global north is belatedly acknowledging and accepting a variety of family forms just as many of families' historic economic, social, and political roles are falling away. In the United States, government policy overloads families with unsupported burdens and often camouflages religiously coded, exclusive norms of family. Gratuitous political references to "the traditional family" foster cynicism.[3] Worse, families' current dynamism is threatening to some and freeing to others.[4] Even seemingly liberative revisions of family like same-sex marriage

can reinscribe racial, gendered, socioeconomic, and sexual restrictions that exclude as many families as they include.[5] These associations tempt many to discard the term "family" as hopelessly poisoned.[6]

Yet for others family is an enduring if malleable product of the emotional, social, spiritual, and bodily character that makes us human.[7] In this light, without embracing an essentialist vision of family, still others demand enforcement of the right to establish families in the face of socioeconomic, colonial, racist, anti-immigrant, sexist, and heterosexist forces that have separated spouses, torn parents from children, erased lineages, and prevented families from forming in the first place.[8] American novelist Toni Morrison laments

> a history [of enslavement] in which marriage was discouraged, impossible, or illegal; in which birthing children was required, but "having" them, being responsible for them – being, in other words, their parent – was as out of the question as freedom. Assertions of parenthood…were criminal.[9]

As Morrison hints, precarity reveals families' enduring significance. Family is an essential element of our humanity whose character we

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5 See for instance: Ellen Lewin, "Weddings without Marriage: Making Sense of Lesbian and Gay Commitment Rituals," in *Queer Families, Queer Politics: Challenging Culture and the State*, eds. Mary Bernstein and Renate Reimann (New York: Columbia University Press, 2001), 44; R. Ringer Jeffrey, "Constituting Nonmonogamies," in *Queer Families, Queer Politics: Challenging Culture and the State*, eds. Mary Bernstein and Renate Reimann (New York: Columbia University Press, 2001), 143; Valerie Lehr, *Queer Family Values: Debunking the Myth of the Nuclear Family* (Philadelphia, PA: Temple University Press, 1999), 52; Cornwall, *Un/Familiar Theology,*136. Ivone Gebara notes a similar phenomenon in liberation theology: repetition of patriarchal and monarchical themes. See: Ivone Gebara, "The Face of Transcendence as a Challenge to the Reading of the Bible in Latin America," in *Searching the Scriptures: A Feminist Introduction*, ed. Elisabeth Schüssler Fiorenza (Spring Valley, NY: Crossroad, 1993), 174–5.

6 Tiffany Lethabo King, "Black 'Feminisms' and Pessimism: Abolishing Moynihan's Negro Family," *Theory & Event* 21 (2018): 68–87, https://muse.jhu.edu/article/685970; and Lehr, *Queer Family Values*, 76.

7 For instance, see Cornwall, *Un/Familiar Theology,* 158–60; Lisa Sowle Cahill, *Family: A Christian Social Perspective* (Minneapolis, MN: Fortress Press, 2000).

8 See Hortense Spillers' classic essay: Hortense J. Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," *Diacritics* 17 (1987): 64–81, doi:10.2307/464747; Kathryn Edin and Maria J. Kefalas, *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage* (Berkeley, CA: University of California Press, 2005); Dorothy Roberts, "Reproductive Justice, Not Just Rights," *Dissent* 62 (2015): 79–82, doi:10.1353/dss.2015.0073; Andrea Smith, "Beyond Pro-Choice Versus Pro-Life: Women of Color and Reproductive Justice," *NWSA Journal* 17 (2005): 119–40, https://muse.jhu.edu/article/180127; Cornwall echoes the insight in *Un/Familiar Theology,* 114–17, 36.

9 Toni Morrison, *Beloved* (New York: Vintage International, 2004), xvi–xvii.

discover even and especially amid vulnerability, brokenness, and violence. In different ways, poet Robert Frost and philosopher Judith Butler articulate a transcendent dimension and a moral direction for family in precarity: unmerited, unconditional, intimate care alongside commitment to undeniable, initially unchosen obligation.

This essay will unfold in three movements that are intentionally inductive and open-ended. First, in conversation with Judith Butler's essay on precarity and cohabitation, I will describe how might we envision family and transcendence without direct reference to Western religious traditions.[10] Second, I will argue that Christian precedent tells us not what shape *the family* should take but how membership in *families* is a mark of our humanity and a potential site of grace and transcendence.[11] Given that Christians generally have adapted the family forms they have encountered,[12] perhaps family is more a verb than a noun: we "family." Third, I will reconnect these reflections explicitly to recent developments in Christian theology.

11.1 Family, Givenness, and Transcendence

Although it often involves partners, decisions to bear children, and commitment to care for both, "making" family is only partially voluntary. By its extension – longevity among generations and breadth across space – and its unchosenness (of ancestors, contemporary relatives, descendants, and the circumstances that befall all of them) – family runs against the individualism and voluntarism of Euro-American cultures. Extending backward and forward in time, family forms chains of care, resemblance, personality, lore, and wisdom. Passing photographs and mementos from parent to child cements identity and connection, reminding us of origins and preparing an open future, transcending the present. As Melina Abdullah writes, particularly in times of oppression, we can

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10 See Judith Butler, "Precarious Life, Vulnerability, and the Ethics of Cohabitation"; id., *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004); id., *Frames of War: When Is Life Grievable?* (London: Verso, 2009).

11 For some time, many theologians have discussed families, not "the family." For example, see Susan Ross et al, eds., "Editorial: Families," *Concilium* 2 (2016): 7–10; Julie Hanlon Rubio, "Family or Families? The Problems of Parenting in a Postmodern Age," in *A Christian Theology of Marriage and Family* (New York: Paulist Press, 2003), 3–24.

12 See Cornwall, *Un/Familiar Theology* 28, 179 on historical variety in family and marriage. On the church's "baptizing" existing family forms, see for example Philip Lyndon Reynolds, "Introduction: The Christianization of Marriage," in *Marriage in the Western Church: The Christianization of Marriage during the Patristic and Early Medieval Periods* (Boston, MA: Brill, 1994), xii–xxx, and 172; Barbara A. Hanawalt, *The Ties That Bound: Peasant Families in Medieval England* (New York: Oxford University Press, 1986), 219.

mine the veins of our heritage for riches that set our children up for the future.[13] We cannot fully extricate ourselves from familial connection even should we desire to do so. Even in moments when family is not my own primary identity, vocation, or commitment, my identity will always include having been a member of one family, joined with another, and begun a new generation of both. Others' families are present absences, and still others' are negatives, rejected for their toxicity but marking them nonetheless.[14]

Stretching outward in space, family networks also connect us to people far away. The most fitting image of family might be a piece of lace or a fishing net, with strands coming together to form and generate new patterns that divide to combine with other strands while still maintaining all their original connections – even if one needs a needle and a magnifying glass to trace their itineraries. Unseen pressures exerted at one point pull indirectly on others, making their pain and joys ours, and vice versa. "The human family" is not metaphorical. It is literal. Family is the node, the point, at which we become aware that we are always already connected to all people through a network of intimate bonds.

Judith Butler's essay on global cohabitation elaborates the moral weight of this image and is also bolstered by it. Butler begins her essay by observing how media accounts of faraway disasters awaken her concern for particular, distant others to whom she is always already obligated through precarity. Drawing on Hannah Arendt and Emmanuel Levinas, Butler reflects both on how we experience our connection with and obligation to particular unknown people on the other side of the world and on how we describe those bonds ethically.[15] We cohabit the world with people whom we do not know, whom we mostly have not chosen, who mostly have not chosen us, with whom we often have agonizingly bitter and antagonistic relationships. At the most basic level, she argues, we are united not by contract or agreement – which we never made – or by reason or common purpose – which we may not possess – but by our shared bodily precarity on the surface of a finite and fragile world. As Butler says, "We are all, in this sense, the unchosen, but we are nevertheless unchosen together."[16] This common precarity, she says, is "the joint of our nonfoundation."[17]

Although anthropologically minimalist, Butler's global humanity encompasses the dimensions of family that are the most difficult to

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13 Melina Abdullah, "Womanist Mothering: Loving and Raising the Revolution," *Western Journal of Black Studies* 36 (2012): 65.

14 This does not negate the point: larger networks of connection also support persons close to me whom I cannot aid without self-harm.

15 Butler, "Precarious Life."

16 Ibid., 146.

17 Ibid., 148.

describe in a Western post-Enlightenment ethical context that relies on voluntary choice. Like the global human community, family is more given than made. Even expanding our families through childbirth, adoption, partnership, or chosen kin extends our always, already present obligations to answer still further unpredictable needs under unknowable conditions. Butler's wisdom holds: "We are… called upon, and this is only possible because we are in some sense vulnerable to claims that we cannot anticipate in advance and for which there is no adequate preparation."[18] As a community that constitutes us and yet is not us, family calls us – through bodily, sometimes genetic, always emotional connection – out of ourselves, to those different and sometimes unchosen others to whom we are bound without their having "earned" our help, and thus to ourselves again.[19] And, it calls them to us.

Lest this vision seem romantic, it is important to realize that Butler writes precisely to articulate our obligations in cases of longstanding division and animosity: for instance, the nationalism, "unwilled adjacency," and violence of the Israeli-Palestinian conflict.[20] As Butler says, "we live together because we have no choice."[21] Our unchosen obligations to these others and our unwilled dependencies on them can breed resentment and blame. Butler's answer, drawing on Hannah Arendt, is to create institutions that protect our cohabitation and our fragile planet, helping us to live together sustainably in our mutual wariness.[22]

Yet if the common earth on which I stand, moderated by institutions like governments and social media companies, is my only connection to the distant other, the best I can hope for is bitter coexistence, not the "bonds of solidarity" Butler seeks.[23] True, the space-time fold of media accounts of distant suffering helps to awaken my compassion for miseries I might just as easily experience on a different day. But the other remains Other. Still, the chasm between me and the other is not as broad as it appears to her. Family can do for Butler what media and simple shared precarity cannot: the globe-spanning network that moves outward from the intimate community of personal, embodied connections of care always already links us, both intellectually and emotionally. Within and across time, we are not just metaphorically but actually sisters, brothers, aunts, uncles, cousins, in-laws, grandchildren, and grandparents of many degrees. Our global common identity is not generic, it is familial. This realization is a moment of transcendence.

18 Ibid., 141.
19 Ibid., 137.
20 Ibid., 143.
21 Ibid., 150.
22 Ibid., 144.
23 Ibid., 135.

11.2 Christianity and Families

To this point I have described families as networks of chosen commitment and initially unchosen obligation extending from nodes of intimate connection outward through time and across space. A brief glimpse at the Western history of Christian families, again in a mostly inductive mode, provides more texture. It has been fewer than six centuries since the Roman Catholic church canonically declared marriage to be a sacrament. The modern married, heterosexual, nuclear family may be prevalent and even orthodox in the contemporary Western Christian world, but it is not a timeless standard. Christians have practiced, and the church has endorsed or at least accommodated, a fantastic variety of family formations.[24] These precedents imply that if transcendence is to be found in families, it will not be found in their form. History queered Christian families long before the LGBTQ community did so. What can we glean from historical Christian family forms, inductively?

The Holy Family is our first clue. Frequently cited in support of the stable, monogamous, heterosexual, nuclear family, its biblical biography nevertheless features conception of out of wedlock, step-parenthood, poverty, marginalization, oppression, migration, exile, reliance on fictive and extended kin networks, arrest, torture, and criminal death by execution. A quick sampling from two formative periods, the ancient and the medieval, expands the point.

Marriage is often a proxy for family in the available records of early Christianity. According to Philip Reynolds, among others, ancient Christians moved in worlds of diverse family formations including celibacy, slavery, concubinage, marriage, and complex patronage relationships. Although they rejected some kinds of family relationships, like pederasty, and forbade adultery, they did not establish new kinds of families but Christianized the ones they found. For example, even Christian marriage typically could be entered only by free persons of the same social class; while clearly serving emotional and reproductive purposes, it had political and economic functions and was a pathway to inheritance. People of different classes – like Augustine and his unnamed concubine – could form stable families and households but not marry or inherit. It was acceptable for even Christians to separate from their concubines and children to marry social peers; or, if their original partners were their own bondsmen or bondswomen, they could free them and then marry them officially (apparent lack of castigation for "premarital union" implies that they simply moved from one accepted family form to

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24 Accommodation was not always endorsement. Colonial governments often left family structures in place and treated them as evidence of the other cultures' inferiority. See: Kenneth M. Cuno, "Family Ideals, Colonialism and Law," *Journal of Women's History* 22 (2010): 282–92, https://muse.jhu.edu/article/405427.

another). Christian support for these practices was not unanimous, but bishops debated and often upheld them.[25] Family could also be a reason for singleness: both men and women could inherit fortunes, which singleness could preserve to the benefit of relatives.[26] The precarious status of slave families is perhaps most telling. There was likely no formal process of peer family formation.[27] Slaves held no property, their offspring belonged to the mother's master, and they were enmeshed in complex patronage networks tied to their masters' households. To the degree that partnered slave families existed, they carried almost no cultural or legal status. Together, these examples illustrate the complex variety of family forms – as well as barriers and injustices to family – that early Christians appear to have christened if not always promoted enthusiastically.

The medieval period contains similar variety. David Herlihy has already noted the difficulty of describing medieval "family" in an era that had no consistent language for it.[28] Again, marriage is a proxy. Ruth Mazo Karras argues that Western Christians privileged marriage (for instance, as Hanawalt shows, even British peasants tended to live in married, monogamous, heterosexual nuclear families, assisted by godparents at times[29]), but they still practiced diverse sorts of pair bonding and family formation.[30] As in the ancient church, a mutual pledge between a man and a woman of appropriate status was all that was needed to seal a marriage canonically.[31] In the Middle Ages, even the church did not hold marriages always to be permanent, as when one member of a couple was kidnapped and later returned to find their partner remarried.[32] In these and like

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25 See Reynolds' "Introduction" and 158–69 and David G. Hunter, "Introduction," in *Marriage in the Early Church*, Sources of Early Christian Thought (Minneapolis: Augsburg Fortress Press, 1992), 6–12.

26 For example, see Katherine Bain, "Socioeconomic Status in Early Christianity and Thecla's Rejection of Marriage," *Journal of Feminist Studies in Religion* 27 (2011): 51–69, https://muse.jhu.edu/article/455413.

27 Reynolds, 169–70.

28 David Herlihy, *Medieval Households* (Studies in Cultural History) (Cambridge, Mass., Cambridge, MA: Harvard University Press, 1985), 2. See also Robert C. Ellickson, *The Household: Informal Order around the Hearth* (Princeton: Princeton University Press, 2008).

29 Hanawalt, *The Ties that Bound*, 67.

30 Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 5.

31 Hanawalt, *The Ties that Bound,* 97; Reynolds, "Introduction," xix.

32 See Kristina Sessa, "Ursa's Return: Captivity, Remarriage, and the Domestic Authority of Roman Bishops in Fifth-Century Italy," *Journal of Early Christian Studies* 19 (2011): 401–32, doi:10.1353/earl.2011.0035. Medieval Jews debated similar questions: David Shyovitz, "The Holy Family? The Theology of Family Life in Medieval Judaism and Christianity" (2020 Winter Shapiro Lecture at the Catholic Theological Union, Chicago, IL, February 24, 2020).

cases, immediate social, civil, and economic functions of family could dissolve a marital union.

Yet not all families were married. Skeptical that "irregular" unions were as common or as acceptable as Karras claims,[33] Elisabeth Van Houts nevertheless chronicles such family forms. In Italy, *amasia* – women without dowries who could not afford to marry – formed socially recognized families with men on whom neither they nor their children had any legal claims.[34] The monk Richard of Malmesbury defended King Henry I's polygyny. Henry's many geographically dispersed partners inspired the loyalty of their neighbors and produced 25 refined, educated offspring who were married off in alliances or sent to serve the church. Although elite polygyny declined under the joint pressure of clergy and elite women,[35] still the example demonstrates that a variety of family forms persisted and were accepted in the 12th-century Western church even as theologians were on the cusp of declaring sacramental marriage the sole measure of orthodox family.

Against this backdrop, the many contemporary "non-conforming" forms of family and their challenges hardly seem novel. For example, poverty molds family shape: Terry Boggis laments the prohibitive financial cost of becoming parents for low-income same-sex couples, and Kathryn Edin and Maria Kefalas explain why poor women intentionally form and raise families on their own.[36] So does cultural history: ethicist Agbonkhianmeghe Orobator's opposition to polygamy on gender justice grounds nonetheless acknowledges recent Christian arguments in its favor.[37] Theologian Susannah Cornwall meanwhile muses that if "communality, consent, honesty and a lack of jealousy" as well as "love, comfort, honour, protection, faithfulness" are essential to committed relationship, perhaps ethical polyamory is as good or better a foundation for family than marriage.[38] Immigrant families absorb non-kin and dis-

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33 Elisabeth M. C. Van Houts, *Married Life in the Middle Ages, 900-1300* (Oxford Studies in Medieval European History) (Oxford: University Press, 2019), 16.

34 Ibid., *Married Life,* 223–4.

35 Ibid., 207–8. Jack Goody argues that the church began to discourage polygyny in part to encourage wealthy families to consolidate wealth and power to the church's advantage. See Jack Goody, *The European Family: An Historico-Anthropological Essay* (Making of Europe) (Malden, MA: Wiley-Blackwell, 2000); and Jacques Le Goff, *The Birth of Europe* (The Making of Europe) (Malden, MA: Wiley-Blackwell, 2000), 10, 14.

36 Terry Boggis, "Affording Our Families: Class Issues in Family Formation," in *Queer Families, Queer Politics: Challenging Culture and the State*, eds. Mary Bernstein and Renate Reimann (New York: Columbia University Press, 2001). Edin and Kefalas, *Promises I Can Keep.*

37 Agbonkhianmeghe Orobator, "Eating from Many Dishes: Polygamy Reconsidered," *Families, Concilium* 2 (2016): 27–35.

38 Cornwall, *Un/Familiar Theology*, 63, 66. Yenor also defines family by virtues but limits it to heterosexual, preferably prolific, marriage; Yenor, *Family Politics*, 253–73.

tant kin.[39] Particularly when rejected by their families of origin, LGBTQ folk assemble family in person (and discover "home" online) around orientation and gender identity.[40] Opioid addicts form families of mutual care, monitoring each other for overdoses and administering antidotes.[41]

Like early and medieval Christianity, contemporary cultures queer family by decentering the (ostensibly) standard married, nuclear, heterosexual family without discarding it.[42] To be sure, not all of the examples above contain the marks of holistic, near-permanent commitment entailed by Christian marriage. Still, like marriage, they both promote redemptive goods in keeping with our created, finite, spiritual, bodily nature and fulfill practical social, economic, and developmental needs.[43] In both historical and contemporary examples, "family" seems as much a verb as a noun: to "family" or "do family" is to draw together in a committed, intimate community of mutual care and common identity that typically also has legal, religious, and economic implications that vary by time and place. This approach acknowledges family variety as natural rather than reducing that variety to a consequence of either sin or purely functional economic and legal pressures.[44] It also emphasizes agency: *familying* is an ongoing, intentional practice. In short, we must not mistake the institution of Christian marriage, in its inherited form, for the intimate and yet political act of doing family that it has traditionally promoted.

39 Katie L. Acosta, "Queering Family Scholarship: Theorizing from the Borderlands," *Journal of Family Theory & Review* 10 (2018): 406–18, doi:10.1111/jftr.12263.

40 See: Boggis, "Affording Our Families"; Acosta, "Queering Family," 410; Zakiya Luna, "Black Celebrities, Reproductive Justice and Queering Family: An Exploration," *Reproductive Biomedicine & Society Online* 7 (November 1, 2018): 91–100, doi:10.1016/j.rbms.2018.12.002.; Jules Wight, "Queer Sweet Home: Disorientation, Tyranny, and Silence in Digital Space," 14 (2014): 128–37, doi:10.1177/1532708613512269.

41 Elaine Chen, "Should Chicago Open Safe Sites for Drug Users? There's Already a Makeshift Network – and It's Saving Lives," *Chicago Tribune*, February 25, 2020, https://www.chicagotribune.com/news/breaking/ct-heroin-safe-injection-site-20200206-fhcny545vzapxgblfqocobijzi-story.html.

42 Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York: Penguin Books, 2006); *The Way We Never Were: American Families and the Nostalgia Trap* (New York: BasicBooks, 1992). For more on "doing" family, see Acosta, "Queering Family Scholarship," 410. For more on queer theory's contributions to family studies, see Ramona Faith Oswald et al., "Queering the Family," in *Handbook of Feminist Family Studies* (Thousand Oaks, CA: SAGE Publications, 2009), 43–55.

43 See Cornwall, *Un/Familiar Theologies*, 158ff; Cahill, *Family*, 130–38.

44 The recent Catholic exhortation *Amoris Laetitia* struggles with the idea that "irregular" families are "lesser." See: Pope Francis, "Amoris Laetitia: Post-Synodal Apostolic Exhortation on Love in the Family," March 19, 2016, http://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html (accessed February 23, 2021).

If this is true – if *familying* as a universal vocation is a virtuous practice – then people across the spectra of sacred and secular can unexpectedly unite around the idea of family as a school and platform for broader networks of justice. Indeed, theologians as diverse as Julie Hanlon Rubio, Scott Yenor, and Susannah Cornwall lean on John Paul II's vision[45]:

> Christian families…will respond generously to the children of other families, giving them support and love not as outsiders but as members of the one family of God's children. Christian parents will thus be able to spread their love beyond the bonds of flesh and blood, nourishing the links that are rooted in the spirit and that develop through concrete service to the children of other families.[46]

In this way *familying* reproduces itself in time while extending its benefits outward along its networks.

Ivone Gebara locates the transcendent in all relationships that call us out of ourselves.[47] If so, the embodied, concrete practice of *familying* implicit in Christian history and explicit in contemporary culture is a window on the transcendent. As Cornwall and Yenor have argued, and others imply, "doing family" involves virtuous commitment to the members' holistic goods and the common good, calibrated to our ability and resources and expressed as our location and their circumstances demand.[48] It subjects us to forces beyond ourselves, involving us vulnerably in relationships that wound, heal, and otherwise change us. And it connects us to broader networks of interdependence in the world.

Although the love that founds and sustains families is often described as complete dissolution of the originally independent self and subordination to another or others, the above description of family is neither so individualistic nor so self-destructive.[49] The absolutely isolated,

45 Julie Hanlon Rubio, *Family Ethics: Practices for Christians* (Moral Traditions Series) (Washington, DC: Georgetown University Press, 2010); Cornwall, *Un/familiar Theology*, 93. Yenor argues more indirectly that government can be truly limited and liberal only if society is composed of stable, sustainably committed, married nuclear families: Yenor, *Family Politics*, 254–5.

46 Pope John Paul II, "Familiaris Consortio," November 22, 1981, http://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html (accessed February 23, 2021).

47 Gebara, "The Face of Transcendence," 178–80.

48 Cornwall, *Un/Familiar Theology,* 179; and Yenor, *Family Politics,* 253–75.

49 To the degree that love entails a loss of self, "destroys objectivity," "annuls and transcends reflection," and "derives [the] opposite of all foreign character," Hegel's vision of love is problematic for family. To the degree that it acknowledges distinction, sensing life in the other, united to them and transformed by that union, he may be helpful. I do not adjudicate that debate here. See: Georg Wilhelm Friedrich Hegel, "Love," *Archive*, trans. T. M. Knox, (1797/1798), https://www.marxists.org/reference/archive/hegel/works/love/index.htm (accessed February 23, 2021).

autonomous, self-disposing person is a chimera. In the United States, the media label the person who dies alone "somebody's child," "somebody's mother," or "somebody's father," reminding us that they are part of a family from whom they were separated. This is our first, and primary, way of declaring their humanity. As the book of Genesis teaches, the basic fact of theological anthropology is that we are not primarily and primordially individuals. We are always already inescapably bound up with others, whether we accept this fact or not, and summoned to further committed connection.

While familial identity and obligation are not entirely voluntary, the pledge that ideally follows is. It is an unflinching yet imperfect dedication to a shared good beyond oneself that includes oneself, a transcendent good that than can be had only through intimate commitment and care to others individually and in community. It is a sustained yet flexible commitment of solidarity, hope, love, and fidelity to a thing that is at every stage incompletely known or knowable.[50] And it draws upon power that we do not generate ourselves. For Butler, this is the necessary and hoped-for support of possibly distant others. Our unchosen obligation to others is too massive to be thought without its obverse: others' equally given, inexorable obligation to us, because of our unchosen, unmerited dependence upon them. For Christians, this power is God's grace, working at times through those same others, as "something [we] somehow haven't to deserve."[51]

11.3 Family and Sacrament

I have argued that, historically and currently, *familying* is the practice of vulnerably committing to intimate chosen and unchosen others, a practice through which we co-create, experience transcendent goods, and also connect outward, backward, and forward to larger networks and to further transcendent goods. Western *familying* often or even usually involves the Catholic sacrament, Protestant sacramental, or secular institution of marriage but is not reducible to these. How might this inductive vision of *familying* – grounded in concrete commitment to both chosen and unchosen others – reinvigorate other concepts in theology? Of many possible implications, I explore only sacrament here.

As this essay has approached family inductively, Andrés Torres Queiruga approaches sacrament: There is "a basic *continuum* of meaning

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50 See: Yenor, *Family Politics*, 253–75. For Yenor, the common good transcends the additive individual good of the members. Yenor assumes that heterosexual marriage with distinct gender roles is a prerequisite for this sort of sustained commitment to family and common good.

51 Frost, "Death of a Hired Man." See also Sandra Sullivan-Dunbar, *Human Dependency and Christian Ethics* (Cambridge: Cambridge University Press, 2017).

between the secular and religious spheres" that the church can configure in any number of ways in recognition of the "limit-situations" of life where it wants to make God's constant love especially, palpably present sacramentally.[52] Avery Cardinal Dulles wrote that a sacrament "take[s] place in a mutual interaction that permits the people together to achieve a spiritual breakthrough that they could not achieve in isolation… [It is] a socially constituted or communal symbol of the presence of grace coming to fulfillment."[53] Human familial love and solidarity toward chosen and unchosen others – which is often enabled from beyond us, despite us – opens us to transcendent realities inaccessible to us in isolation. As both sign and instantiation of divine love and mercy, such committed relationships are sacramental.

If sacrament begins with concrete human life, sacrament can acknowledge and consecrate ordinary life's transcendence without tying that consecration to a single form. The cracks in existing theologies of marriage are instructive. For instance, as noted above, Christian reflections on family often reduce the question of family to heterosexual marriage – for Catholics, a human institution without which the divine marriage between Christ and the church cannot be figured on earth.[54] In addition, even when a couple is at a family's center, family involves many other persons, of multiple generations, in various and changing states of ability, disability, and development, all of whom also must make mutual commitments. A sacrament that focuses grace primarily on married, heterosexual couples seems parsimonious at best.[55] Especially in light of historical precedent and present conditions, we should not read Genesis 1 and 2 as exclusively establishing the heterosexual nuclear family and the sacrament of marriage *ex nihilo*. We should instead read the passage instead as naming, affirming, and treasuring existing families as it encountered them, as blessing and acknowledging the wondrous "more" that we glimpse in these connections or mourn in their absence. Genesis is a precedent for recognizing the transcendent in many family forms and for all participants; the family failures it records are also

52 Andrés Torres Queiruga, "The Sacraments: Real Event vs. Empty Symbolism or Occult Magic," *Sacramentalizing Human History: In Honour of Edward Schillebeeckx (1914 - 2009)*, *Concilium* 1 (2012): 33, 41, 39.

53 Avery Cardinal Dulles, *Models of the Church* (Garden City: Doubleday, 1974), 62.

54 The analogy fails, because husband:wife::Christ:church contradicts egalitarian marriage. Were Christ and the church – a communion of believers sustained by the Spirit – seen as equal, the analogy would work, but this reading is not currently orthodox. See: Susan A. Ross, *Extravagant Affections: A Feminist Sacramental Theology* (New York: Continuum, 1998), 110–15.

55 Cristina L. H. Traina, "Pope Francis' Theology of Family and Marriage Shows His Support for Civil Unions," *New Ways Ministry*, November 5, 2020, https://www.newwaysministry.org/2020/11/05/pope-francis-theology-of-family-and-marriage-shows-his-support-for-civil-unions/ (accessed February 23, 2021).

reminders to create the social and political prerequisites needed for all to engage in *familying* robustly and for all to manage violations of connection humanely.

Sacramental acts and theologies rooted in recognition of ordinary relationships as sites of transcendence seem truer to the Christian historical pattern than current restriction of sacrament within the relatively rigid boundaries of canon law. To put this another way, some boundaries originally intended to promote sacramental blessing now restrict it. Along with Torres Queiruga, other theologians have urged reestablishment of sacramental theology in human relationships. Susan Ross argues for a community culture of sacramentality that celebrates transcendence in relationships of hospitality modeled on family connections.[56] In addition, she insists that sacramental grace extends more broadly, and to more ritual moments, than the church tends to acknowledge. For instance, she invites us to see baptism as a long, graced, relational process involving a family and a community, not as a single moment involving only the person baptized, and to interpret Mexican American *quinceañera* celebrations as additional familial points of contact with the sacred, not just social occasions[57]; the Mexican tradition of blessing children at 40 days and three years also recalls the continuity of grace mediated in community throughout life. Similarly, Siobhán Garrigan argues that liturgy is God present in human communicative interaction around the ordinary things of the earth – water, grain, wine – through which we are formed in dynamic, redemptive, ever-changing mediation between ourselves and others with whom we celebrate.[58]

Finally, if family truly is a concrete worldwide network that also extends backward and forward in time, in simultaneous woundedness and strength, it is the perfect image and realization of the eternal, global Body of Christ. In keeping with Dulles's vision of church as a sacrament expressed through bonds of human union,[59] Blase Cardinal Cupich of Chicago locates not just the experience of transcendence, but the church itself, initially and primarily in human relationship. Quoting Lucio Gera, he insists that

> The Church takes place as intercommunion between human beings – not only as relationship of humans with God but as interrelationship of human beings among themselves. The relationship with the

56 Many women who do pastoral work in parishes see them as extended family communities, seeking to treat all parish members as family members: Ross, *Extravagant Affections*, 216.

57 Ibid., 211–12.

58 Siobhán Garrigan, *Beyond Ritual: Sacramental Theology after Habermas* (Aldershot: Ashgate, 2004), 195–208.

59 Dulles, *Models of the Church*, 66–7.

other is not simply something added to a Church already constituted by a relationship with God. The relationship with the other is also constitutive of the Church, that is, it is set within the very essence of being Church.[60]

Cupich linked this insight to the social justice call for the institutional church to "build a more human world." From the perspective of this conversation, however, we might also say that family relationships refract past, future, and present concrete human networks that also embody universal community in the Spirit, regardless of an institution's intervention. Torres Queiruga's continuum, Gebara's transcendence-in-relationship, Ross's familial hospitality, and Garrigan's God in and as relationship find expression here.

Where we are at our most embodied, our most vulnerable, and even our most precarious, we are at our most human. And where we are most self-consciously connected to each other by intimate, imperfect relationships of inexorable mutual dependency that carry us beyond ourselves, we are most family. These varied strands of committed yet unchosen obligation and unmerited care, extending in webs across space and through time, realizing goods unimaginable to us in isolation, both realize family and reveal transcendence – and thus demand protection and blessing.

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60 Lucio Gera, *Escritos teológico-pastorales de Lucio Gera* (Buenos Aires, Argentina: Agape Libros, 2006), 358, as cited in: Luciani Rafael, *Pope Francis and the Theology of the People* (New York: Orbis Books, 2017), 4, as cited in: Blase Cardinal Cupich, "Our Call to Holiness: Life and Justice for All - Keynote for USCCB Catholic Social Ministry Gathering" (United States Conference of Catholic Bishops Social Gathering, Washington, DC, January 25, 2020), https://www.usccb.org/about/justice-peace-and-human-development/catholic-social-ministry-gathering/upload/csmg-2020-cupich-keynote.pdf (accessed February 23, 2021).

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12 The Family as Mystery

Why Taking into Account Transcendence Is Needed in Current Family Debates

Petruschka Schaafsma

Mentioning family, transcendence and moral compass in one sentence will set off alarm bells for many people. A chapter on family in a volume on the transcendent good as imagined in a 'moral compass' may easily suggest a kind of conservative agenda aiming for a clear-cut standard for a good family. This is the opposite of what I aim for in my ethical research on family. Therefore, when I first contacted Cristina L.H. Traina to invite her to contribute on the topic of family responsibility to an expert meeting of the Moral Compass Project, I immediately added a disclaimer. I introduced the focus of the project as how one can meaningfully think about a 'moral compass' and then hastened to say:

> This may sound pretentious or naïve, but what we intend is theological ethical reflection on the search for a good that transcends our personal preferences in a situation of moral pluralism. … We ask these questions in the secularist Dutch climate, in which relativist tendencies dominate as regards issues of morality and pluralism and are opposed to religious views. Obviously, the project relates to the classical ethical notions of divine law or natural law.

I could easily have added a lot more problematic aspects than pretentiousness or naivety, which Traina spells out concisely in her introduction. It is the "ideologically and politically fraught" character of the term 'family' that makes it "hopelessly poisoned."[1] The term is too often used in an exclusionary way, which does not do justice to the enormous variety of family forms. At the same time, governments impose the heavy burdens of care on any family connection alike but without guaranteeing the room to make it work. How to be a family as a single mother combining small jobs to make a living? These tensions and paradoxes characterize current ways of dealing with family.

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1 Cristina L. H. Traina, "Family/ies and Transcendence," in *The Transcendent Character of the Good: Philosophical and Theological Perspectives,* ed. Petruschka Schaafsma (London/New York: Routledge, 2022), 194.

Nevertheless, Traina found a reason to take up the challenge and investigate the pair family and transcendence for its potential to get beyond the obvious conservative interpretations. To escape the poisoned character she starts from human precarity as constituting a first moment of transcendence. Humans experience a call in each other's precarity, a "call out of oneself" to care for and love the other.[2] This is a "moment of transcendence," according to Traina. In this article, I will start from this proposal of regarding the general human characteristic of precarity as a transcendent moment in the family. I will focus on how this proposal may be related to the general framework of the Moral Compass Project underlying this volume. This project introduces the transcendent character of the good as important for discussing morality in the current pluralist and relativist context. I will argue, in particular, that precarity may be a good starting point to avoid the above difficulties of the conservative aura but contributes little to articulating the specific character of the family. Instead, I will argue that more attention to this specificity of the family sheds a different light on the transcendent nature of the good. Paradoxically, this difference has to do with an emphasis on the obscure, unnameable character of the family's meaning and the moral call related to it. But let us start with further elaborating what Traina means with precarity as a transcendent moment.

12.1 The Call from Precarity: A Negative Access to Human Connectedness

Traina's first elaboration of the combination of family and transcendence starts from the notion of 'precarity,' which she relates, among others, to the thinking of Judith Butler. I recognize this association of family relations with Butler's thinking.[3] Traina does not explain it in detail, but I think it is in particular Butler's eye for the non-chosen but inescapable givenness of our human connectedness that nourishes this association. I would like to point out, however, that it is far from obvious that Butler comes to mind when thinking about the family. Therefore, this association needs further reflection, in particular when Butler's insights are invoked to underpin precarity as a transcendent moral moment that comes to light in the family.

For Traina, family is "the node, the point, at which we become aware that we are always already connected to all people through a network of intimate bonds."[4] This fundamental human connectedness is a major theme in Butler's work. But for Butler, awareness of this connection is

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2 Traina, "Family/ies and Transcendence," 197, 202.
3 See in particular Chapter 2 of my monograph *Family and Christian Ethics* (Cambridge: Cambridge University Press, 2023).
4 Traina, "Family/ies and Transcendence," 196.

raised by quite different 'nodes' than the family. These nodes are all negative, ranging from fear, loss and genocide to questions of which lives are publicly grieved and which not, and of whether we are inclined and able to respond ethically to distant suffering, also of people alien or hostile to us. Butler aims to bring to light the difficulty of the social nature of life. Human beings depend upon each other and upon living processes in a broad sense, but this interdependency is "not always a happy or felicitous experience" or a "promising notion."[5] On the other hand, Butler admits that her aim with pointing out these negative experiences is constructive: "it is true that I am trying to struggle toward an affirmation of interdependency." But the negative character comes first. It is only by becoming strongly aware of the difficulty of 'managing' our dependence that we can try to arrive at a more egalitarian way of living it. In order to fathom these difficulties more deeply, reflection on the aspect of the unchosen character of the interconnectedness is crucial for Butler.[6] It is this aspect in particular, I think, that for Traina as well as for me calls to mind the phenomenon of the family. Family seems the example par excellence of such an unchosen interdependency. But family is a theme that is remarkably absent in Butler's reflections on precarity and the ethics of an unchosen becoming "somehow implicated in lives that are clearly not the same as my own."[7]

This absence is not by coincidence. Butler's book on *Antigone* is illuminating as regards her reasons for not dealing with the topic of the family.[8] Sophocles' play *Antigone* is a classic for its reflection on the meaning of the family as a distinct sphere of life. Such reflections mostly

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5 Judith Butler, "Precarious Life, Vulnerability, and the Ethics of Cohabitation," *The Journal of Speculative Philosophy* 26 (2012): 141, 149.

6 E.g., Butler, "Precarious Life," 150.

7 Butler, "Precarious Life," 149.

8 Judith Butler, *Antigone's Claim. Kinship between Life and Death* (New York: Columbia University Press, 2000). Personally, Butler also has plenty of reason to emphasize the exclusionary power of dominant family images or concepts. Butler's work has provoked aggressive public responses and death threatening protests from people who, among other things, present themselves as 'defenders of the family' and regard her work as a threat to it. This happened, for example, when she received a doctorate honoris causa in Bordeaux (2011), and the Theodor Adorno Price (2012) but also in Brazil where she was co-organizer of a conference (Scott Jaschik, "Judith Butler on Being Attacked in Brazil," *Inside Higher Ed*, November 13, 2017, accessed September 30, 2021, https://www.insidehighered.com/news/2017/11/13/judith-butler-discusses-being-burned-effigy-and-protested-brazil; Oliver Basciano, "Death Threats and Denunciations: The Artists Who Fear Bolsonaro's Brazil," *The Guardian*, November 7, 2018, https://www.theguardian.com/artanddesign/2018/nov/07/brazil-artists-death-threats-censorship-intimidation-jair-bolsonaro). See also Butler's article "Is Kinship Always Already heterosexual?" (*Differences: A Journal of Feminist Cultural Studies* 13 (2002): 14–44) in which she discusses French protests, in particular that of Sylviane Agasinksi (29–31), against gay parenting and the legitimization of gay marriage in 1999–2000.

build on what is perceived as a Hegelian distinction between the private realm of the family and the public one of the state, embodied in the protagonists Antigone and Creon respectively. Butler opposes this interpretation. In her view, interpreting the figure of Antigone as exemplification of what it means to be family does not account for the destabilizing character of Antigone: she is a hero who precisely breaks through given orders of kinship, gender and the human. What is more, such an interpretation suggests that family or kinship is a natural, pre-political sphere, unaffected by the contingencies of time and place. This suggestion is of course also very popular outside the realm of academic interpretations of *Antigone*. But according to Butler, this suggestion is deeply problematic because it professes existing social conventions to be eternal and therefore definitive of what is truly human. When family or kinship is thus understood as a distinct, natural category, it leads to exclusion of those who do not fit into dominant, in particular heteronormative, forms of family life to the level of the nonhuman.[9] This is clearly illustrated in the Antigone interpretations in which she is, in the end, referred to the level of being "entombed" as the "essential and negative feature of the norm" which is itself in fact "rearticulated."[10] Instead, Butler proposes a "radical kinship" perspective. This aims to "extend legitimacy to a variety of kinship forms" and "refuse[s] the reduction of kinship to family."[11] Kinship is eventually called a "socially alterable set of arrangements that … organize the reproduction of material life, … ritualization of birth and death, … bonds of intimate alliance, and … sexuality."[12] It changes constantly. Therefore, speaking about family in terms of a distinct category is inadequate for Butler. This explains the absence of the topic in spite of Butler's great sensitivity for the non-chosen character of human connectedness.

But, precisely Butler's critique of the dominance and consequent exclusionary character of certain views of what counts as a family is another aspect that may explain why Traina turns to Butler. In ways similar to Butler, Traina sketches the "fantastic variety of family formations" through the ages and states that transcendence is thus "not [to] be found in their form" but in the actual practices of "doing family."[13] Butler's critique of the notion of family as a distinct sphere because of its exclusionary, status quo affirming nature is thus clearly something Traina recognizes. Therefore, Traina moves the spotlight to "precarity" as the morally relevant transcendent moment in family. By trying to relate precarity to the family, however, she also goes beyond Butler as

9 Butler, *Antigone's Claim*, 79.
10 Butler, *Antigone's Claim*, 76.
11 Butler, *Antigone's Claim*, 74.
12 Butler, *Antigone's Claim*, 72.
13 Traina, "Family/ies and Transcendence," 198, 202.

I clarified above. For Traina, recognizing our precarity as humans is a transcendent moment. It reveals our non-chosen connectedness. This moment may be found in the "embodied, concrete practice of *familying*" which she summarizes as involving "virtuous commitment to the members' holistic goods and the common good calibrated to our ability and resources." This commitment is the conscious, voluntary care that ideally follows the call from precarity. It is voluntary but also "draws upon power that we do not generate ourselves."[14] In comparison to terms like "virtuous commitment" or even "the good," Butler's vocabulary of precarity is quite different, more negative. She seems to want to avoid any suggestion of a kind of givenness of this commitment or good, and emphasizes its contingent, politically contested character. For Butler, precarity means we are always already "given over to the other." The alterity of the other means the self is "put at risk." Relationality is not about one subject that decides to relate to another. It is a decentering reality, one of "dispossession."[15] Here lies the "ethical content" of our relatedness.[16] Butler refers to Hannah Arendt to point out that this unchosen character of our relatedness is the condition of our freedom. In this context, she calls this connectedness "cohabitation" with "those who are given to us." We cannot do away with it without "destroying plurality."[17]

Traina needs Butler's argument from precarity to address the topic of family and transcendence in our time. Her elaboration of the pair family and transcendence clearly implies a certain view of the difficulties of our current moral predicament and how to deal with them. It supposes a great diversity in moral opinions and thus in ways of living, like being a family. It suggests that people do not easily respect this plurality but sympathize with the people they identify as their own. To deal with the dangers that follow from this parochialism a fundamental equality based on a shared precarity is proclaimed. By identifying the unchosen obligation to others that follows from precarity as the heart of the family Traina aims to reveal transcendence in the family without falling into the common trap of exclusionary family views. Our obligation to care for the intimate loved ones is just as unchosen as that to care for others outside our circles of relatives, others who live with the same

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14 Traina, "Family/ies and Transcendence," 202–3.

15 The notion 'dispossession' has various meanings in Butler, but here refers to the "injurious yet enabling fundamental dependency and relationality." (Judith Butler and Athena Athanasiou, *Dispossession. The Performative in the Political: Conversations with Athena Athanasiou* (Cambridge: Polity Press, 2013), 2; see for a further explanation of this term in particular chapter 1 and 2 of this book).

16 Judith Butler, "Longing for Recognition," in *Hegel's Philosophy and Feminist Thought Beyond Antigone?* eds. Kimberly Hutchings and Tuija Pulkkinen (New York: Palgrave Macmillan, 2010), 126.

17 Judith Butler, "Precarious Life," 143.

obligation in completely diverse ways. This openness to a plurality of life-forms is further substantiated by pointing to the plurality of family forms throughout history: again, there is no standard family form. Family is not so much a noun, a distinct category with a clear meaning, but a verb, "familying."

The difference, however, between the ways precarity comes into view – only negatively in Butler, while also positively in Traina – reveals another aspect of current morality that is in my view crucial to address but remained untouched so far. The difference between Traina and Butler reveals that the acknowledgement as such of the experience of being "called out of ourselves" is not so obvious in our time. It cannot so easily be raised by pointing at our shared precarity, I think. At least, in the case of Butler pointing out this precarity does not raise sensitivity for the actual call that comes from those related to us by family ties. Traina briefly touches on this when she states that doing family shows the "chasm between me and the other is not as broad as it appears to her [i.e., Butler]." Later, Traina specifies this and states that "familying" is something positive, the "virtuous commitment" to the good and as such a "school and platform for broader networks of justice."[18] Thus, Traina specifies the meaning of the family as more than dealing with the call from precarity. I am not sure that this approach to the family via precarity will convince those who, like Butler, have difficulties with the family, who experience the category of family as such as irritating, abusive or putting norms on us, in brief, as a contingent, political structure open to malformation. Nor do I think it is the way to liberate the speaking about the family from its "hopelessly poisoned" character. For the issue that remains unreflected in this approach is what is specific of the *familial* form of connectedness. It is stated to be a "virtuous commitment to the good" but this is not further clarified. Familial commitment is not distinguished, for example, from commitment in other relationships. And I think that pondering this issue longer may very well contribute to finding more common ground in times of pluralism, than Butler and Traina think possible. I will elaborate this alternative view by means of two conceptual approaches to the issue: the family as symbol and as mystery.

12.2 Approaching the Family as Symbol

The French philosopher Jean-Philippe Pierron analyzes changes in meanings of the family in late modernity. By this term he characterizes his own French, secularized 21st-century climate but it may just as well be

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18 Traina, "Family/ies and Transcendence," 197, 202.

related to other European and North-American settings.[19] Like Traina, he points out that in this climate the theme of the family is "doubly suspect."[20] First of all, because of the moralism of the widespread idealized way of speaking of the family which hides the abuse that is specific to this setting. Second, because of the many ways in which family has been instrumentalized for political ends, of conservatism and confirmation of the status quo. Such discourses imply a certain "model family." At the same time, family sociologists point out there is not a standard, or normal family any more. And these descriptive conclusions often feed into a relativistic statement that normativity no longer exists. Then, a meaningful speaking of the family evaporates. As a result, family is a fraught topic that is difficult to discuss. But unlike Traina, Pierron goes deeper into the question of how family is nevertheless lived and represented in such a climate. Family is primarily approached as a project, an "adventure" in service of the formation of each highly individual life. It is for this project character that Pierron reserves the expression to which Traina also refers: that of family as a verb, doing family, *faire famille* in a "domestic democracy with negotiated roles."[21] In Pierron's view, however, this approach to family via the multitude of ways of "doing family" fails to account for what it means to be a family just as much as the quasi-biological speaking in terms of a 'natural family.' The latter presupposes that the meaning follows the form, while the former makes the meaning subordinate to individual well-being. Therefore, Pierron explores the possibilities of approaching the theme of the family in a way that avoids the largely valid reasons for suspicion, that is, the idealization and the instrumentalization for a political project, but also the relativist standpoint in which the family is no longer a meaningful category. Besides, he admits that the ethical and political struggle for acknowledgement of the forms of family that are "invisibilized, humiliated or despised" is necessary.[22] But this struggle does not "exhaust everything that the family mobilizes."

In order to come to grips with "what the family mobilizes" Pierron needs a different approach for which he uses terms like 'symbol', 'metaphor' and 'image.' Family should be approached as an image, a symbolic reality. Contrary to the quasi-biological terminology an image does not

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19 In this chapter I will refer to two articles by Pierron in which the main aspects of his approach can be found: "Repenser la Famille?," *Études* 4125 (May 2010): 627–37; "Famille et Sécularisation. Penser la Famille en Postchrétienté," *Théophilyon* 21/1 (2016): 145–65. For further background see his three books on the family: *On ne choisit pas ses parents. Comment penser la filiation et l'adoption?* (Paris: Éditions du Seuil, 2003); *Le climat familial. Une poétique de la famille* (Paris: Éditions Cerf 2009); *Où va la famille?* (Paris: Éditions Les Liens qui Libèrent, 2014).

20 Pierron, "Repenser la Famille?," 628.

21 Pierron, "Repenser la Famille?," 630–31.

22 Pierron, "Famille et Sécularisation," 148.

suggest that there is a concrete reality of genes that defines the specific character of the family. Well-known symbolic ways of speaking about the family in terms of a woven tissue, node, blood, tree or portrait do express that family members are connected in a specific way but not in the sense that this needs to be objectively, materially visible.[23] These images remind of Traina's brief reference to the family imagined as a "piece of lace or fishing net."[24] Like Pierron she finds this an apt expression of how the family stretches outward in space and time, and thus connects us to people "far away." But the difference with Pierron becomes clear in her immediate addition that this being connected in the mode of the lace is to be understood literally: "'The human family' is not metaphorical. It is literal." It is this literal connectedness that she grounds in precarity, which is, obviously, also a more factual than metaphorical characterization. According to Pierron, however, the symbolic mode is needed because of the ambiguous character of the family's meaning: it is about ties that are given, not chosen but in which one must also actively recognize oneself. Family presents itself as a structure which one cannot ignore, but which one must shape nevertheless. Traina would not deny this, but does not draw attention to it – most likely out of a concern to ensure the non-exclusionary character of this 'shaping'. Pierron, on the other hand, argues that a shaping is only possible when the underlying structure is acknowledged. This acknowledgement should be conducted by means of symbolic language.

By approaching the family as symbol, Pierron arrives at a much more specific view of what is characteristic of being connected as family. The term "recognition" is at the heart of this view.[25] This has to do with the joy of an unconditional "what a good thing, that you exist," or opposite experiences of suffering due to, for example, not being loved by one's parents.[26] The community that grants this recognition expands beyond the present generation. Pierron speaks of a genealogical recognition generated by a genealogical hospitality that invites to understand oneself as having a place in a community of love. For this genealogical tie genetic kinship is not enough. Recognition is an active process of determining oneself from out of a situation – the family – that determines each member. A further specification of this is that family is about shaping one's identity in a dialectics of making what is different one's own, and one's own different. This happens in the context of everyday life in which the prosaic is not absent and recognition is often refused. Thus, family is a

23 Pierron, "Repenser la Famille?," 632; "Famille et Sécularisation," 151, 154.

24 Traina, "Family/ies and Transcendence," 196.

25 In the 2010 (633) and 2016 (146) articles as well as in the above mentioned books Pierron refers to Paul Ricoeur's *Parcours de la Reconaissance* (Paris: Stock, 2004) as source of inspiration for his view of the importance of recognition.

26 Pierron, "Repenser la Famille?," 628.

"hermeneutic framework" to understand, invent or deepen oneself in confrontation with the "great narratives, the values and the great images which the family carries." The family carries a "dialectics of donation and debt," an invitation to take up a given life so that it does not become a debt.[27] In this way, Pierron reinterprets the project character of the family of late modernity as one of living everyday life against the background of a past and a future, origins and expectations, exemplified in the uncontrollable moment of receiving a child.

The symbolic way of expressing the meaning of the family stimulates to keep it in a dialectics. But it is difficult to let this dialectics be; the symbol is fragile.[28] It is easier to present, for example, sameness and difference as a dilemma, as poles that exclude each other.[29] Often, familial identity is reified, presented as well-defined and, as a result, exclusionary in character also against family members who do not fit, the black sheep. The image may also become an idol instrumentalized for another purpose, political or economic. Or the tension of the ambiguity is avoided by not taking familial identification seriously, for example, because it would harm individual development and fulfillment. Here, Pierron refers precisely to the well-known alternatives of the current moral predicament on which this volume reflects: dogmatism versus relativism. His alternative is to nourish the specific power of expression that characterizes it as a symbol and makes it "robust,"[30] which means the symbol is not explained in a functional sense, nor used in a dogmatic way. This power consists in being able to give expression without suggesting complete clarity or unambiguity, in naming the inextricable or obscure without doing away with it. The symbolics of the family is "dense" because it keeps together opposites like sameness and difference, voluntary and involuntary, given and made, first and last name. But precisely this dense ambiguity gives rise to a "plurality of interpretations" which counteracts reification. There is not one true reference of the symbol and therefore a "logic of superabundance."[31] Like Traina and Butler, Pierron is thus well aware of the danger of exclusion attached to emphatic use of the notion of the family. He observes the dogmatic understanding of the "model family" as an acute problem. But his alternative is not to start from the fundamental precarity but from a symbolic understanding of the family.

This symbolic, dialectic language, however, is all but obvious in late modernity. This may surprise, because this time is just as well that of an

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27 Pierron, "Repenser la Famille?," 635–6.
28 Pierron, "Famille et Sécularisation," 151.
29 Pierron, "Repenser la Famille?," 635.
30 Pierron, "Famille et Sécularisation," 158–9.
31 Pierron, "Famille et Sécularisation," 154–9. For his notion of the symbol as well as the term "logic of superabundance" Pierron also draws on Ricoeur (see, e.g., 159, note 14).

allergy to dogmatic family understandings, which may suggest a sensitivity to more ambiguous and open language. Pierron relates the lack of obviousness of symbolic language to the climate of secularization or post-Christendom. Religion is no longer a main provider of symbols. There is, however, a "spiritual dimension" in experiencing the family that demands expression: an "inextricable belonging that inhabits and haunts us."[32] Pierron relates this "inextricable" in particular to the given, involuntary nature of the family, which cannot be fully elucidated or understood. It is a dimension that can be aptly expressed in symbolic language. How does this happen, now that religion is waning as a provider of symbols? Pierron distinguishes closed conceptions of symbolization from open conceptions. Closed ones are found in a biomedical understanding of family in terms of fertility or an economic one of monetizable care and service. The open ones are found in art, ranging from films to paintings, where images do not pretend to express what family means in a definitive way but articulate its strangeness or "inextricable infinity" that expands in the past and the future, and relates origin to hope. This is where Pierron locates a transcendent moment in the family.[33]

Traina locates the transcendent moment elsewhere, in the acknowledgement of a fundamental human precarity to which families in all their various forms try to respond by a "virtuous commitment" to the good of the other. By drawing attention to this moment she seeks common ground for a moral discussion to overcome the present fraught, or even poisoned character of the family. We signalled, however, that this may not feel like common ground for those who, like Butler, are too heavily confronted with the exclusionary character of the suggested virtuousness of the family. Does Pierron's attempt to reveal the transcendent in the inextricable opaqueness of the family's belonging run less of that risk? In my view, Pierron's approach may still cause alienation, because there are two strands in it. On the one hand, he emphasizes the inextricability, opaqueness of the family's meaning. In these contexts he also uses the term 'mystery.' On the other hand, by identifying "recognizing oneself in a lineage" as the core challenge the family provokes, Pierron does give a quite specific understanding of the family's meaning. This is not a narrow meaning, as we have seen, neither one that is reified but one that remains open in a tensive dialectics between the poles of sameness and difference. In spite of this openness, I think this more specific understanding may again block the moral conversation with those who are suspicious of the exclusionary character of the category of the family. It may easily be understood as another idealization of the family,

32 Pierron, "Famille et Sécularisation," 154.
33 Pierron, "Famille et Sécularisation," 160–5.

here as the ultimate site of recognition. It may raise critical questions as to whether identification with consciously chosen people outside the family, as well as recognition by them, is not just as fundamental for being human. This may in particular be countered in our time in which we hope for the development of individuals beyond the possibly narrow confines of one's context of birth and upbringing. Moreover, the language of 'recognition' may give way to a psychological understanding of the family which is less directed at a spiritual dimension. Therefore, I would like to explore whether it is not possible to create an approach that gives more room to the first strand, that of the awareness of the inextricability and opaqueness of the family. I find an impulse for this in the thinking of Gabriel Marcel who chooses the term 'mystery' to capture this approach.[34]

12.3 Approaching the Family as Mystery

Marcel distinguishes an approach in terms of mystery from one in terms of problems.[35] Research topics that are demarcated as problems are placed at a distance in order to analyze their factual character and to arrive at objectively convincing insights also regarding their evaluation. Such an approach is clearly visible in current social scientific and ethical family research with their focus on all kinds of troublesome aspects of family life, like instability, divorce or same-sex relations. The theme of the meaning of the family in general, as a distinct sphere of morality, is not prominent in these approaches. It seems to be presupposed but not addressed as such. The alternative indicated in Marcel's mystery approach starts not with a clear, insightful demarcation like the problem approaches but by first of all "evoking" the mystery. The "soul should be awakened to its presence."[36] For Marcel, this mode of the "evocation" is necessary in particular because his time lacks a sensitivity for mystery. A basic attitude towards life is missing. This attitude has to do with an awareness of what we receive in life, with being thankful, and with answering this given by creatively shaping it ourselves. It is an attitude of respect and piety. If the family is approached with this attitude, it may be possible "to catch a glimpse of the meaning of the sacred bond which it

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34 Gabriel Marcel uses the term 'mystery' to indicate an alternative to common ways of approaching the topic of the family in reflection in two lectures dating from 1942 and 1943, given at the *Ecole des hautes études familiales* at Lyon and Toulouse (translated as "The Mystery of the Family" and "The Creative Vow as Essence of Fatherhood," in *Homo Viator. Introduction to the Metaphysic of Hope*, (South Bend: Graham 2010), 62–90, 91–117).

35 In "The Mystery of the Family," Marcel introduces the distinction between 'problem' and 'mystery' as central to his philosophy in general (62).

36 Marcel, "The Mystery of the Family," 66.

is man's lot to form with life."[37] For Marcel, the approach to the family as mystery thus implies a "sense of holiness," a feeling for the sacred. In the terms used above this may be called a transcendent moment. Evoking the mystery means presenting the theme in such a way that it appeals to readers, calls upon "inner resources" instead of as a generally understandable content.

But what is it that is evoked when the family is approached in this way? In contrast with problem approaches a mystery approach does not focus on one of the family's "innumerable aspects,"[38] which may be analyzed in an isolated way, but on the family as a unity. Over against historical interpretations that confront us with the relative character of family life in each time and place, a mystery approach seeks for a "constant element."[39] By this, Marcel means a "demand rather than a law." At the basis of the family lies an "exercise of a fundamental generosity."[40] The generosity that constitutes the unity of the family is also explained by Marcel in terms of creation. In both this generosity and creation Marcel descries an ambiguity, a moment of receiving and of giving. The family shows us that we cannot give an existence to ourselves, any more than to another. However, we can entrust ourselves to it. A child is not there for our sake nor for its own. In this way family connections point beyond themselves to life, a much larger connection. Starting a family is then understood as an "act of thanksgiving, a creative testimony."[41] Like an artist, the human being in the family is "the bearer of some flame which he must kindle and pass on." In all these expressions, it is clear that there is more to family life than biology can explain or convention can order and organize. Life is something we cannot comprehend yet which does not exist without our own irreplaceable place in it and contribution to it.[42] The family also shows that we have a past and a future. Through the bond with our relatives, we are even connected to the whole of humanity.[43] This way of understanding family clarifies further the transcendent moment of catching "a glimpse of the meaning of the sacred bond which it is man's lot to form with life." Marcel understands this pact as a reciprocal movement: human beings having confidence in life and life responding to this confidence. It is this "harmony between consciousness and the life force" that the family may incarnate.[44]

37 Marcel, "The Mystery of the Family," 82.
38 Marcel, "The Creative Vow," 92.
39 Marcel, "The Creative Vow," 93.
40 Marcel, "The Mystery of the Family," 81.
41 Marcel, "The Mystery of the Family," 82.
42 Marcel, "The Creative Vow," 113.
43 Marcel, "The Mystery of the Family," 65.
44 Marcel, "The Mystery of the Family," 81.

Marcel's interpretation of transcendence in the family in terms of its connection to life must not be misunderstood as a statement that serves as a conclusion, the end of his arguments and in so far a clarification of the mystery. It is rather a starting point, a way to indicate the attitude of approaching the family as mystery. In his Gifford Lectures he describes this approach as "meta-sociological," that is, as "going deeper than sociology does."[45] It scrutinizes the family at the level of the question "What am I?" and "How is it that I am able to ask myself what I am?" The first thing Marcel points to in relation to this fundamental question is the need to acknowledge life as a gift, which is precisely what he sees lacking in his time. The attitude underlying this acknowledgement may be summarized by the term "piety."[46] Marcel emphasizes that piety should not be understood as "devotion," or "edification" but as a "piety in knowledge." This knowledge has a "sense" of the "metaphysical principle" that should be acknowledged as the third "impulse" that shapes life, apart from "natural determinism" and "human will."[47] This principle cannot be known. Recognizing it is something which "belongs to faith alone." It means "sensing its mysterious efficacy and bowing to it humbly."

Marcel's designations of the attitude implied in a mystery approach remind of the sensitivity to the spiritual dimension of the family for which Pierron aims in approaching family in the symbolic mode. But the focus on the symbolic as distinct from a dogmatic or relativistic mode does not so much ask attention for the attitude implied in this mode. It warns against the reification of language. Marcel, on the other hand, asks attention for the attitude that is presupposed in Pierron's appreciation of ambiguity and inextricability. Marcel understands this attitude as an openness to a transcendent moment. By presenting the family as mystery he first of all aims to engage the reader in this openness and not so much to convey certain content. But is this not at the expense of content? Does not highlighting the mystery mean a wallowing in the arcane? Traina and even Pierron, it seems, provide a much more concrete insight into what characterizes the family, that is, precarity and recognition. But what we saw lacking in Traina is insight into the specific character of the family. This is problematic because, as Butler's thinking shows, the family is not experienced by everyone as a pre-eminent context of the call out of ourselves that originates in precarity. The pointing at our shared precarity and the call from it does not yet help to clarify why the idea of answering a call is as such a subject of moral debate at present, nor on how to decide on which calls should be answered. In a

45 Gabriel Marcel, *The Mystery of Being, Volume I: Reflection & Mystery* (Chicago IL: Henry Regnery Company, 1950), 197.
46 Marcel, "The Creative Vow," 94.
47 Marcel, "The Creative Vow," 93.

similar way, Pierron's attention for the moment of active recognition in a genealogical lineage does not clarify why this is so difficult in our time. This difficulty seems to lie not only in the dominant secularity that makes symbolic language less obvious, but also in the idea in itself that something is given, that makes an appeal to us and to which we should respond. For both these difficult aspects, Marcel's approach does seem enlightening: he sees our time as one in which sensitivity to mystery is lacking, an attitude of piety that is presupposed in experiences of givenness and a call from outside.

12.4 A Mystery Approach Related to Topical Moral Issues

This comparison of Marcel with Pierron and Traina brings us back to the common theme of this volume: how drawing attention to a transcendent good may nourish current moral debate. It may seem odd to suggest with Marcel that precisely a sensitivity to the transcendent may be a common ground to get beyond impasses of the current moral climate. But I think it is precisely through the theme of the family that the strength and necessity can be seen of that movement towards the transcendent implied in a mystery approach. For there are obvious links to the mystery character in everyday family life. Family is experienced as a special relationship, a tie that is largely unchosen. Even when it is chosen it feels more like a given than other relationships, with friends or neighbours. Usually, the family tie seems to be a largely unconscious phenomenon; it is rather self-evident, not something to ponder on. In crisis, under pressure, it may come to light. But when this happens, it is often hard to name its meaning, to explain to non-family members or even to oneself why we feel, for example, responsible for, or called to account by, or just more intensely interested in people in the case of family members. Moreover, acting in such a family crisis seems more difficult than in other morally complex situations. Claims arising from family relationships are not easily accounted for, and thus it is difficult to assess their accuracy. Family relations are notorious for their moral complexity. That is often a reason to shy away from morality in the familial sphere when possible, but also from the topic of the moral meaning of the family in general. This is all the more so in our time which gives prominence to the variety of family forms and the struggle for recognition of less visible or marginalized ways of being a family. To conclude, I would like to mention three examples of this being at a loss and shying away from the family and indicate how sensitivity for transcendence in the mode of mystery may contribute to a different moral approach to this aspect of human life.

   In countries in which the welfare state is waning because it is too expensive, the government is increasingly relying on families for

caregiving tasks. Such policy takes for granted that being a family implies caring for one another, although the past era of the welfare state promoted the opposite: a lot of care was outsourced to professionals. It is no exaggeration to say that in that very era the family was narrowed or eroded as a social structure and in that shaky state now suddenly has to bear a heavy burden of responsibility again. In this situation attention to transcendence can, in my opinion, mean the following. It may make people aware of the special nature of this appeal to family responsibility. Family responsibility is assumed to be widely held and self-evidently taken seriously, but not as something that was publicly agreed upon as a kind of constitution or social contract. For, so far, the development of the welfare state had agreed on precisely the opposite. That the appeal to responsibility implied in the family tie is nevertheless invoked again is remarkable. Understanding this tie as a mystery may account for its obscure, non-explicit, yet strong meaning. Highlighting this special nature of the appeal to the family tie may also create common ground for further moral conversation on how society should organize care. With all the plurality in family composition and ideas about how families should live, this appeal is apparently still something to fall back on and may as such function as common ground in a pluralistic situation. This seems crucial to get the moral conversation going. Only when the appeal is acknowledged its constructive and problematic aspects can subsequently also be discussed.

Such a moral conversation that starts from the acknowledgement of the transcendent moment of the appeal differs from the ones to which the views of Traina and Butler, or Pierron give rise. The appeal may be further clarified from Marcel's idea of family as context in which the transcendent moment of the "bond with life" comes to light. Family is a site of what may be called deep experiences of receiving life and of losing it. These experiences are more fundamental and less focused on the individual than those of recognition which Pierron highlights. This fundamental level may open a broader interpretation which may enrich the obvious psychological connotation attached to the notion. Moreover, when the transcendent character of the appeal is foregrounded, it is not necessary to create a tension between family and other relations, as Butler does. On the contrary, family confronts pre-eminently with the transcendental aspects of morality that are also at issue more broadly. Thus the conversation may be broadened from the recognizable, everyday experiences of the appeal inherent in the family tie to that of the givenness of relationships outside the family. This movement of reflection on givenness is different from that which starts from a general, humanly shared precarity. The unnameable yet strong experience of the givenness of being dependent on one another in the family, or of an 'inextricable belonging' is highlighted and not first of all the negative fact of precarity or vulnerability. The starting point is therefore more

neutral, one of wonder. Here, Marcel's terms of acknowledging the gift come to mind. Moreover, acknowledging givenness draws attention to our acting understood as answering this givenness. This enables a more thorough discussion of what seems most difficult in familial morality: discerning between the various calls. The following examples point out this difficulty.

For more serious, everyday problems, families are supported by professionals such as social workers. Their support is at present often criticized for being too much focused on solving problems, too much interventionist or, once more, too much directed at the well-being of the individual and thus instrumentalizing relationships. From an understanding of the family as mystery these difficult aspects of professional support may be discussed as related to their focus on problems instead of mystery. The alternative of a mystery approach should not be perceived as a complete doing away with a problem approach in the sense of finding concrete solutions, but it may broaden the understanding of the scope of support skills that are needed. A mystery approach may point out the need for an attitude sensitive to the unnameable yet strong givenness of the family tie. This tie should first be acknowledged before its specific shadow or beneficent sides can be recognized. When, for example, the question is at stake whether a child can stay at home or not, a mystery approach makes one aware of the deepest roots of the family. How can those roots be taken seriously in caring for the family and even in any intervention? Recognizing the specific kind of connectedness of family members in comparison with other relations gives insight into the fact that people want to remain loyal to partners, parents, children or further relatives, often despite gross abuses. Of course this loyalty should not simply be confirmed or respected, but it cannot be denied either. The damage sustained in family is so severe because, in a sense, one cannot get rid of one's family. For family life, the indispensable and irreplaceable character of the members is basic. My mother remains my mother, even when I break up with her. Children develop into individuals precisely as part of the 'we' of the family, how problematic this 'we' may be. Starting from this attitude it may come to light that the experienced givenness of the family also means a tendency to close off, turn inward, hold on to its own values and see the outside world as potentially hostile. These insights can not only help to better understand families, but could also be actively used in conversations with families. One could thematize the specific belonging together, the unconditional commitment and the pressure that comes from that as well as the special strength. Particularly in such a conversation it is important to be aware of the unnameability of the family tie as contributing to the peculiar complexity of the family.

Finally, a good illustration of the shying away from the family because of its complexities is the exclusion of family from crucial decisions on

end of life, as in Dutch euthanasia law and policy.[48] The physician who decides whether the euthanasia wish is a legitimate basis for making it happen must make sure that the wish is really that of the client. For this reason, the physician only discusses the final decision of whether the euthanasia should take place with the client and ensures that third parties, in practice mainly family members, have not played a decisive role in the realization of the euthanasia wish. The wish must be identifiable as individual and autonomous. In settings like these, bringing into view the mystery character of the family may be important. It would illuminate both the moment of justified distrust of the family, and the possible experiences of people involved that this distrust does not do justice to the much more varied reality of actual family ties. It may make aware in a much more neutral sense that the family has strong claims on us of which we cannot express the precise meanings. Thus, the family cannot simply be ignored or left out of the picture of the final decision on euthanasia, even if its influence is dangerous. It must be taken into account as one of the important structures of life that bring us into contact with the issue of what is good while this good also remains transcendent. A broader awareness of this crucial place of the family may result in a different kind of regulations which fuel a different kind of moral conversation.

A mystery approach which takes the family's strong but unnameable "call upon us" as a starting point of reflection may open up a different perspective and lead to different policies and professional practices in dealing with the family's strong claims. The above examples concern settings in which moral conversations take place, which does not mean, of course, that we should limit conversations to such settings. Ethics should fuel moral debate that is close to ordinary life in which issues of life and death or family problems are, obviously, not always prominent. The family is a likely phenomenon to initiate moral conversation. I hope to have shown that a mystery approach with its sensitivity to transcendence may enable ways not to let these conversations end up in further polarizations of absolutists versus relativists, as we often see at present. Thus, not only the family may be liberated of its "hopelessly poisoned" image but also ethics that takes into account transcendence.

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48 For the text of the Dutch law see: https://wetten.overheid.nl/BWBR0012410/2020-03-19 (accessed September 30, 2021). For an explanation of the law which explicitly refers negatively to the family ('No one should force or pressure the patient. Not family or friends.'), see https://www.rijksoverheid.nl/onderwerpen/levenseinde-en-euthanasie/zorgvuldigheidseisen (accessed September 30, 2021). I supervise a PhD research on the topic of the moral position of family in euthanasia requests in dementia by Trijntje Scheeres-Feitsma who has published on this in Dutch (e.g., *Onderzoek ten behoeve van het maatschappelijk debat rond levensbeëindiging bij mensen met dementie*, Woerden: Reliëf 2020; "In goede en kwade dagen. De rol van naasten bij euthanasie bij mensen met dementie," *Tijdschrift Geestelijke Verzorging* 24 (2021): 26–35).

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