Robert Adams argues that God is not only good, God is *the* Good (F&IG, p. 28). Adams proceeds from this starting point to a Platonist account of goodness and a voluntarist account of rightness. My aim in this paper is to explain why one who is highly sympathetic with Adams’s axiology might find oneself nevertheless drawn toward theistic Aristotelian positions on the good and the right rather than toward Adams’s own views.

I. Goodness

Within theistic ethics we can distinguish between two sets of argumentative considerations that underwrite the explanation of moral matters in theistic terms: *explanandum*-focused and *explanans*-focused. Explanandum-focused considerations are the more familiar and are employed within theistic ethics in pretty much the same way that they are employed within ethics generally. The idea is that there are a variety of features of moral judgments or moral facts that call for explanation, either individually or in tandem; and the moral philosopher’s job is to provide some explanation as to how it is possible or actual or necessary that moral judgments or moral facts have those features. The distinctive feature of theistic ethics with respect to explanandum-focused considerations is not in the method employed, which is held in common with nontheistic
ethicists, but in the conclusions reached: that the features of moral judgments or moral facts that need explanation are best explained theistically.¹

But it is important that there is another approach to ethics that theistic ethicists have taken. One might note that theists do not start with a clean slate with respect to how moral judgments or moral facts are to be explained; rather, as God is the ultimate explainer of all that exists and obtains, we have reason to expect theistic explanations of morality.² These considerations seem to hold with a certain additional force with respect to moral matters. For it is central to theism that God is not merely the cause of all else that exists but the ultimate proper object of admiration and devotion and commitment. So it is not just that there are a variety of possible explanations for moral phenomena, and we need to pick the one that best does the job, and among the ones that do best are theistic; it is also that there is a being in existence whose nature is such as to be the explainer of the phenomena in question.

In *Finite and Infinite Goods* Adams relies on both sorts of considerations. We begin with his account of goodness. One of Adams’s lines of argument is explanandum-focused considerations justify theistic explanation is the central issue of Gregory Dawes’s *Theism and Explanation* (Routledge, 2009). Dawes’s focus in that book is entirely on explanandum-focused considerations; whether this is because he does not accept the possibility of explanans-focused considerations militating in favor of theistic explanation or because he is only in that book interested in that particular sort of explanation is not clear. At any rate, while I of course accept the centrality of explanandum-focused considerations in theistic ethics, I reject Dawes’s position, underargued, that theistic explanation is causal explanation and in particular intentional explanation. If there is such a thing as constitutive explanation (cf. Mark Schroeder, *Slaves of the Passions*, Oxford, 2008), then theistic explanation need not be causal explanation. Adams’s explanations of the goodness of finite beings are theistic explanations but they are not causal explanations.

¹ The question of when explanandum-focused considerations justify theistic explanation is the central issue of Gregory Dawes’s *Theism and Explanation* (Routledge, 2009). Dawes’s focus in that book is entirely on explanandum-focused considerations; whether this is because he does not accept the possibility of explanans-focused considerations militating in favor of theistic explanation or because he is only in that book interested in that particular sort of explanation is not clear. At any rate, while I of course accept the centrality of explanandum-focused considerations in theistic ethics, I reject Dawes’s position, underargued, that theistic explanation is causal explanation and in particular intentional explanation. If there is such a thing as constitutive explanation (cf. Mark Schroeder, *Slaves of the Passions*, Oxford, 2008), then theistic explanation need not be causal explanation. Adams’s explanations of the goodness of finite beings are theistic explanations but they are not causal explanations.

² There are different ways to justify this claim about God as ultimate explainer. I think of it as an implication of perfect being theology. God’s perfection involves sovereignty, where for one to be sovereign over a domain is for that domain to be dependent upon and controlled by one. (Dependence and control need not involve discretion; a domain can be dependent upon and controlled by one even if one has no choice about the existence and character of things in that domain.)
centered in the way just described. To give an account of the nature of something is to explain it, to give a constitutive explanation, and Adams offers a procedure of a sort to pursue this kind of inquiry:

It is possible, I think, to indicate a general pattern for the relation of natures to meanings where the nature is not given by the meaning. What is given by the meaning, or perhaps more broadly by the use of the words, is a role that the nature is to play. If there is a single candidate that best fills the role, that will be the nature of the thing (F&IG, p 16).

I think that Adams is allowing here that what fixes the role of goodness is not simply what is true conceptually of goodness, but also what is commonsensically taken to be true of goodness, even if held a posteriori rather than a priori. The most straightforward way to give an argument for an informative property identification is to hold that there is some property that uniquely, and necessarily uniquely, plays that role. And so Adams argues that once we are clear on the role that the notion of goodness plays, it is clear that it could be played by a theistic property but could not be played by any nontheistic property.

Here is the basic argument. Consider the candidate theistic identification of being good with resembling God. (This is approximately the truth, on Adams’s view; F&IG, p. 28.) The property resembling God can play the role of goodness: for goodness is

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3 I do find this a little dubious, not because of any scruples about property identifications, but because it is not at all obvious to me that one should ever identify what seems clearly to be a functional property (which is what ‘playing the role’ is, at least in the case of normative properties like being good) with what seems clearly to be a nonfunctional property. Even if there is necessarily only one kind of thing that can do a certain job, it seems mistaken to identify the property being that kind of thing with being able to do that job. (To be clear, Adams does not rely on any sort of sparsism about properties to motivate the property identifications in ethics that he defends.)

4 Adams qualifies here: it could not be played as well. But his own view commits him to the position that any nontheistic account would be revisionist of the role of the good.
something that is objective, knowable, motivating, reason-giving, supervenes on natural features, and so forth. Now assume that there is some naturalistic account that also satisfies these features. But the theistic account will satisfy these criteria, and more: for the theistic account, unlike these naturalistic accounts, can satisfy the criterion that goodness is transcendent — it forever resists capture by any set of natural properties.

For, Adams argues, if one puts forward a given naturalistic identification of the property being good, then one commits oneself to no longer taking a critical stance with respect to the goodness of whatever satisfies that naturalistic identification. But it is essential to the role of goodness that it enable one to adopt this critical standpoint. So any naturalistic identification of goodness will be self-defeating (F&IG, pp. 77-82). (This is, on Adams’s view, the true lesson of Moore’s Open Question argument (F&IG, p. 78); contra Smith, it is not simply an instance of the paradox of analysis, but arises from the specific character of the role of normative properties like goodness.)

This is an explanandum-focused argument, which holds that the explanandum — goodness — is best explained theistically. This argument does not presuppose the existence of God. One mark of an argument’s being explanandum-focused is that it has apologetic import: if they are good arguments, then if one is not a skeptic about morality, one has further reason to believe that God exists, even if those reasons end up defeated or outweighed by other considerations. But he also has explanans-focused considerations

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5 Smith, The Moral Problem, ch 1
6 Does Adams have an argument against Moorean non-naturalism — that being good is a sui generis non-natural property that does all this stuff? Yes: first, Adams’s view explains why these various features cluster as they do; second, there are specific features — in particular, supervenience and knowledge — that seem to work better on a theistic account.
7 Another sign of this being explanandum-centered is that Adams’s argument could be used as an argument for nihilism about goodness, holding that goodness would have to be a theistic property, and as there is no God, therefore, etc.)
at work. The idea here is that theists do not start with a blank slate; they begin with certain commitments to the existence of a being that is good beyond all telling, limitlessly good, and which enters into the explanation of all else. So it would be bizarre to hold that God does not enter into the explanation of facts about goodness, and in a very intimate way. So theists have reason to expect a theistic explanation of goodness to be correct.

This identification of the property being good with being Godlike, as I noted above, is hedged in various ways by Adams, but I want to begin with a criticism of the straightforward, unadorned version.

Consider the goodness of a perfectly prepared chicken fried steak, covered with cream gravy. My objection is not that Adams’s view implies that the goodness of this chicken fried steak, such as it is, consists in its Godlikeness. Adams has anticipated this objection — actually, he mentions a “gourmet dinner” — and has answered it. “Well, why not?” Adams asks. “‘Taste and see that the LORD is good,’ says the Psalmist (Psalm 34:8), seeming to find at least enough resemblance for a metaphor here” (F&IG, 30). Expanded a touch, the goodness of a chicken fried steak is a particular and distinctive aesthetic goodness, and it is not at all surprising to think of all that is excellent in this aesthetic way being but a reflection of God’s goodness.

No, my objection is this. Suppose that I come down with a rare disease. Interestingly, the symptoms of this disease include my muscles taking on the taste and consistency of a piece of deep-fried tenderized round steak, my epidermis becoming crisp, like egg-saturated flour dipped into hot oil, and my pores oozing a whitish substance that is peppery and creamy. I begin to taste like a properly-prepared chicken fried steak. But this does not make me better, not in the least, or in any way. It is not that
I become better in one way (I taste great!) but there are negative effects of other sorts (I’m really, really sick!). No: tasting like a properly-prepared chicken fried steak just isn’t the sort of thing that makes me good, though it surely is what makes a chicken fried steak good.

Adams’s axiology as thus far characterized is too permissive in calling things good in virtue of their bearing a likeness to the divine. Of course this is, so far, no criticism of Adams; Adams clarifies or qualifies this goodness = Godlikeness thesis in various ways, in part to avoid various worries about resemblance. The question that I am interested in is whether these qualifications answer the objection in a way that leaves us with Adams’s Platonism about the good rather than taking us to a more Aristotelian account.

One qualification that Adams allows early on in his discussion that we cannot take being Godlike to be sufficient for being good; it is only certain resemblances to God that make for goodness. He toys with the idea of connecting goodness to God’s actual attitudes of love before settling on a view that has the benefits of keeping facts about what is good-making free of contingency while also retaining a tie to divine attitudes: to be good, Adams suggests, is to be like God in a way that could be a reason for God to love it (F&IG, pp. 34-36). Now, this may be true, but it is hardly informative as to why my coming to taste like a chicken fried steak does not make me good in a brand new way. One would hope for a somewhat more informative account. One might reply: Surely the notion of resembling God has some haziness about it anyway, and is not tremendously informative if one is looking for new facts about what is good; adding this condition about what might be a reason for God to love it does not make matters appreciably more
hazy. But this seems wrong to me. We know that what makes the chicken fried steak
good is its crisp exterior, its juicy interior, the peppery flavor and creamy consistency of
its gravy. So on Adams’s qualified view, it is just those features of it that are ways of
resembling God in such a way that could be a reason for God to love it. But I’ve got
those features, too. So why are they not reasons for God to love me?

One might think that Adams precludes the worry about my coming to taste like a
chicken fried steak by his appeal to a sort of holism about resemblances. He thinks that
not just any sharing of properties is sufficient to make for resemblance; that I have the
same number of hairs as that squirrel over there does not, Adams says, typically
constitute a basis for a claim that I resemble the squirrel (F&IG, p. 32). Let us
distinguish between the claims that resemblance is characteristically holistic from the
claim that it is only resemblances that have a holistic character that are relevant to the
goodness is Godlikeness thesis. Adams appeals to the former, which seems just false to
me. We understand fully well claims of resemblance that are not holistic, given proper
context. We understand fully well denials of resemblance, even with a lot of ‘holistic
likeness,’ given proper context. The trouble here may be just that Adams is looking for
some notion of resemblance that he can put to work independently of such contextual
considerations, which seems a chimera. On the other hand, it may well be that the way to
preserve the goodness is Godlikeness thesis is to just make the second point: that the sort
of Godlikeness that matters has a holistic character. But it had better be a specific sort of
holistic character. I don’t become better just by becoming holistically more like a
chicken fried steak!
I don’t think Adams’s explicit qualification of the goodness is Godlikeness thesis in terms of what can be a divine reason or his explication of resemblance in terms of holism are persuasive ways of dealing with the chicken fried steak objection. I take a clue as to a better way to solve the problem from Adams’s discussion of badness. Badness is not, on Adams’s view, to be explained in the same way that goodness is — we are not to look for a supreme Bad likeness to which constitutes being bad (F&IG, p. 102). Rather, bad is defined in relation to good — as being in some way deficient or defective with respect to it. One way of being bad is being opposed to the good, being against it — more on this below — but this sort of badness is pretty clearly restricted to those things that can be responsive to goodness and badness. A more general sort of badness involves a lack of goodness, and it is instructive what Adams has to say about this:

Historically the most important attempt to explain the bad in terms of a single relation to the good has identified badness with a privation of goodness — that is to say, with an absence of goodness that ought to be there. The qualification ‘that ought to be there’ may not be easy to explain, but it is not dispensable, for the absence of an excellence does not always cast badness as its shadow. It would be odd to call it something bad in a rhinoceros that it cannot play the oboe; I even doubt that it is something bad in me that I cannot (F&IG, 103).

There is a great deal of interest here. Adams is endorsing the privation view as part of the best account of badness, but we cannot identify privation simply with failing to resemble God; it can, at best, be said that it involves failing to resemble God in ways that something ought to resemble God.
My suggestion is that we can appeal to the same thing in order to solve the chicken fried steak problem that we can appeal to in order to provide an account of the ‘ought’ that Adams needs here in order to give an account of privation. And Adams’s own example suggests the solution (though it does raise an interesting further question, which I will discuss a bit below). If playing the oboe is the sort of excellent skillful activity that resembles God, why does the failure to play, and even the failure to be able to play, not render the rhino bad? Because the rhinoceros isn’t supposed to be able to do that; it does not belong to its kind. The ‘ought’ that can help Adams here is the ought of kind-membership, in which humans ought to be able to speak and rhinos ought to have one tail, four feet, twelve toes.\(^8\) But while Adams only acknowledges the need for an ought of this sort in accounting for privation, we can add that this is what solves the chicken fried steak problem: it does not belong to my kind, human, to resemble God by tasting like a well-prepared chicken fried steak.

It is, I think, an improvement on Adams’s axiology to hold that no created thing is simply good; it is always X-ly good (or bad), where the X is filled in by the kind to which the thing belongs. Does this mean that we should abandon Adamsian axiology for some form of nontheistic Aristotelianism? I think not. For not only have we not shown that anything that Adams says about the plausibility of connecting goodness to Godlikeness to be in error — all we have indicated is its incompleteness — we still have good reason to take seriously the explanans-centered considerations that God should be at center of our moral explanations.

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\(^8\) “The Rhino Song,” from The Big Green Rabbit, http://www.youtube.com/watch?v=QOvIo6rY
What the promise but incompleteness of Adams’s view suggests is that the best theistic account of the good will take what constitutes a thing’s goodness to be *jointly* fixed by Godlikeness and by its kind — perhaps *being like God in ways that belong to the kind to be like God*. It is the kind that fixes the context for determining what counts as a relevant resemblance, or failure to resemble, God. Every good, then, is a divine likeness, but those that make a thing good are those divine likenesses such that members of the kind ought to exhibit them. This is a theistic Aristotelianism, and I think that the considerations raised by Adams himself indicate that it is a preferable theistic account of the good. For while Adams himself qualified the goodness is Godlikeness thesis so that things are good only if they are like God in a way that can give God reason to love them, this qualification is explanatorily pretty useless; but if we fix what gives God reason to love them as what these things need in order to become what they ought to become, this does at least have some content, and content that is plausible. And while Adams appeals to considerations involving holism of resemblance to make plausible his case for goodness as resemblance to God, we can specify at least that the way in which resemblance is relevant is in terms of the creature as a whole, the kind to which it belongs.

### II. The goodness of agency

A theistic account of the humanly good, then, should appeal both to human goods’ being ways in which humans are made like to God and its belonging to our kind to be like God in these ways. If this is correct, then we can sketch an account of what it would be for
human agency to be good — how certain instances of it can be good or less good, and how indeed certain kinds of agency are invariably defective and deficient.

God is a perfectly excellent agent, and it belongs to our kind to be like God in being agents, though in a way that is appropriate to our kind. It seems plausible enough that good agency always involves a response to what is valuable, good or bad, in some way — Adams affirms this — though the sorts of goods and bads to which we are appropriately responsive and the sorts of responses which are appropriate are fixed by the kind to which we belong. This seems simply to fall out of the general account of goodness; I am not here offering a specific account of the range of goods to which humans are rightly responsive and how far the character of appropriate human responsiveness is due to eccentric features of our kind.

Even without providing an account of the specific range of goods to which humans are properly responsive and how far the character of that proper responsiveness is due to eccentric features of our kind, we may be inclined to say, with Adams, that good agency is agency that is for the good. And so we can criticize action as bad insofar as that action fails to be adequately for the good: either by failing to be sufficiently sensitive to, failing to sufficiently value all of the goods that bear on one’s action; or by opposing what is good, when, say, one takes as one’s object the destruction or impeding (etc.) of what is good (F&IG, pp. 103-104).

Considerations of this sort — all premised, note, on this modified Adamsian account of goodness — are the basis for standard, Thomistic natural law accounts of right action. Human action is humanly good if and only if it constitutes a nondefective
response to the goods and bads that bear on that action; otherwise it is bad. A type of action is wrong if and only if to be an action of that type is to be a bad human action.

For an action to be bad is for it in some way to be a flawed response to the good. Which such responses are themselves morally flawed? Here we need an account of what demarcates the sphere of the moral, and I have no interesting story to offer. (Neither does Aquinas, who doesn’t make these distinctions. Adams doesn’t have much to say on this demarcation question either.) I am happy to say that an action is morally wrong if it is defective in a distinctively moral way. And I am happy to give what one might call the central case of being defective in the distinctively moral way: the paradigm of going morally wrong is responding in a defective way to those goods the existence and character of which make no essential reference to the agent. (This is not necessarily co-extensive with the other-regarding; there may be goods that involve me but the character of the goodness of which does not follow upon their involving me.) When the goods that bear on action do make essential reference to the agent — bearing, say, on the agent’s interests, aspirations, relations to others, and so forth — it becomes less than clear whether action that is defective in response to them counts as morally defective. But it is also unclear whether we have any reason to make a sharper demarcation than this between moral and nonmoral considerations.

What I have been arguing in this section is that the modified Adamsian account of the good — one that goes in an Aristotelian direction — together with Adams’s plausible views on the goodness of agency provide the materials for the standard natural law account of right action. Now, Adams rejects this account of right action. He allows that something like this may be the correct account of the goodness or badness of action. To
take one extreme example, we can give an account of moral horrors in terms of those actions that are opposed to the good in a certain radical way, what he calls ‘violating’ the good (F&IG, pp. 107). But he does not take the further step in holding that something’s being a moral horror is itself sufficient to make it morally wrong to perform that action, not even pro tanto morally wrong. Why?

There are two distinct reasons that Adams offers for denying that the status of an action as a moral horror is not sufficient to make that action morally wrong. The first is that he thinks simply that the entailment doesn’t hold: there are some actions that are morally horrible yet are not themselves morally wrong. I confess to finding Adams’s view obscure here. Adams takes a moral horror to be a violation of the image of God, where what bears the image of God is a person. Such violating acts are “attacks” on the person (F&IG, p. 108), which attacks are serious and direct (F&I, p. 108). Again, to violate a person is not simply to cross his or her will, however clearly; indeed, in some cases even with another’s consent it is possible to violate him or her. There are ways of proceeding against a human person such that they bear — or at least would bear, if the agent were fully aware and intending the action — hostility toward the party.

Now, there are disagreements between Adams and standard natural law accounts of the right on a number of points. But here I want to focus on Adams’s claim that “More important for excluding the classification of the morally horrible as a species of the wrong is that one can reasonably find an action morally horrible even when one does not believe it to be wrong” (F&IG, p. 105). It may be as a matter of conceptual analysis right to hold that the moral horribleness of an action does not entail its moral wrongness — Adams is not, I allow, conceptually confused in holding that the former does not entail
the latter. But that is a bad reason for denying the morally horrible is a species of the
morally wrong, as whether the morally horrible is a species of the morally wrong depends
on (to use Adams’s language) what the nature of the morally wrong and morally horrible
are, as opposed to what the concepts of the morally wrong and morally horrible are. The
way that Adams characterizes the morally horrible is just the sort of action that fits within
standard natural law theory as a clear case of morally wrong action, at least when such
action proceeds with full awareness and intention.⁹

Even if the class of morally horrible actions were not wholly included within the
class of morally wrong actions, that would not be sufficient to rebut the view that morally
horrible actions are pro tanto morally wrong. But Adams offers a second reason to think
that the status of an action as a moral horror is not sufficient to make it a moral wrong. It
is that a clearer understanding of what deontic properties — properties in the rightness
and wrongness family — are will enable us to see that there is a gap between an action’s
being morally horrible and an action’s being morally wrong. Because of this gap, the
natural law theorist must be mistaken in holding that an account of moral rightness and
wrongness can be given simply in terms of defective or nondefective responses to the
good.

### III. Deontic properties

On Adams’s view — and this is a view that seems to be picking up steam among the
defenders of law conceptions of ethics, that is, the Kantians and the divine command

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⁹ Adams’s view could be helped out by the offering of persuasive examples of moral
horrors that are not moral wrongs. But I do not see that he gives any.
theorists — one can allow that there is a class of moral necessities that are fixed as such by the nature of the relevant goods and relevant agents while denying that one thereby has a theory of moral rightness. For moral rightness — and those properties in the ‘obligation family’ generally, like being morally obligatory, being contrary to the moral law, being such that morally speaking one must do this — cannot be characterized simply in terms of responsiveness to value, even practically necessary responses to value.

The reason is this: Even if it is essential to obligations (etc.) that obligations involve moral necessities, that does not mean that there is nothing more to being a moral obligation than being morally necessary. And if there is something more, it may be something that cannot be adequately captured theoretically on the basis of the sort of considerations to which natural lawyers appeal. And that is Adams’s view: he thinks that deontic notions have an essentially social character, and this essentially social character can be properly captured only within a theological voluntarist account of obligation, one that identifies the property being morally obligatory with the property being required by a divine command.

The first matter about which we should be clear is what the social character of obligation is supposed to amount to, and why it is the case that theological voluntarism is supposed to capture that character better than alternative views. What Adams claims is that unlike goodness-concepts, deontic concepts make essential reference to the social: “If an action is wrong, . . . there must be a person or persons, distinct from the agent, who may appropriately have an adverse reaction to it. For the meaning of the obligation family of ethical terms is tied to such reactions to the wrong.” Adams is not claiming that for an action to be wrong it is sufficient that someone may have an adverse reaction

to it; there are numerous other platitudes characterizing obligations — their being characteristically motivating, their being reason-giving, even typically decisively so, and so forth — that must be satisfied as well. This is true of all obligations — legal, military, familial, and so forth. What makes moral obligation distinctive is the strength and motivating force of the sorts of reasons involved, and on Adams’s view we cannot capture these unless we take the relevant social source of obligation to be God, and in particular the commands issued by God. (F&IG, cites)

The basic thrust of my argument is this. In order for Adams’s argument to work, it is not sufficient that obligation be essentially social. It has to be essentially social in a way that can be explained by positing the divine will as the active cause of obligation, so that God is the source of the moral norms in such a way that renders them obligatory. But when we distinguish between the various ways that obligation can be held to be essentially social, we can see that theological voluntarism in some cases does not do the explanatory work and in others does not do the explanatory work in an interestingly distinctive way. So there is no sense in which obligation is both plausibly essentially social and best explained by theological voluntarism.

Here is one sense in which one might hold that obligation is essentially social. One might connect the normativity of obligation to a distinctive form of normativity to which Michael Thompson has called our attention. The idea is that the descriptors monadic and bipolar aptly characterize distinctive forms of normativity. In cases of monadic normativity, there is the agent and the action that the agent is to perform; and if the agent does not perform the action, that agent is defective as an agent. In cases of

[11] For a Kantian view of the right that makes similar claims, see Darwall, 2nd Person Standpoint, cites.
bipolar normativity, there is the agent and the potential victim; the agent owes it to the potential victim to perform the action, and if the agent fails he or she has not simply fallen short as an agent but has made the potential victim an actual victim. So, one might claim that obligation is essentially social in that obligations are invariably instances of bipolar normativity; obligations are always owed to someone, such that when one fails to act on that obligation one not only acts wrongly but wrongs someone, the victim of the violation.

I think it safe to say that this is not the sort of sociality that theological voluntarists should be relying on, for it is false that obligations are essentially instances of bipolar normativity and, even if they were, nothing about the theological voluntarist view would be particularly helpful in explaining this distinctive sort of normativity. First: there is no reason to think that obligations should be thought of as invariably instances of bipolar normativity. Thompson himself sets out the intuitive distinction between monadic and bipolar normativity by noting the different sorts of normativity present in criminal law and in tort law.\(^\text{13}\) While tort law exhibits the bipolar structure — in torts there is always a tortfeasor and a victim, and it is central to tort law that a wrong is a violation of care owed to the victim, and thus to be answered by compensation to that victim — criminal law exhibits a monadic structure, in which there may be no victims at all and when there are victims they enter as elements of the offense rather than a party to whom a duty is owed. As Thompson notes, while it is of course possible for other legal actors to be the victims of a crime, they serve as “raw material” for the wrong action — even if the criminal act has as its direct object some legal actor, that place could

\(^{13}\) cite
equally well have been occupied by rare birds or old buildings. But it is obvious that we think of the requirements imposed by the criminal law as legal obligations just as surely as we think of the requirements imposed by tort law as legal obligations. So it seems wrong to think of obligations as essentially social in the sense of exhibiting bipolar normativity.

Second: even if obligations were essentially social in this sense, we have no reason to think that a voluntarist view would be sufficient or necessary to account for such obligations. A voluntarist view would not be sufficient. For we can imagine a legal system, headed by a monarch, in which there is no tort law, only criminal law; and this would be a system in which the only obligations exhibited monadic rather than bipolar normativity. Similarly, a moral system, headed by the divine sovereign, could consist of moral laws that are all matters of monadic rather than bipolar normativity. On the other hand, we can imagine a legal system in which there is no sovereign at all, just the general acceptance of a variety of norms of the proper form and content to be bipolar rather than monadic. So there seems to be nothing to the notion of bipolar normativity that would plausibly favor voluntarist over other accounts of moral norms — what bipolar normativity concerns is the form and content of norms, not their source.

So the sort of sociality to be interpreted as bipolar normativity is not essential to obligation, and even if it were, there is no advantage offered by appealing to a theological voluntarist account of obligation. Another sort of sociality that has been attributed to obligation as such is that of sanctioning; the idea is that sanctions are essential to obligation, and sanctioning (as opposed to other sorts of negative consequences befalling

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14 Thompson, Justice, p. 344.
a violator for a violation) is necessarily an interpersonal matter. But, one might say, there is obviously no sense that we can make of everyone who is under the jurisdiction of the moral law being subject to sanctions for violations of it unless we appeal to God as punisher. It is important that holding this view does not require one to say that to obligated just is to be subject to a sanction for an offense; at the very least, if one were to make this claim, then one should make clear that to sanction presupposes the existence of a norm, in that when one is sanctioned, one has an evil inflicted upon him or her for failing to act in accordance with the norm.

Still, this seems an implausible view of obligation; and again, to see why, go to the legal case. We can point out, as Hart pointed out, that there seems to be nothing incoherent about the existence of a legal system that has no machinery for the infliction of sanctions. To make matters more vivid, we might imagine a small community in which wrongdoing is very rare and relatively inconsequential, and which has neither the inclination nor the expertise to support a regime of sanctions. Such a community might have a system of legal norms, including not only norms imposing duties but norms concerning the adding, subtracting, and modifying of duties, along with the full range of procedures for authoritatively identifying wrongdoing. But no sanctions are imposed. If the members of the community describe the norms that they are under as obligatory, and specifically legally obligatory, they do not seem to be in error: they take themselves to be bound to adhere to these norms because they are the norms of that system.

Or, again: we can imagine a legal system that has a tort law regime but no criminal law regime. (Imagine that the members of this community are not so worried

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15 Cf Mill on the norms of justice: “To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of” (ch 5, Utilitarianism).
16 Hart, CL, cite
about punishing people, either to exact retributive justice or to discourage wrongdoers — they may not think retribution their job, and might think that extralegal means of discouraging wrongdoers is to be preferred — but they are worried about seeing that people are compensated for wrongs done to them, or about seeing to it that the party best positioned to prevent accidents prevents accidents, or whatever.) A tort law regime need not have sanctions. We could, to add realism, allow that it has recourse to unwelcome uses of force by agents of the law enforcing tort judgments, but unwelcome uses of force by agents of the law are not all sanctions, and an agent of the law taking possession my car or garnishing my wages is not sanctioning me for my conduct. Nevertheless, it would be true in this regime that I have legal obligations to show due care with respect to others, obligations that are part and parcel of tort law. So it again it seems false that there is any essential connection between obligation and sanctions.

But there is a much more plausible nearby view with which it is hard not to feel some sympathy, and it is the view suggested by Adams when he writes that when there is a violation of an obligation, one “may appropriately have an adverse reaction to it.” It is an error to connect obligation and sanction. But sanctioning is a species of a broader class of action, which is holding responsible. And so we might want to say that while being subject to sanctions may well be a contingent feature of being obligated, being subject to being held responsible for failures to adhere to the relevant norms is not a contingent feature. In the cases of legal obligation that I described, it is plausible to reply that while sanctioning is absent, being held responsible is not thus absent; we have in the former case official holdings not only that someone is a wrongdoer but a calling of him or
her to account for it, and we have in the latter case parties being held responsible for their violation of duties in tort by making right their wrongs.

I am not entirely sure whether this view is correct in any way that does not trivialize the notion of holding responsible. But this is not the issue that I aim to concern myself with here. The more important point for our purposes is that this appeal to holding responsible does not offer any benefit for the theological voluntarist who wants to claim that the social nature of obligation militates in favor of his or her view. Again, let’s return to a paradigmatic set of obligations, legal obligations. The view under consideration holds that part of what makes it the case that legal obligations are correctly characterized as such is that the norms that are legally obligatory are those to which we are subject to being held responsible for our failures of compliance. We can add to this: it is not merely that we are subject to being held responsible for adhering to these norms, but that we are subject to being held responsible in some distinctively legal way for adhering to them. By ‘in some distinctively legal way’ I do not mean by some technique that is distinctive to law, but that it is a way of holding responsible that can only be done by legal actors — actors authorized by the law to engage in that response. So the law employs a variety of ways of holding responsible — authoritative court judgments, imposition of criminal sanctions, injunctions, orders to pay compensation, orders for specific performance, and so forth. The view, then, is that what makes it the case that these legal norms are correctly characterized as legal obligations is that there are parties legally authorized to hold others responsible for performance.

But one of the most striking things about the law is how distributed the authorization to hold responsible can be, and indeed how much more so it could be. As
things stand, there are a variety of legal officials authorized to hold others responsible
(and, indeed, to be held responsible in turn). And we can imagine legal systems where
the holding responsible is much more widely distributed, where private citizens are
typically deputized, say, to apprehend lawbreakers. The key point, though, is that there is
nothing about legal obligation that so much as suggests that the party who is the source of
authoritative legal norms is one and the same as the party who is legally authorized to
hold persons responsible for adhering to those norms. Indeed, there is nothing about the
nature of legal systems that requires that there be any party in charge of making law at
all. At the foundation of a legal system might be a rule of recognition that specifies the
criteria for a norm’s being legal that does not include, and might even preclude, there
being some party who has the power to make law. (This is just a commonplace of
contemporary, Hart-inspired legal theory; there is nothing new, interesting, or original in
any of this. 17)

The key point here is that if the social character of obligation is understood in this
‘holding responsible’ sense, there is nothing that militates in favor of obligatory norms’
originating in some authoritative party, whether an earthly sovereign (in the case of legal
obligation) or a divine sovereign (in the case of moral obligation). What matters in either
case is that there be some parties who are authorized to hold others responsible for their
adherence to the relevant norms. But whether there are parties who are authorized to
hold others responsible for adherence to the relevant norms is independent of whether the
lawmaking source is in some sovereign, like God, or in some set of customary rules, or in
some set of norms that hold independently of anyone’s willing or commanding. We can
allow for the sake of argument that obligation has this social character, and that it would

17 Cite to Hart, CL
be true that this sort of social character would be satisfied by the moral law’s being given
by a God who both lays down the law and holds us responsible for following it. (Note,
though, that this is strictly speaking an addition to theological voluntarism; for one could
imagine a theological voluntarist position that holds that God lays down the law but does
not assume responsibility for holding us to adhering to it.) But it could also be true that
this sort of social character would be satisfied by a set of moral laws, holding through
sheer necessity, that necessitate acting in certain ways and authorize those under that law
to hold each other (and themselves) responsible for acting in accordance with it (or
authorize them to hold each other responsible for acting in accordance with some subset
of it, if not all moral necessities are obligatory).

There might be some justification for theological voluntarism about moral
obligation on the basis of this sort of sociality thesis if there were some reason to have a
‘trickle down’ theory of authority to hold responsible — that the authority to hold people
responsible for violating a norm must be in its origin held by the party with the power to
lay down the norm, and this authority ‘trickles down’ to other authorized parties. But to
hold such a view is to be in the grip of something like an Austinian or Hobbesian theory
of civil law, in which all legal authority originates in a single, legally unlimited
sovereign, and from which all other legal authority flows.18 But this is a theory of law
that is wholly discredited,19 and it would be philosophical regress rather than progress if

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18 Cites to Austin and Hobbes
19 Cites to Hart and Raz
the theological voluntarists were to appeal to it in order to defend their essentially theistic account of obligation.  

So we have found thus far no refuge for theological voluntarism in the claim that it is meant to be only an account of moral obligation, where obligation has an essentially social character. Appeals to bipolar normativity, sanctions, and holding responsible gave no reason to accept a theological voluntarist view of moral obligation. One might think that the appeal to guilt is a distinct fourth option. As Adams suggests, it is a central platitude about obligation that failures to adhere to one’s obligations are cases in which guilt — an objective condition of “alienation from other people, or (at a minimum) a strain on one's relations with others” (F&IG, p. 239)— characteristically results. So we have another way in to sociality, through the notion of guilt. And the theological voluntarist can hold that what makes sense of guilt being the characteristic upshot of violations of moral obligation is that they rupture the valuable relationship with God, the giver of the commands in which morality consists.

This is of little use. For, first, the specific account that Adams offers by which the guilt-obligation connection is satisfied is equally well satisfied by non-theological-voluntarist accounts of the source of moral norms — it would be just as fully satisfied if God wills that we adhere to the moral law, which holds independent of the divine will. If what is disvaluable is the rupture of relationship resultant from my will’s being at odds with the divine will, it is neither here nor there that the divine will is the source of the relevant norm, only that by violating the norm one places oneself at odds with the divine will and thus in a condition of guilt. Secondly, it seems that the only sense in which this

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20 It is striking how similar divine command theory is to the old sovereign-subject legal theory defended by Austin. It seems to me that divine command theory needs reformulating in light of the criticisms of Austinian legal theory.
guilt-obligation connection can be made out is one in which guilt consists of the condition of being liable to being held responsible for a failure to adhere to the relevant norm. Again, think of legal obligation, say, a legal obligation not to trespass on the nesting grounds of rare birds or not to alter the original architecture of an old building. That one can have such legal obligations is obvious. What is the condition of guilt that one finds oneself in by violating these norms? It may involve being at odds with nobody, at least in any normal sense of ‘being at odds with’; the most we can say is that if these are live laws, then I am subject to legal agents’ acting against me to hold me responsible for my violations of the relevant norms.

None of this, of course, is meant to deny that social relationships can be valuable, and the source of obligations, conventional and moral. Nor do I mean to deny — indeed, I would affirm — the extreme value of relating socially to God, and that obligations can be explained by appeal to the value of that relationship. But this way of generating obligations is, I think, one among many, and does not belong to the nature of obligation as such.

I am inclined toward the view that while moral rightness is to be identified with the morally necessary, there are in fact a subset of morally right actions that are morally obligatory in the sense that Adams describes — that they are such that (some?) parties have the standing to insist on compliance with the relevant norms. I do not have anything like a full theory of when parties have standing to so insist.21 My point is only this:

21 I have a partial theory. For an action is morally obligatory for one to perform is for one to be morally wrong not to do it and for there to be parties who are free to insist on one’s doing it. When is a party free to insist on one’s performing an action? If an action is morally necessary, then the default setting is that everyone is free to insist on the performance of it. Why? Because insisting on something is a way of seeing to it that it is done, and it is good to see to it that what it is right to do is done, and if something is good to do, then the default setting is that everyone is
Adams’s own value theory carries us to a theistic Aristotelian notion of goodness and provides the materials for a theistic Aristotelian account of the goodness and badness of action, including an account of some act-types being inevitably bad and thus always the wrong thing to do. This looks an awful lot like natural law theory. But Adams’s arguments do not carry us past such views into his distinctive voluntarism, for the arguments that purport to so carry us are failures.