Including People with Disabilities in American Religious Life: 
*Christian Metaethical Accounts of Human and Disability Rights*

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Abstract:
Rights-theory has been the primary conceptual impetus for social and legislative progress with respect to disability inclusion and accessibility in the United States. However, there is profound resistance to the use of rights-based appeals to combat the exclusion of people with disabilities from American religious groups. This opposition is especially prevalent in the largest religious demographic in the United States: Christians. A number of Christian philosophers and theologians resist talk of human rights because they believe that rights are excessively individualistic. Christian Philosopher Nicholas Wolterstorff has argued against this view and offers a promising theistic account of rights. While Wolterstorff makes efforts to include people with disabilities in this account, this unfortunately leads to problems for his theory. In this paper, I highlight the main problem in Wolterstorff’s account—inconsistency between his rejection of divine command theory’s account of duties and the way he proposes his voluntarist account of rights—and then offer two solutions: a voluntarist and a non-voluntarist metaethical theory of rights/duties. Further, I show that both of these theories manage to avoid the Euthyphro dilemma by introducing a metaphysical constraint to God’s commands, will, and actions. Finally, I argue that this constraint unproblematic because it is compatible with divine omnipotence and divine free will.

Introduction

As its name suggests, one of the crucial aspects of the disability rights movement is the utilization of rights-talk and rights-theory to assert the value and worth inherent to people with disabilities. In the United States this strategy led to one of the movement’s crowning achievements: the passage of the Americans with Disabilities Act (ADA). Not only did the ADA give “the largest US minority its rights,”¹ it also had a global impact as it helped inspire the UN Convention on the Rights of Persons with Disabilities (CRPD). The ADA’s accessibility requirements led to greater inclusion of people with disabilities in American society and it continues to pave the way for ongoing advocacy efforts to improve the inclusivity and accessibility of our society for people with disabilities.

However, these benefits have not extended to all aspects of American society. Title III of the ADA, which “prohibits discrimination on the basis of disability in the activities of places of

public accommodations,”² notably exempts religious organizations.³,⁴ To put it bluntly, this exemption means it is legal for religious organizations to exclude and discriminate against people with disabilities.⁵ Moreover, because “disabled people got their rights without dramatic Freedom Rides, church bombings or ‘I Have a Dream’ speeches to stir the conscience of a guilty nation,”⁶ the general American populace is relatively ignorant of the barriers that people with disabilities face, which compounds the effects of the Title III exemption. Consequently, this ignorance about barriers related to disability coupled with a lack of legal imperatives has created a context in which even well-meaning religious groups unintentionally exclude people with disabilities and where places of worship lack many of the “reasonable accommodations” found ubiquitously in malls, grocery stores, and other public spaces.

This gap between the disability rights movement and American religious groups has been exacerbated by a resistance to rights-talk and rights-based theories of justice by various theologians and philosophers, particularly within the Judeo-Christian tradition. The primary instigators of this theoretical resistance are the right-order theorists who suggest that natural

⁴ However, religious organizations are subject to the ADA’s Title I requirement that “employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to people without disabilities.” Irene Bowen, Renewing the Commitment: An ADA Compliance Guide for Nonprofits, (Chicago: The Chicago Community Trust, 2015), accessed March 20, 2018, http://cct.org/wp-content/uploads/2015/08/2015ADAComplianceGuide.pdf
⁵ Richard Garnett suggests that the primary reason for this is that “compliance with the ADA is very costly […] and starting from the tax code […] the government has tried to exempt religious institutions when necessary to avoid imposing excessive costs on them.” Richard Garnett, interview by Jennifer Ludden, Talk of the Nation, National Public Radio, February 21, 2013. Retrieved from https://www.npr.org/2013/02/21/172613472/who-gets-religious-exemptions-and-why.
rights (i.e., rights that are not socially conferred) do not exist. Given that the most recent Pew Research Center study has shown that over 70% of Americans identify as Christians, this resistance is especially concerning. Furthermore, the ADA’s Title III exemption of religious groups is even more problematic in this context, as it entails that people with disabilities also have no legal (socially conferred) rights with respect to their participation in these religious groups. So, because right-order theorists think that there are no natural rights at all and there are no relevant socially conferred rights here, they would suggest that the disability rights movement cannot appeal to rights-talk or rights-theory to combat this exclusion from religious groups.

Consequently, there is a need to address disability rights in the context of religious organizations at the practical and conceptual levels in the United States. In this paper, I focus on the conceptual task for the most prevalent American religious affiliation: Christianity. However, my main metaethical proposals could be adapted to fit with the other Abrahamic religions as well. To this end, I aim to offer a robust metaethical account of human rights in general and disability rights in particular—an account that includes a specific right capable of addressing the exclusion of people with disabilities from Christian groups in the United States. While not framed to address this exact issue, philosopher Nicholas Wolterstorff offers a promising theistic, and particularly Christian, account of inherent natural rights in his book *Justice: Rights and Wrongs*. Importantly, he makes deliberate efforts to include individuals with severe cognitive disabilities in his account. Unfortunately, this creates problems for his theory. So, instead of

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7 Many right order theorists do, however, accept socially conferred rights (e.g., legal rights). These include Joan Lockwood O’Donovan, Oliver O’Donovan, Robert Cover, and Leo Strauss.


9 Moreover, this resistance is not merely academic; it appears in “Christian pop culture” as well. The song “Socially Acceptable” by DC Talk says, “Times are changing, with morals in decay | Human rights have made the wrongs okay.”

10 The practical task has been taken up by nonprofits like RespectAbility and Joni and Friends, which provide resources to help synagogues and churches develop inclusive practices and accessible facilities.
starting from scratch, I will build upon Wolterstorff’s account to craft two plausible theistic metaethical theories that can account for human rights. Each will offer a distinct solution to the problems that plague Wolterstorff’s account and both will include an expanded emphasis on disability rights. Because of the nature of these issues, my discussion will lean heavily towards moral metaphysics.

In section 1, I summarize Wolterstorff’s account of inherent rights as grounded in worth, briefly digressing to explain how, if successful, this characterization of rights can be used to combat the exclusion of people with disabilities from Christian organizations. Then, in section 2, I discuss the problems that arise from a conflict between the main move that Wolterstorff makes to include people with disabilities in his account and his earlier rejection of divine command theory. I temporarily set aside my discussion of Wolterstorff’s account in section 3 to lay the foundations for my improvements to his theory. Namely, I discuss theistic metaethics in general as well as the ways in which modified divine command theorists appeal to God’s nature to develop non-voluntarist and voluntarist solutions to the Euthyphro dilemma—a famous challenge to theistic metaethics as a whole that Wolterstorff ignores. In section 4, I return to my previous discussion and apply these two solutions to Wolterstorff’s account, expanding each of them to offer a voluntarist and a non-voluntarist metaethical theory of human rights that includes people with disabilities.

Further, in section 5, I suggest that, while these accounts avoid the problems that arise from Wolterstorff’s rejection of divine command theory and escape the Euthyphro dilemma, they both face another problem. The appeal to God’s nature found in both my voluntarist and non-voluntarist solutions imposes a metaphysical constraint on God’s will, commands, and actions. This in turn creates two apparent conflicts that my theories must address: (i) with divine
omnipotence and (ii) with divine free will. Moreover, (i) constitutes *prima facie* evidence against the existence of an omniperfect God and that (ii) provides *prima facie* evidence against the existence of a God worthy of worship; both of which are *prima facie* evidence against the existence of a God who is supremely excellent/worthy—which is the ultimate ground for rights in both Wolterstorff’s account and my modified versions thereof. However, I contend that this constraint is actually compatible with divine omnipotence and free will. First, in section 6, I argue that we may be able to reconcile this metaphysical constraint/impossibility with God’s omnipotence by treating it as relevantly similar to logical impossibilities. Then, I offer compatibilist arguments to assert this metaphysical constraint does not actually violate divine free will in section 7. Finally, before concluding I briefly evaluate the relative strengths and weaknesses of these two accounts (section 8) and discuss their relevance to moral arguments for the existence of God (section 9).

### Part 1

**Wolterstorff’s Account**

1. Wolterstorff’s Account of Human Rights

   Wolterstorff’s account is framed as a response to the right order theorists. The right order position holds that justice is grounded in “natural law for the right ordering of society” and that God establishes natural law during creation. Thus, the right order theorists believe that a society is just if and only if it “measures up to the standard for right order”—a matrix of socially transcendent, objective obligations defined by natural law and established at the creation of the universe. While they recognize that rights “have a perfectly appropriate and necessary place

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11 This is also problematic because the point of theistic metaethical theories is to explain how morality depends on an omniperfect God who is worthy of worship, not provide evidence against His existence.


within a discourse founded on law,” the right order theorists express vehement resistance to
natural rights (rights that are not socially conferred), and particularly inherent natural rights
(rights that are not conferred at all).\textsuperscript{14} This resistance stems from their acceptance of the narrative
that the concept of subjective rights (rights that attach themselves to an individual) originated in
Enlightenment political philosophy, which endowed it with inescapable and essentially
individualistic theoretical content—content that they believe makes rights-talk harmful to society
and cooperative human endeavors.

Wolterstorff, by contrast, believes rights are essentially social. He suggests that if we
only consider moral duties/obligations\textsuperscript{15} then we cannot account for the moral condition of those
who are wronged (the patient or recipient dimension). We can only account for the moral status
of those who are guilty of wrongdoing (the agent dimension). This is especially problematic in
situations in which a group is systematically discriminated against, oppressed, or excluded as the
excluded/oppressed individuals are already being overlooked (e.g., the exclusion of people with
disabilities from religious organizations in the US considered in this paper). Wolterstorff
suggests we need rights talk to “enable the oppressed to bring their own moral condition into the
picture” and avoid a further demeaning of their worth.\textsuperscript{16} He believes this feature of rights-talk
makes it a powerful resource for “social protest movements” like the disability rights
movement.\textsuperscript{17}

In the first portion of \textit{Justice: Rights and Wrongs}, Wolterstorff challenges the right order
theorists by offering a counter-narrative about the origins of human rights. Referring primarily to

\begin{footnotes}
\item[W15] Though some philosophers distinguish between the terms “duties” and “obligations,” Wolterstorff treats them as synonyms. I will follow his convention.
\end{footnotes}
the work of medieval scholars Brian Tierney and Charles J. Reid, he argues that subjective rights were present in twelfth century medieval canon law, far before the Enlightenment. He then cites Charles Donahue Jr.’s work, which suggests “the notion of a subjective right [...] was, in fact quite fundamental to Roman law.” Finally, Wolterstorff offers his own exegesis of the writings of the Church Fathers, the Hebrew Bible, and the New Testament to argue that “recognition [...] of inherent natural rights goes back to the Hebrew Bible and Christian Scriptures.” Notably, several of the New Testament scriptures that Wolterstorff considers, namely those in Luke, deal with justice for and the inclusion of individuals with disabilities.

In the middle section of his book, Wolterstorff considers the type of things to which a person can have an inherent right. He suggests “that to which one has a right is a good, specifically, a good in one’s life or history.” Ontologically, Wolterstorff suggests these life- or history-goods must be states of affairs that constitutively include the person who has a right to them (i.e., they are happenings to that person or conditions of that person). This means that, in a situation in which a person’s rights are respected or violated, that person is not the moral agent in question but is instead the patient/recipient. Thus, one’s rights are “to others treating or

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24 Wolterstorff emphasizes what it means to be the patient/recipient in the context of a right with the following example: “Though I am permitted to walk on the [New Haven] Green, the [right] I have [...] is that of my not being hindered from walking on the Green.” See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2010), 138.
refraining from treating one in certain ways.” Further, Wolterstorff argues the life- and history-goods a person has a right to are those goods that contribute to their well-being. He suggests that the goods that contribute to a person’s well-being are the goods that “God desires for that person’s life and history.”

At this point, I think it is important to pause my discussion of Wolterstorff’s account to show that, if successful, this account can address the conceptual gap created by the ADA’s Title III exemption of religious organizations. Consider then, in the context of Wolterstorff’s discussion of rights, the putative right of persons with disabilities to be free to attend/participate in Christian organizations, and not be hindered from doing so (e.g., by barriers to accessibility like those addressed in Title III of the ADA). This putative right is undoubtedly a right to a state of affairs in which individuals with disabilities are moral patients whom others are obligated to treat in a particular way (e.g., by offering reasonable accommodations and making their spaces accessible so as to refrain from hindering their participation). Further, persons with disabilities are constituents of this state of affairs; they are the subjects whose freedom to participate is in question. The only remaining issue is whether or not such participation is a life- or history-good that God desires for individuals with disabilities. Given that Christians (including Wolterstorff) believe the Bible is God’s word, it seems that the Bible is the best source to consult in this context to determine what God desires for people with disabilities. The New Testament

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27 While the quality and style of Wolterstorff’s biblical scholarship is comparable to that of the right order theorists to which he is responding, he fails to take into account a number of passages (e.g., Genesis 18, Exodus 21:7-10, Deuteronomy 20, Ezra 9-10, etc.) that potentially contradict his view. Thus, as he moves from his narrative and towards philosophy, it is not clear that the Hebrew Bible supports his position to the degree that Wolterstorff thinks it does. Moreover, by his own characterization, Wolterstorff’s scholarship is “pre-modern” and not responsive to the current or even recent state of academic biblical scholarship. If this were a biblical or religious studies thesis instead of philosophy thesis, it might be productive to spend more time discussing such issues. However, this is beyond the scope of this paper and my training. See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2010), 67.
repeatedly emphasizes the value of Christians meeting together, engaging with one another in community, and living together; 28 so, this seems to be, quite uncontroversially, something that God desires for all Christians. Given that Christian organizations—and particularly churches—are essentially gatherings of Christian people and that these groups are a primary mechanism of Christian community, it seems that being free to participate in these organizations is a life-good that God desires for everyone, including people with disabilities. Thus, if Wolterstorff’s account (or a relevantly modified version thereof) succeeds, it can be used to establish that people with disabilities have the right to be free to attend/participate in Christian organizations, and not be hindered from doing so.

I now return to Wolterstorff’s account. Having explained the types of things one can have a right to, Wolterstorff devotes the remainder of Justice: Rights and Wrongs to metaethical concerns, namely explaining the metaphysical structure of rights. 29 Though he thinks that all rights have correlative duties, 30 he is particularly keen to defend the thesis that rights are not grounded in duties as he sees its negation as a weaker version of the right order theorists’ thesis that there are no inherent rights. He argues that “none of the standard accounts of obligation” can “offer a general account of subjective obligations that does not presuppose the existence of subjective rights but instead shows how and why subjective obligations are more basic than subjective rights and how the latter are grounded in the former.” 31 He supports this claim by criticizing, and subsequently rejecting, contemporary accounts of moral duties that might

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29 For those familiar with the distinction between claim-rights and permission rights, it is important to note that Wolterstorff’s account is exclusively an account of claim-rights as he considers these to be the only rights that involved in primary justice.
plausibly ground rights. In particular, he rejects causal divine command theory and duty-based theological voluntarism in general.\textsuperscript{32}

Having contended that rights cannot be grounded in duties, Wolterstorff then considers a fact briefly discussed in his counter-narrative: even the right order theorists admit that God has inherent rights (e.g., a right to be obeyed) grounded in His excellence/worth.\textsuperscript{33, 34} So too, he argues rights in general should be grounded in worth. Specifically, inherent human rights should be grounded in human worth. He then asserts that showing inherent human rights can be grounded in human worth is equivalent to “attempt[ing] to pinpoint some property or relationship whose possession by all human beings gives them all a certain worth.”\textsuperscript{35} Notably, this property or relationship must be 1.) A property/relationship that \textit{all} human beings have, 2.) A property/relationship that no non-human animal has, 3.) It must give humans greater non-instrumental worth than that of any non-human animal, and 4.) It must also grant humans sufficient worth to account for human rights. He then sets out to establish what this property or relationship might be.

Initially, Wolterstorff considers grounding rights in secular accounts of human worth (all of which are non-voluntarist accounts).\textsuperscript{36} In particular, he considers the accounts offered by Kant, Dworkin, and Gewirth. He rejects every one of these accounts because they each fail to include all human beings in their account of human dignity/worth. In particular, they all exclude


\textsuperscript{34} Interestingly, the Hebrew Bible might imply that God’s right to be obeyed is not as absolute as Wolterstorff thinks. See Genesis 18 and Ezekiel 20:25


people born with severe cognitive or intellectual disabilities.\textsuperscript{37} Kantian accounts do so because they ground human rights in a capacity for rational agency, which some humans lack. Gewirth’s account, although distinct from Kantian theories, also appeals to this capacity. Finally, Dworkin’s account requires that the bearers of human rights be “masterpieces of self-creation,” which excludes individuals with disabilities who lack the mental capacity to self-create.\textsuperscript{38} So, Wolterstorff suggests that we must either hope that a successful secular account of human rights and worth will be developed, give up inherent human rights, or offer a successful theistic theory of human rights.

Choosing to pursue this final option, Wolterstorff considers the various theistic proposals for grounding human rights. He rejects two non-voluntarist proposals to ground them in the \textit{imago dei} (the doctrine that all humans are made in the image of God).\textsuperscript{39} First, he rejects grounding human rights in a capacity-based interpretation of the \textit{imago dei}. He does so because this interpretation entails that bearing the \textit{imago dei} is equivalent to possessing a specific human capacity. Consequently, as far as grounding rights is concerned, this account is on par with the secular proposals that Wolterstorff already rejected. Moreover, this interpretation not only excludes individuals with profound intellectual or cognitive disabilities from the resultant account of human worth/rights but also suggests they do not bear the \textit{imago dei}.\textsuperscript{40} The second non-voluntarist interpretation he considers asserts that bearing the imago dei is equivalent to possessing human nature. Wolterstorff rejects this interpretation because the notion of human

\textsuperscript{37} Cognitive and intellectual disabilities are distinct. Cognitive disabilities affect how a person learns and performs mental tasks. Intellectual disabilities, while they also affect how a person functions, are defined primarily by a low IQ.


\textsuperscript{39} See Genesis 1:26-27, Genesis 9:6, and Psalm 8:5-8.

nature must be made too weak to ground human rights if it is to include people with cognitive or intellectual disabilities.\textsuperscript{41}

Driven to include all humans—including those with disabilities—in his account of human rights, Wolterstorff finally proposes that, because God is supremely excellent/worthy, His love for those that bear the \textit{imago dei} (namely all human beings) can account for human worth and thus ground human rights. He offers an analogy between humanly bestowed worth and divinely bestowed worth to argue that God’s love, which he thinks is best conceived as an attachment or bond, “bestows great worth on [each] human being,” worth unique to humans and sufficient to ground human rights.\textsuperscript{42} I will refer to this conception of love as “love as attachment.” He suggests that this proposed account only succeeds if God loves every human being “equally and permanently.”\textsuperscript{43} Given that the belief that God does indeed love every person equally and permanently is widely\textsuperscript{44} held within Christianity, Wolterstorff implies that his account at least succeeds in a Christian context. Thus, he would say it can successfully establish people with disabilities’ right to be free to attend/participate in Christian organizations as far as the people in those organizations are concerned.

2. Problems for Wolterstorff’s Account

\textsuperscript{43} Ibid.
\textsuperscript{44} Wolterstorff implies that this is a basic tenet of Christianity. See Nicholas Wolterstorff, \textit{Justice: Rights and Wrongs} (Princeton, NJ: Princeton University Press, 2010), 361. However, the claim that God loves all humans equally and permanently is inconsistent with Malachi 1:2-3, which discusses God’s hatred for Esau. Further, theologians, like Jonathan Edwards, discuss the divine hatred of humans (see \textit{Sinners in the Hands of an Angry God}). Because of these problems with Wolterstorff’s claim, I offer an alternative voluntarist account of human worth not grounded in God’s love in section 4.
Wolterstorff tries to avoid excluding individuals with disabilities from his account of rights by rejecting non-voluntarist accounts of human worth. Instead, he offers a voluntarist account that grounds human rights in the worth bestowed upon human beings by God’s love as attachment. Unfortunately, as I will argue below, the support Wolterstorff offers for this voluntarist account of worth is inconsistent with his reasons for rejecting divine command theory, which is also a voluntarist theory. Thus, I will conclude that the conjunction of his efforts to include people with disabilities in his account of rights and his rejection of divine command theory jeopardizes his entire project.

Wolterstorff objects to the analogy between humanly generated obligations and divinely generated obligations that divine command theorists offer to explain how God creates moral obligations. He believes this analogy is problematic because some humanly generated obligations are moral obligations. For instance, if moral obligations created by human commands truly help explain how God’s commands generate moral obligations, then these moral obligations will exist prior to and independent of God’s commands. In other words, these humanly generated moral duties will not be grounded in God’s commands. However, divine command theory purports that all moral duties are grounded in God’s commands. Thus, Wolterstorff thinks this analogy does not help articulate divine command theory, but rather contradicts it (a dubious claim that I consider below). Moreover, he argues that it does not help the divine command theorist to assert that human commands only generate moral obligations when God has commanded others to obey the human who is giving commands. Wolterstorff thinks this assertion leads to a problematic regress. This regress arises because the divine

45 All of the accounts that Wolterstorff rejects, both secular and theistic, are non-voluntarist—i.e., they do not ground human worth in God’s will or actions, but instead ground it in a specific feature of human beings or of the imago dei. It is precisely because Wolterstorff thinks that there is no such feature that all humans, including those with disabilities, share and no non-human possess that he moves towards a voluntarist account.
command theorist has: 1.) Appealed to the human generation of moral obligations to explain how God generates moral duties, and 2.) Suggested that humanly generated moral obligations are only morally obligatory because God has commanded us to obey the person giving commands. Together these entail that “reasoning to God by [this] analogy would suggest that we are morally obligated to obey God’s commands because there is someone other than God commanding us to do what God commands; and so on, *ad infinitum.*”

Unfortunately, as the stalwart divine command theorist Glenn Peoples points out, Wolterstorff has “failed to see the way in which a divine command theorist would think about the applicable analogy between human and divine commands.” Because they think that all moral obligations are created by divine commands, the proponents of divine command theory would never appeal to humanly generated moral obligations to explain how divine commands create moral duties. They might, however, make a perfectly acceptable analogy between the human creation of non-moral obligations (e.g., legal obligations) and the divine creation of moral obligations. Wolterstorff himself tacitly acknowledges that such analogies are acceptable when he makes an analogy of his own between humanly bestowed worth and divinely bestowed worth to explain his proposal for grounding rights.

We can better understand this specific issue in Wolterstorff’s treatment of divine command theory—and how it jeopardizes his project as a whole—by considering an equally uncharitable characterization of Wolterstorff’s analogy between humanly bestowed worth and divinely bestowed worth. Wolterstorff’s analogy focuses on a human queen whose love as attachment for a friend bestows worth upon them within her kingdom. Importantly, the queen’s worth within her kingdom—which enables her to bestow worth on her friend—is *not* dependent

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God’s love. So, we can make an acceptable analogy between this case of humanly bestowed worth and divinely bestowed worth. However, just as Wolterstorff can imagine problematic cases of humanly generated obligations that undermine the divine command theorist’s analogy, I too can imagine other problematic cases of humanly bestowed worth that similarly undermine Wolterstorff’s analogy. Consider another situation with a different woman who is not a queen. Suppose this woman’s only worth in her community is the worth that God’s love bestows upon her. Further suppose that, like the queen, this woman loves a friend and her love consequently bestows worth upon this friend in their community. In this situation, it seems that this humanly bestowed worth must be derivative from the worth that God’s love bestowed upon the woman. Thus, there are at least some cases of humanly bestowed worth where the only reason that one human can bestow worth on another human is because they themselves have already been bestowed worth by some other entity (e.g., God). So, if we consider an analogy from humanly bestowed worth to divinely bestowed worth that includes the second woman, it will imply that God can only bestow worth on people if someone other than God has already bestowed worth on Him, and so on ad infinitum. However, we should not interpret Wolterstorff or the divine command theorist so uncharitably. The divine command theorist’s analogy is best interpreted as appealing only to the unproblematic case in which humans generate non-moral obligations just as Wolterstorff’s analogy is best interpreted as it is presented: only appealing to a specific, acceptable case of humanly bestowed worth—i.e., one wherein the queen’s love bestows worth upon her friend and the queen’s worth is not dependent on the love God bears towards her. On this interpretation, the divine command theorist’s analogy is not problematic. In fact, it closely resembles the analogy Wolterstorff offers for his voluntarist account of bestowed worth. Unless

48 Although, some theists may suggest the queen’s worth is dependent on God’s will. See Daniel 2:21 and Romans 13:1
there are other reasons to dismiss divine command theory, rejecting it seems to be at odds with accepting Wolterstorff’s account. However, this is problematic because Wolterstorff’s argument that rights cannot be grounded in duties requires him to reject divine command theory.

Consequently, it also is worth noting that Wolterstorff offers a second criticism of divine command theory. This criticism—though it does not create problems with his voluntarist theory per se—fails to take into account the shift amongst contemporary proponents of theological voluntarism towards modified divine command theories. His complaint is that divine command theory cannot account for humans’ standing obligation to obey God in the first place. Wolterstorff suggests God cannot have simply generated this standing obligation by commanding that humans obey Him. This would lead to another vicious infinite regress that would fail to explain this standing obligation. While Wolterstorff does not see any other plausible way for the divine command theorist to explain this standing obligation, I believe that the main move made by several modified divine command theorists to escape the Euthyphro dilemma (i.e., appealing to God’s nature) can explain this standing obligation and resolve this issue. This is significant because, if it was not possible to resolve this objection in this way, then I would be unable to propose my voluntarist solution to the main problem in Wolterstorff’s account in section 4.

Further, Wolterstorff’s resistance to divine command theory is problematic on other grounds. He seems to embrace voluntarism while denying its consequences and failing to make use of potentially helpful resources. The first is a substantive philosophical issue while the second is a pragmatic issue. In the first case, because he offers no explanation for why God loves humans and so bestows great worth on them, his account is open to the charge of arbitrariness. This is a charge that other proponents of theological voluntarism and divine command theory
have already addressed at length. These solutions would be immediately available to Wolterstorff if he identified his theory as a new variety of theological voluntarism or divine command theory instead of rejecting it outright. Further, like Wolterstorff and other proponents of human rights, the divine command theorists are also at odds with the right-order theorists. As Wolterstorff acknowledges, the right order theorists explain justice and ethics in terms of natural law, which is incommensurable with divine command theory. So, if Wolterstorff really wants more people to endorse a theistic account of justice as inherent rights and reject the justice as right-order account, he should embrace the resources of modified divine command theory.

**Part 2**

**Modifying Wolterstorff’s Account**

3. Divine Command Theory, Euthyphro, and Modified Divine Command Theory

In this section, I consider the resources of modified divine command theory available to Wolterstorff. In particular, I discuss classical divine command theory (DCT), the challenge posed to DCT by the Euthyphro dilemma, and two ways that modified divine command theorists circumvent the dilemma by appealing to God’s nature. In the next section, I will develop these two ways of circumventing the Euthyphro dilemma into two solutions to the problems in Wolterstorff’s account. While I have already discussed divine command theory in the context of Wolterstorff’s account, it will beneficial to develop the theory in a bit more depth here and to say something about theistic metaethics in general. This will help clarify several of the comments made in the previous section.

The dichotomy between theistic metaethical theories, which essentially depend on God, and metaethical theories that are independent of God is one of oldest distinctions in metaethics, dating back at least as far as Plato’s *Euthyphro*. Deciding between these two views has immense
implications in ethics and beyond. Specifically, it impacts how we answer two of the most persistent human questions: “What is morality?” and “Does God exist?” Historical and contemporary proponents of theistic metaethics have linked their answers to these questions by offering moral arguments for the existence of God. These moral arguments play an important role in Western philosophy of religion and contemporary Judeo-Christian apologetics because, unlike many arguments from natural theology, they provide a reason to think that a perfectly good (omnibenevolent) God exists. Being perfectly morally good is a necessary condition both for being worthy of worship and for being the omnipotent God commonly discussed in philosophy. Moreover, these are all necessary conditions for God to be supremely excellent (or to be of the highest worth), the property that ultimately grounds all inherent rights in Wolterstorff’s account. These moral arguments, then, offer evidence for the existence of such a being.

Many proponents of moral arguments for the existence of God also ascribe to versions of divine command theory. Consequently, they are interested in responding to criticisms of divine command theory in order to bolster these moral arguments for the existence of God. Given that “almost all the classical objections to theistic ethics can be thought to derive from the famous Euthyphro Dilemma,” divine command theorists are particularly concerned with escaping this

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51 Given my discussion of the shortcomings of Wolterstorff’s biblical scholarship, it is important to recognize the limitations of my own discussion. This paper is primarily driven by philosophical considerations. Because there is often a divide between philosophy and biblical studies, some of the concepts that I introduce that are standard in philosophy may be considered problematic by bible scholars. For instance, although the notion of an omnipotent God is commonly discussed in philosophy of religion, there are biblical passages that would undermine this claim (for example, Isaiah 51:9). As a result, my discussion may periodically fail to address such issues from the perspective of biblical scholarship.
52 For example: Robert Adams, William Alston, David Baggett, Jerry Walls, William Lane Craig, Glenn Peoples, John Hare, and C. Stephen Evans.
dilemma. To this end, many of them have developed so-called modified divine command theories, which attempt to circumvent the dilemma by appealing to God’s nature.

Divine command theory can refer to a specific constructivist metaethical theory (‘DCT’) or a broad class of constructivist theories (‘theological voluntarism’). Metaphysically speaking, constructivism holds that moral facts and properties exist and that these facts and properties constitutively depend (at least in part) on the attitudes and reactions of certain observers. Both DCT and theological voluntarism hold that God is the observer whose will, commands, attitudes, reactions, practices, etc. are of interest. This makes divine command theory a theistic metaethical theory. Theistic metaethics requires that, at the end of every chain of explanation, each moral fact be metaphysically explained by some fact(s) about God. For the purposes of this section I will focus on DCT and generalize to theological voluntarism as needed. Metaphysically, DCT purports that moral facts and properties exist and they are grounded in facts about God’s commands/will. Essentially, DCT suggests that God’s commands/will constitute morality and that moral duties exist because God commands/will things. For example, if God gives the commandments “Do not murder” and “Obey your parents” then, according to DCT, there is a moral duty/obligation to not murder and to obey your parents.

I now turn to the Euthyphro dilemma, which gets its name from Plato’s *Euthyphro*. In it Socrates asks, “is the pious loved by the gods because it’s pious? Or is it pious because it’s loved?” Having been adapted to fit a monotheistic context, the Euthyphro dilemma still applies to DCT and theological voluntarism today. The contemporary version of the dilemma can be

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53 Theological voluntarism refers to all metaethical theories that “hold that what God wills is relevant to determining the moral status of some set of entities.” See: Murphy, Mark. “Theological Voluntarism,” *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition), ed. Edward N. Zalta. However, given the shift towards modified divine command theory, not all ‘divine command theories’ are voluntarist theories. I will therefore not use divine command theory to refer to this broad class of voluntarist theories and will instead rely on the term theological voluntarism to refer to the broad class of voluntarist theories.

54 *Euthyphro*, 10a
stated as: does God command/will things because they are morally obligatory, or are things moral obligatory because God commands/wills them?\(^{55}\) As this disjunction implies, the dilemma has two horns, a non-voluntarist and a voluntarist horn.

On the one hand, the non-voluntarist horn (i.e., God commands things because they are morally obligatory) problematically suggests that the things that God commands are morally obligatory prior to God commanding them. This means these things have a prior moral status that does not depend on God, so moral facts are not ultimately explained by facts about God. Consequently, accepting this horn of the dilemma makes morality independent of God and renders theistic metaethics incorrect.\(^{56}\) This not only violates theistic metaethics’ requirement that every moral fact be fundamentally explained by some fact(s) about God, but also makes it impossible to give a moral argument for the existence of God.\(^{57}\)

Conversely, the voluntarist horn of the dilemma (i.e., things are morally obligatory because God commands them) is problematic because it either leads back to the first non-voluntarist horn or it makes moral truths arbitrary. Either God has reasons for commanding something or He does not have reasons for doing so. If the former is true, then the proponents of DCT have opened themselves to the objection that the things that God commands are morally obligatory because of His reasons for commanding them and not because He commands them. This seems to return us to the non-voluntarist horn. Conversely, if the latter is true and God has

\(^{55}\) Other moral concepts (e.g., ‘morally wrong’) can be substituted as appropriate for ‘morally obligatory’ here. Additionally, ‘will’ can be substituted for ‘command’ to make the dilemma target theological voluntarism in general instead of DCT specifically.

\(^{56}\) Because he seriously considers secular groundings of human rights (and only rejects them because they include people with certain disabilities), Wolterstorff does not seem to have a problem with this implication of the non-voluntarist horn in the same way that other proponents of theological voluntarism do. Instead, he simply thinks that none of the non-voluntarist options are true.

\(^{57}\) For further discussion see Evans, “Moral Arguments for the Existence of God,” np. Evans suggests that moral arguments for the existence of God either “begin with alleged moral facts and argue that God is necessary to explain those facts, or at least that God provides a better explanation of them than secular accounts can offer” or “begin with claims about some good or end that morality requires and argue that this end is not attainable unless God exists.” If morality is independent of God, both strategies fail.
no reasons for commanding things, then it seems that God’s commands are arbitrary and we have no morally significant reason to obey them or to care about morality (we may, however, still have prudential reasons to obey—e.g., so God does not smite me where I stand). However, the proponents of DCT (and theological voluntarism in general) need morality to matter and depend on God because they want the existence of some set of moral facts and/or desired moral ends to provide evidence for the existence of an omniperfect God who is worthy of worship.

So, the Euthyphro dilemma is supposed to establish that DCT (and theological voluntarism more generally) cannot be true because it leads to either the non-voluntarist or the voluntarist horns of the dilemma. As a result, a number of philosophers and theologians have developed various ‘modified divine command theories,’ which try to escape the Euthyphro dilemma by appealing to God’s nature. Typically, they do this either by suggesting that the two horns of the dilemma are not exhaustive or by arguing that the voluntarist horn can be made non-problematic. I consider both of these strategies below and then apply them in the next section to resolve the problems with Wolterstorff’s account.

Some philosophers, like William Lane Craig, appeal to God’s nature to argue that the horns of the Euthyphro dilemma are not exhaustive. Craig suggests that there is another non-voluntarist option, which involves asserting that moral facts exist prior to God willing things. However, these moral facts are grounded in God’s nature (as opposed to being independent of God). He also suggests that to conflate ‘divine command theory’ with theological voluntarism

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58 While Wolterstorff’s views may not be afflicted by the problems of the non-voluntarist horn, his account is certainly subject to this arbitrariness objection as I suggested in the previous section.

59 These include Robert Adams, William Alston, David Baggett, Jerry Walls, William Lane Craig, and Glenn Peoples.

60 This assertion fits nicely with Wolterstorff’s discussion of rights in which he considers secular non-voluntarist accounts of human worth (which correspond to the traditional non-voluntarist horn of the Euthyphro dilemma), theistic non-voluntarist accounts (which correspond to Craig’s proposal), and voluntarist accounts (which correspond to the traditional voluntarist horn of the Euthyphro dilemma). This correspondence seems to be a point in favor of conjoining of theological voluntarism/DCT’s discussion of moral duties with Wolterstorff’s treatment of
is a mistake. Craig summarizes this position saying:

I think it is clearly a false dilemma because the alternatives are not of the form “A or not-A” which would be an inescapable dilemma. The alternatives are like “A or B.” In that case you can always add a third one, C, and escape the horns of the dilemma. I think in this case there is a third alternative, which is to say that God wills something because he is good. That is to say, God himself is the paradigm of goodness, and his will reflects his character. God is by nature loving, kind, fair, impartial, generous, and so forth. Therefore, he could not have willed that, for example, hatred be good. That would be to contradict his very own nature. So God's commands to us are not arbitrary, but neither are they based upon something independent of God. Rather, God himself is the paradigm of goodness. […] Most divine command theorists today do not defend voluntarism. They would defend what I just expressed a moment ago – a non-voluntaristic view – that God's will expresses his essential properties such as generosity, kindness, impartiality, fairness, and so forth. So the moral good is not something that is based in God's will but in his nature.61

It is crucial to understand the modality of “could not” in this passage. Craig suggests the reason that God could not have willed hatred to be good is that it would contradict His nature.62

Metaphysically speaking, it is impossible for any object/being to take any action or have any property that contradicts its nature. Otherwise that object/being would not have its particular nature, which is to say it would not be identical with itself (which would be absurd). So, given that Craig grounds moral facts directly in God’s nature, saying ‘God could not have willed that hatred be good’ is equivalent to saying ‘it is metaphysically impossible for God to will that hatred be good.’ Thus, appealing to God’s nature in this way circumvents the Euthyphro dilemma by imposing a metaphysical constraint on what God can command.63 This discussion

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62 Because of my focus on moral metaphysics, I do not consider the important epistemic question pertaining to how we might come to know about God’s nature or God’s commands. I will however suggest two potential answers here: 1.) divine revelation and 2.) our rational intuitions (particularly if humans bear the imago dei).
63 Ibid. Despite its “modified divine command theory” label, Craig’s view falls outside the realm of theological voluntarism because he suggests that, at a metaphysical level, “moral good[ness] is not something that is based in God's will but in His nature.” However, God’s commands/will still have a role. Specifically, they play an epistemic role by “express[ing]” God’s nature and communicating moral truths to moral agents like humans.
will become important later after I have developed solutions to Wolterstorff’s problem, as it leads to other concerns for my non-voluntarist solution.

On the other hand, some philosophers, like Glenn Peoples, argue that the voluntarist horn (i.e., things are morally obligatory because God commands them) can be made non-problematic. Peoples suggests that God’s commands do in fact constitute morality. However, he emphasizes that God “has a particular nature.”\(^64\) Peoples argues God’s commands are non-arbitrary because they are informed and constrained by His nature without being metaphysically grounded in it. Thus, God does not command just anything; His nature gives Him reasons to command certain things. Peoples summarizes his position by saying:

> God cannot command that which He hates, even though it is within His power. Whatever God commands is right, and torture could never be right because God would never command it, nor would His character, His nature and His desire permit Him to. For example (and others could be given), if God is benevolent, then He does not command that which is repugnant to benevolence.\(^65\)

For Peoples’s statement to be consistent, saying ‘God can do x’ must not be identical to saying ‘x is within God’s power.’ Additionally, ‘God is permitted to do x’ also must not mean the same thing as ‘x is within God’s power.’ This distinction is especially important because Peoples does not want to metaphysically constrict God’s power to command and thus violate His omnipotence. He suggests “the metaphysical possibility would still exist” for God to command something that conflicts with His nature.\(^66\) So, ‘x is within God’s power’ must be equivalent to ‘it is metaphysically possible for God to command x.’ Thus, Peoples is proposing that God’s nature constrains His commands without reducing His metaphysical power to command (i.e., this constraint is not a metaphysical constraint). While this seems to conflict with my treatment of Craig’s account above, I will leave this point for now. As with the metaphysical constraint in

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\(^{65}\) Ibid., 78

\(^{66}\) Ibid., 78
Craig’s account, I will return to this discussion after I have developed my voluntarist and non-voluntarist solutions to Wolterstorff’s problem.

4. Including People with Disabilities and Circumventing Wolterstorff’s Problem

In section 2, I argued that Wolterstorff unintentionally creates an issue for his account by seeking to reject divine command theory (and theological voluntarism in general) and then subsequently embracing his own brand of voluntarism in order to include people with disabilities in his account of human worth. Then, in section 3, I considered non-voluntarist and voluntarist versions of modified divine command theory, both of which circumvented the Euthyphro dilemma. Now, I further develop these two versions of divine command theory and combine them with Wolterstorff’s theory of rights (with varying degrees of modification) to produce two viable accounts of moral rights that include people with disabilities. My treatment of these metaethical accounts will focus on the moral metaphysics required explain both rights and duties, while maintaining Wolterstorff’s thesis that rights are not grounded in duties (and vice versa).

I offer both of these solutions because my goal in this paper is to provide conceptual motivation for Christian religious organizations to voluntarily takes steps to include people with disabilities in light of the ADA’s Title III exemption of religious organizations. Thus, by offering both a voluntarist and non-voluntarist account of human rights, I hope to convince more Christians that people with disabilities have a right to be free to participate in their religious organizations and to not be hindered from doing so by barriers to accessibility. If someone prefers my voluntarist account, then their preferred account will include disability rights. Conversely, if someone prefers my non-voluntarist account, then their preferred account will also include disability rights. Accepting either theory entails the existence of disability rights.
4a. Non-Voluntarist Solution

Given that Wolterstorff’s move towards voluntarism leads to his problem, it seems the most straightforward solution would be to offer a successful non-voluntarist account of human worth to ground human rights. This is not a trivial task. Given the goal of developing an account of rights and worth that includes all people (even those with disabilities), I believe Wolterstorff makes the right decision in rejecting every non-voluntarist theory of human worth that he considers in *Justice*. In light of this, in this section I take on the difficult project of proposing my own non-voluntarist account of human rights that includes people with disabilities. While Wolterstorff only attempts to develop an account of rights, I offer a non-voluntarist metaethical theory that also explains moral duties. Beyond the obvious advantage of producing a more comprehensive account, this creates a beneficial symmetry with my voluntarist solution to Wolterstorff’s problem, which must necessarily explain both moral duties and moral rights in order to resolve the conflict between divine command theory and Wolterstorff’s account. This symmetry will allow for a more straightforward comparison of the relative merits of these two accounts at the end of this paper. Presenting a complete account will also allow me to explain the standing obligation that humans have to obey God and will expose a problem with non-voluntarist theistic metaethical theories (namely a metaphysical constraint on God’s actions) that I attempt to resolve later in this paper.

Recall from my previous discussion of Wolterstorff’s theory that offering a successful account of human worth is tantamount to finding a particular property/relationship. This must be a property/relationship that 1.) all human beings possess, 2.) no non-human animal possesses, 3.) gives humans greater non-instrumental worth than any non-human animal, and 4.) grants humans enough worth to account for human rights. In the case of a non-voluntarist account this
property/relationship must also 5.) not depend on that which God wills. My proposal should be evaluated based on these criteria.

I believe that Christian ethicist Nigel Biggar’s non-voluntarist account of worth may be able to ground human rights and avoid excluding people with disabilities. In his response to Justice: Rights and Wrongs, Biggar rejects Wolterstorff’s voluntarist proposal that we ground human rights in the worth bestowed upon human beings by the love that God bears for them. He does so because he “presume[s] that God loves all of his creatures, not just human ones,” i.e., he thinks Wolterstorff’s account violates criterion 2 above. Moreover, he thinks that appealing to the idea that God loves humans in a special way does not avoid this problem but simply raises the question: “What is it about humans that attracts God’s special love?” Biggar thinks this question returns us the project of accounting for human worth in non-voluntarist terms. He implies that the only alternative is to present a voluntarist account of human worth that is problematically arbitrary. Instead, he sets out to offer a non-voluntarist account of human worth based upon his work on the ethics of suicide and euthanasia—which gives him similar

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67 The fact that one can propose theistic non-voluntarist accounts of human worth suggests that it would be wise to clarify this criterion. “What God wills” in this case does not include the particular act of God’s will at creation whereupon He makes human beings (or some other set of beings) in such a way that they have, by nature, a particular property that is capable of accounting for their worth (and which can then ground their inherent moral rights). Though God’s will is certainly active in this situation, such an account will be considered a non-voluntarist theistic account of worth. Instead, “what God wills” should be taken to refer to any other act of God’s will—be it commanding, bestowing, loving, willing that x be the case, etc.—that could possibly ground moral worth (and rights) but that does not do so by originally establishing the nature of the being whose worth and rights are in question.


69 Though Biggar does explicitly discuss it, Wolterstorff’s use of God’s love as attachment to ground human worth, as opposed to God’s generic love, is a version of this appeal. The “bond” or “attachment” element, which Wolterstorff thinks is unique to humans, is supposed to make this love special, enabling it to ground moral worth and human rights.

70 Ibid.

71 Biggar’s argument here is nearly identical to the argument made within the voluntarist horn of the Euthyphro dilemma; we must either return to the non-voluntarist horn or face the charge of arbitrariness.
motivation to avoid excluding “severely hindered human beings” from his account of human worth. 

So, Biggar articulates a theistic, capacity-based account of human worth built upon a particular interpretation of the *imago dei* discussed in Genesis 1:26. Because it is tied to the *imago dei*, the capacity in which he grounds worth—though dependent on God’s will—is original to human nature from the moment of creation onwards. Thus, Biggar’s account is non-voluntarist and fulfills criterion 5. Further, because no non-humans possess the *imago dei*, it satisfies criterion 2. In his account, Biggar suggests:

I take the ‘image of God’ to imply that what is special about human beings is their being dignified by God with a subordinate responsibility to care for God’s creation. This equal dignity is intensified—and individualized—by God’s personal calling of each human being to exercise their general responsibility by playing a unique and inimitable part in the salvation of the world. (Such a notion of individual calling is Barth’s contribution.) This delivers an understanding of human worth as consisting in a capacity for responsibility—for responding appropriately to the goods to be found in God’s creation, and to an individual vocation. Unlike autonomous, Kantian rationality, this responsibility can be passive, receptive and intuitive as well as active, assertive and articulate. It can be possessed, for example, by the severely handicapped child who, although hardly capable of ‘biography’, is perfectly capable of responding with appreciative joy to the good of the beauty of the sound of music—and of bearing salutary witness to the worthwhileness of life that merely admires the goodness of created goods.

By giving humans a subordinate responsibility to care for the rest of creation God seems to elevate humanity’s status and worth above that of animals (and all other living things), thus satisfying criterion 3 (i.e., it gives humans greater non-instrumental worth than animals).

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72 Nigel Biggar, “Nicholas Wolterstorff, Justice: Rights and Wrongs,” *Studies in Christian Ethics* 23, no. 2 (2010): 136-137. Interestingly, Biggar also emphasizes that he simultaneously wants to exclude a particular class of living, but severely hindered human beings: those that are permanently incapable of consciousness like Tony Bland, the British soccer fan whose cortex was liquefied but whose brain stem “sustained basic bodily functions.” However, Biggar later clarifies this by saying that Bland’s consciousness is “never to return this side of resurrection from the dead.” Thus, it seems that Biggar thinks that, while Bland’s human body is alive in some sense, Bland himself is, in a very real sense, dead. I do not think that excluding such cases from our account of worth is problematic, so I will not discuss this further.


74 This subordinate responsibility also seems to be consistent with Psalm 8:4-8.
Further, because God is taken to be the most excellent and worthy being, sharing a responsibility with Him, even subordinately, seems like the type of thing that would impart enough worth to account for moral rights. So this account seems meet criterion 4 by granting humans enough worth to account for rights.\(^75\)

Nevertheless, criterion 1—the requirement that this property/responsibility belong to all humans—is a bit trickier. If we accept Biggar’s assertion that “this responsibility can be passive, receptive and intuitive” and the accompanying implied claim that all humans—even those with cognitive or intellectual disabilities—have the needed capacity to fulfill this passive responsibility, then his account will satisfy criterion 1.\(^76\) However, we cannot simply accept this assertion and implied claim. Yet, I am inclined to accept them in light of Biggar’s discussion of an individualized calling to exercise this general responsibility in a personal way. This feature of his account nicely allows for variation in the capacity for responsibility amongst all human beings, not just variation between those with and those without a disability. It does, however, still seem to require that each human possess a minimal capacity to respond to the external world. This capacity must extend beyond the ability to interact with the external world by breathing, regulating one’s body temperature, processing water and nutrients, etc. It must allow an individual to “bear salutary witness to the worthwhileness of life […] [and] admire[] the goodness of created goods.”\(^77\) In my view, even semi-autonomous attempts to do things like feed oneself or drink (these need only be attempts because one’s efforts could be impinged by a physical disability or some other factor) would be sufficient evidence to indicate that the person

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\(^{75}\) However, given its grounding in the *imago dei*, there is at least one group of Christians that might be inclined to reject Biggar’s account: Calvinists. Calvinism suggests that the total depravity of fallen man (i.e., all humans existing after the fall of Adam) entails that humans no longer possess the *imago dei*. Drawing upon further discussion in the main text, I will propose a potential resolution to this in footnote 80.


\(^{77}\) Ibid.
in question is capable of responding to the external world in the way required by Biggar’s account. These are attempts at active engagement and response to the external world. Surely, the passive response Biggar’s account requires is well within the abilities of someone who can make such attempts at active engagement with the external world. Additionally, based on this discussion, I am not aware of any disability that renders a person completely unresponsive to the external world in the relevant way (excluding comas or other related medical circumstances, which I will address momentarily). Nor could I find any research indicating the existence of such a disability. So, if we can account for cases like comas, it seems that Biggar’s account of worth will include people with disabilities. However, it will only do so contingently. This is because the discovery (or more appropriately the existence) of a disability that renders a living human being permanently unable to respond to the external world in the relevant way will entail that Biggar’s account excludes at least one human—and the existence of such a disability is certainly possible.78, 79

Now the question remains whether Biggar’s account can handle cases where a person is in a coma or subject to other medical circumstances that temporarily strip them of their ability to carry out even these passive responsibilities. Intuitively, they ought to be included in his account of worth. Importantly, Biggar’s discussion of an individual calling to exercise this responsibility in a personal way leaves open the possibility for the calling to be refused, ignored, or neglected and thus for the responsibility to go unfulfilled. So, I think that a person fully capable of

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78 For this reason, I conclude only that Biggar’s account of human worth might be able to ground human rights. Similarly, our degree of confidence in this account of worth should never exceed our degree of confidence in the non-existence of such a disability.

79 Based on my preceding discussion, it seems that at least some non-human animals have the level of capacity needed to “bear[] salutary witness to the worthwhileness of life [and] admire[] the goodness of created goods.” For example, dogs seem to appreciate the goodness of play, food, etc. However, it is important to remember that this minimum capacity does not ground rights in Biggar’s account. It is merely a prerequisite to being able to fulfill the subordinate responsibility to care for the rest of creation with which humans are uniquely entrusted. This responsibility, which all and only humans have, grounds rights.
exercising the relevant responsibility could deliberately neglect it for some period of time while retaining the relevant capacity required to ground human worth. Similarly, I also think that someone could neglect this responsibility/calling unintentionally for some period of time due to an impairment(s) that is beyond his or her control and still retain the needed capacity for responsibility for the duration of his or her impairment. After all, it seems that all people temporarily lack this capacity while they sleep and regain it when they wake. The key is that the impairment of the relevant capacity be temporary as in the case of sleep. This would include medical circumstances—like a coma—in which a person is temporarily deprived of the capacity to respond to the external world in the relevant way but may possibly regain it. It seems to me that, so long as the physical (medical) possibility remains for a person in such circumstances to regain consciousness (and thus the relevant capacity) without a miracle, then this person should be included in Biggar’s account of worth. We should consider them to be unintentionally neglecting their calling/responsibility for the duration of these medical circumstances. If, however, there is no physical possibility for them to regain consciousness and the capacity necessary to fulfill even this passive responsibility, short of God raising them from the dead, then they should not be included in this account of worth. This is not problematic because, though the cells in their body may be alive, they themselves are, in some sense, dead. However, in cases where it is unclear whether there is even a miniscule possibility that the person in question might regain consciousness, we should err on the side of including them in our account of worth.\footnote{I can now finish my discussion of Calvinism. It seems to me that the total depravity of man to which Calvinists appeal in order to argue that humans no longer bear the \textit{imago dei} indicates that all humanity has neglected this calling, which they were intended to fulfill. The charge of total depravity is then an accusation that points to the existence of this calling and responsibility, which separates humanity from the rest of creation and uniquely dignifies them. Moreover, as Duane Edward Spencer says, total depravity “does not mean that man is \textit{incapable} of human good” (emphasis added). Thus, it is consistent with total depravity for humans to have the capacity to fulfill this responsibility and thus perform some human good; we just consistently (but not always) fail to do so. Thus, the Calvinist assertion that humans do not bear the \textit{imago dei} fits neatly with my discussion of the deliberate temporary neglect of this responsibility. So, even the Calvinist assertion that humanity has lost the \textit{imago dei} points to the}
I have said a great deal about this non-voluntarist account of worth in which we might ground human rights but have said nothing about moral duties and little about the broader metaethical context in which it would exist. Let me remedy this. While there are several theistic metaethical theories I could pair with Biggar’s account of worth, I will focus on one representatively good account. This is Craig’s non-voluntarist modified divine command theory, which escapes the Euthyphro dilemma by suggesting “the moral good is not something that is based in God's will but in his nature.” Essentially, Craig’s theory emphasizes a shift from DCT (or a similar view) to a non-voluntarist modified divine command theory based in God’s nature, a view that I will call ‘divine nature reductionism’ (DNR) for ease of reference. DCT, the theory from which Craig is distancing his view, holds the following metaphysical thesis: moral facts and properties exist and they are grounded in facts about God’s will. Conversely, metaphysically DNR holds: objective (response independent) moral facts and properties exist and they are grounded in facts about God’s nature. Biggar’s non-voluntarist account of human worth (which grounds human rights) falls under this thesis. Because the *imago dei* discussed in Genesis 1:26 is the image or likeness of God, it depends on facts about God’s nature, namely the aspects of God’s nature that the bearers of the *imago dei* reflect. Thus, if human rights are grounded in human worth, which is grounded in a capacity identified with bearing the *imago dei*, and the *imago dei* is grounded in God’s nature, then human rights are ultimately grounded in God’s existence of the features that Biggar’s account requires. If we equate bearing the *imago dei* to always fulfilling this responsibility, then it is possible for humans to fail to bear the *imago dei* even while it grounds human rights. Humans are only by nature depraved (which gives them the needed features to ground human worth on Biggar’s account) because they were created in the *imago dei* and failed to live up to it—i.e., the depravity that Calvinists view as inherent to human nature is the lingering indication of the original presence of the *imago dei*, which we cannot lose despite our shortcomings. See: Duane E. Spencer, *TULIP: The Five Points of Calvinism in the Light of Scripture* (Grand Rapids, MI: Baker Books, 2002), 32.

nature. Thus, any moral facts pertaining to human rights are grounded in facts about God’s nature.

Further, within DNR, that which God wills/commands is not arbitrary because it “expresses [the] essential properties” of His nature.82 This implies that God’s commands play an epistemic, and not metaphysical, role in this theory. Further, it suggests that for God to act rightly is merely for God to act in a manner consistent with His own nature.83 Thus, DNR holds that God has a moral duty to act consistently with His nature. Because God’s nature metaphysically constitutes the ultimate good (i.e., the most excellent and worthy thing) and His commands express that nature, humans have a standing obligation to obey God. God’s nature then gives Him a correlative right to be obeyed that corresponds with this standing obligation. This correspondence, along with Wolterstorff’s discussion of rights, can help us articulate the particular way that moral duties are tied to facts about God’s nature. In obeying God’s commands, humans fulfill their duty to obey God and also honor His right to be obeyed. Wolterstorff suggests that when we violate someone’s rights we wrong them by disrespecting their worth and when we honor someone’s rights we treat them rightly by respecting their worth.84 Thus, when we honor God’s right to be obeyed by fulfilling our standing obligation to obey Him, we respect God’s worth, and, therefore, we respect God’s nature. Further, by acting consistently with His own nature, God also respects His nature. So, moral agents act rightly by respecting God’s nature and act wrongly by disrespecting God’s nature. Particular moral duties can be seen as consisting of respecting specific aspects of God’s nature. Similarly, since rights originate in God’s nature, violating someone’s rights is equivalent to disrespecting God’s nature.

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83 Because God is omnibenevolent by nature, this re-emphasizes that it is metaphysically impossible for God to act in a manner inconsistent with His nature.
A human whose rights are violated is wronged because their worth, which is derivate from God’s nature, has been undervalued. So, in DNR, moral facts about rights and duties reduce to facts about God’s nature—i.e., facts about what it is to respect His nature, where His nature manifests, etc. Moreover, the correlative relationship between rights and duties arises not because rights ground duties or duties ground rights, but because both rights and duties are grounded in the same source: God’s nature.

4b. Voluntarist Solution

Another way to eliminate the inconsistency between Wolterstorff’s mistreatment of divine command theory and his voluntarist account of human worth is to change the way he treats divine command theory. While this could perhaps be achieved by finding better reasons to reject divine command theory (along with all voluntarist accounts of moral duties), such a rejection might still cast a shadow on Wolterstorff’s account. If he rejects all voluntarist accounts of moral duties, then it seems that he must hold a non-voluntarist account of moral duties. However, given that Wolterstorff embraces a voluntarist account of moral rights, this seems a bit problematic given Wolterstorff’s principle of correlatives:

If Y belongs to the sort of entity that can have rights, then X has an obligation toward Y to do or refrain from doing A if and only if Y has a right against X to X’s doing or refraining from doing A.  

In addition to needing to offer separate accounts for rights and duties, Wolterstorff would also have to offer a compelling explanation for the existence of this principle. Doing so would be tantamount to explaining the unity between a non-voluntarist account of rights and a voluntarist account of duties. This seems like a tall task. It seems that any explanation would be quite artificial or arbitrary, especially when contrasted with the unity found in DNR, wherein duties and rights are both grounded in God’s nature. Because God’s nature is necessary/permanent, it

makes sense that moral duties have correlative rights (and vice versa) as the same fact about
God’s nature could easily explain each correlative pair in DNR. So, instead of finding different
reasons to reject divine command theory, I propose that Wolterstorff should accept a voluntarist
account of moral duties, like Glenn Peoples’s modified divine command theory, and unify it with
his voluntarist account of human worth.

Before looking at how we might unify such a modified divine command theory and
Wolterstorff’s theory of rights, I want to discuss Biggar’s criticism of Wolterstorff. Biggar
suggests that God’s love cannot ground human rights because he thinks that God loves all of His
creatures equally. He implies that Wolterstorff’s appeal to God’s love as attachment, which
uniquely attaches to all and only humans, is either arbitrary or demands a non-voluntarist
explanation. This argument closely resembles that of the voluntarist horn of the Euthyphro
dilemma. Consequently, I think that Wolterstorff could appeal to God’s nature to argue that this
unique love is not arbitrary just like Peoples and other voluntarist modified divine command
theorists do to argue that God’s will/commands are not arbitrary. However, it is unclear whether
all Christians will accept Wolterstorff’s claim that God loves humans in a unique way that gives
them more worth than the rest of creation. While passages in the Bible like Job 35:11, Matthew
6:26, Mathew 10:29-31, and Luke 12:24 say that humans are more valuable/precious than birds,
more knowledgeable than the beasts, and wiser than the birds, they do not say that God loves
humans more than other creatures nor do they say that He loves them with the kind of attachment
to which Wolterstorff appeals. Under such scrutiny, it is not clear that Wolterstorff’s voluntarist
account of worth is unproblematic, even if it escapes the charge of arbitrariness by appealing to
God’s nature.86

86 As I mentioned earlier, Wolterstorff’s claim that God loves all humans equally is also controversial.
While some people, like Wolterstorff, will not have any qualms with grounding human worth in God’s love as attachment, many will. So, I propose a second voluntarist account of human worth that will avoid the above issues. Further, I will develop my solution to Wolterstorff’s main problem such that either this new account or Wolterstorff’s original account of worth can be used to offer a voluntarist grounding for human rights that can combined with modified divine command theory in the way I discuss later in this section. This new account relies on an interpretation of the *imago dei* based on Genesis 1 and Joshua Moritz’s “Evolution, the End of Human Uniqueness, and the Election of the Imago Dei.”87 As with the other accounts we have considered, this account must locate some property/relationship that 1.) all human beings possess, 2.) no non-human animal possesses, 3.) gives humans greater non-instrumental worth than any non-human animal, and 4.) grants humans enough worth to account for inherent human rights. Moreover, because inherent natural rights are rights that are not conferred but are based in worth,88 this voluntarist account must confer *worth* upon humans and not confer rights directly. However, any human who possesses this worth should have human rights. So, rights should be inherent to all those that bear this conferred worth. Once they have the worth they have the accompanying rights. Furthermore, because they inhere to this worth, these rights are not conferred.

I will start by describing Moritz’s view of the *imago dei* and then combine it with a certain interpretation of Genesis 1 to develop an account of human worth. Moritz takes issue with the concept of human uniqueness based in a certain interpretation of the *imago dei*. This interpretation holds that the bearers of the *imago dei*, humans (and *Homo sapiens* in particular), exclusively possess “certain capacities or characteristics” that make them “absolutely unique

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from all other animals in a non-trivial way.”\textsuperscript{89} He argues that this interpretation (along with all interpretations of the \textit{imago dei} that I call “non-voluntarist” or “capacity-based”) is untenable in light of evolutionary biology. Instead, he argues that the \textit{imago dei} is best understood as the divine election of humans as an entire species in light of the “historical [or Biblical] concept of election as found in the Hebrew Bible or Christian Old Testament.”\textsuperscript{90} He describes this conception of historical election,\textsuperscript{91} saying:

According to the election traditions of Israel, election is always conceived as “a concrete historical act on God’s part that forms the starting point and basis of the salvation history of God with his people.” In the Hebrew Bible the actuality of election is a consequence of God’s free decisions. Those who are elected are not chosen because they are “the greatest” or inherently more worthy than others, but rather they are elected as a result of mysterious acts of divine love and grace. For example, the covenental status of Israel as God’s elect does not “imply genetic superiority over other nations, either before or after the fact.” Indeed, many biblical texts “go out of their way to affirm that God’s choice of Israel is not a response to any innate traits or special accomplishments.” Regardless of their strength or intrinsic worth, God turns to the recipients of election and offers them the opportunity for community with him. God does not rationalize his choices.\textsuperscript{92}

Further, Moritz suggests that the theological significance of God’s voluntary bestowal of the \textit{imago dei} upon humans via such election “is in the place it gives to humans within the created order.”\textsuperscript{93} Relatedly, after stating that humans were made in God’s image in verses 26-27, Genesis 1:28 (ESV) says “And God blessed them. And God said to them, ‘Be fruitful and multiply and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth.’” This is a discussion of humans’ place within creation. Specifically, it suggests that God has elevated humans above every other

\textsuperscript{89} Ibid., 310.  
\textsuperscript{90} Ibid., 320.  
\textsuperscript{91} For those familiar with Calvinism, this notion of election discussed in this paragraph (and section) should not be confused with the election discussed in the Five Points of Calvinism.  
\textsuperscript{92} Ibid., 321.  
\textsuperscript{93} Ibid., 319.
species within the created order. Given that Moritz emphasizes that such election endures throughout generations, this suggests that all humans bear the *imago dei* and have this elevated status.

This view of the *imago dei* can be developed into an account of human worth. God’s election of humans upon the bestowal of the *imago dei* elevates them above all creation. This seems like it would bestow great worth upon them. After all, if a queen elevates an individual to a position above others in her kingdom, this bestows great worth upon that individual within the kingdom. This worth is sufficient to grant them certain rights, perhaps rights to move about the castle, attend certain functions, be treated in particular ways by others, etc. So, it seems reasonable that the divine elevation of *all* humans via the *imago dei* not only gives humans worth beyond that of all non-human animals but also that this worth is sufficient to ground human rights. Further, while Moritz is not focused on including humans with profound cognitive or intellectual disabilities in his interpretation of the *imago dei*, it *does* include them. His desire to move away from characteristic or capacity-based interpretations because of inconsistencies with evolutionary biology compels him to offer a voluntarist account in which God chooses to elevate all and only humans. His account does, however, have problems with arbitrariness. Given Moritz discussion of election as a “mysterious act[]” that is the consequence of “God’s free decisions” and his suggestion that “God does not rationalize his choices,” it seems that this account is particularly suspect in this regard.

However, I do not think that this account is arbitrary for two reasons. First, by stating that election is mysterious and that God does not rationalize His free choices, Moritz is making

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94 Psalm 8:4-8 also suggests that man has this elevated place in the created order.
95 While Wolterstorff’s appeal to this analogy created issues for his account, this is not a problem here. Unlike Wolterstorff, my account does not require me to reject divine command theory and its analogy. Thus, my use of this analogy is consistent with my acceptance of divine command theory’s use of a similar analogy.
96 Ibid., 321.
epistemological claims. This election is mysterious to humans because God does not explain or rationalize His free choices to them. Humans do not know or have access to God’s reasons for choosing them instead of other animals. This is, however, distinct from God not having reasons. As I will address in more detail later, there are some compatibilist views that suggest that a being is maximally free when they have all of the relevant knowledge and their nature inclines them so strongly in one direction they can only choose to take one action. If this is indeed the case, the election of human beings could be a free choice that God makes, not arbitrarily, but because His nature inclines Him to do so. The reasons for election, which bestows great worth on humans, would then be grounded in facts about God’s nature. Given that our project in this section is to combine voluntarist accounts of worth with a voluntarist modified divine command theory, this appeal to God’s nature to escape the charge of arbitrariness is appropriate.

Second, even if God has no reason at all for choosing the human species over all the other species, this does not mean that He has no reason for choosing a species. Consider a card game in which the rules dictate that a player must at certain times choose a new card from a group of cards whose faces she cannot see. When the rules dictate that the player must choose a card her selection of a particular card may be random or arbitrary. However, the fact that she chooses a card is not random or arbitrary; it is demanded by the rules. Similarly, God could have morally significant reasons for choosing an entire species without having reasons to choose a specific species. Further, this selection may give the species a particular status or worth sufficient to ground rights. This is consistent with Moritz discussion. He argues that biblical election is “for a special purpose within the context of God’s design” and specifically that the purpose of election is “for the sake of service.”97 Thus, this service (which is not too different than Biggar’s idea of subordinate responsibility) makes it morally good for God to elect a species. Which

97 Ibid., 321
species he chooses, however, is morally neutral. Thus, God can freely, and even randomly, choose any species without his election of that species being arbitrary in the morally problematic sense.

Let me now begin to combine our Wolterstorffian theory of rights, grounded either on Wolterstorff’s account of worth or my new voluntarist account of worth, with a voluntarist account of moral duties. In particular I will combine it with Glenn Peoples’s account found in “A New Euthyphro,” which I previously discussed. I believe that the modified divine command theorists’ appeal to God’s nature can also be used to explain our standing obligation to obey God. I have already shown that appealing to God’s nature allows the modified divine command theorist to escape the arbitrariness problem associated with the voluntarist horn of the Euthyphro dilemma (i.e., things are morally obligatory because God commands them) without reverting to the non-voluntarist horn (i.e., God commands things because they are morally obligatory).

Traditionally, the opponents of divine command theory have argued that accepting the voluntarist horn implies that God does not have reasons for commanding things, otherwise one must accept the non-voluntarist horn. Thus, the arbitrariness problem suggests that, if things are only morally obligatory because God commands them and God has no reasons for commanding certain things, then God’s commands are arbitrary and we have no morally significant reason to obey him. Thus, the dilemma suggests the modified divine command theorist must explain why people should obey God. This demand is similar to Wolterstorff’s insistence that the divine command theorist must explain why people have a standing moral obligation to obey God.

In his version of modified divine command theory, Glenn Peoples argues that God’s commands are not arbitrary because they are informed and constrained by His nature, which is
perfectly good, loving, just, etc.\textsuperscript{98} He further suggests that God’s nature is necessary and could not be different; so, God’s nature gives Him reasons to command certain things. God, then, only commands those things that are consistent with His nature. Peoples implies that God’s nature also gives humans a reason to obey to Him, thus circumventing the arbitrariness problem. Based on this discussion, we can assume that Peoples would say our standing obligation to obey God is grounded in His morally perfect nature—He is the type of being we should/must obey. Interestingly, Wolterstorff also suggests that God’s nature accounts for His right to be obeyed. God’s nature is excellent and thus explains His inherent worth, which grounds His rights—including His right to be obeyed. By Wolterstorff’s principle of correlatives this right must have a corresponding duty, in this case our standing obligation to obey God. Thus, if God’s nature is indeed necessary and He has always existed (which is a common Christian belief), it can explain both God’s right to be obeyed and our standing obligation to obey Him.

Let us call the combined (and slightly modified) version of Wolterstorff’s and Peoples’s accounts that I am constructing ‘Wolterstorffian divine command theory’ (WDCT for short). WDCT holds that we have a standing obligation to obey God’s commands and morally significant reasons to obey Him as well as that God has a right to be obeyed, all because of the type of being that God is—i.e., because of His nature, which is supremely good and excellent. Further, God’s right to be obeyed does not ground the particular moral duties that arise from His specific commands. There are a few reasons for this. First, the proposal that duties ground rights or rights ground duties is usually taken to imply that one member of a correlative moral right-duty pair grounds the other and that the grounding direction within that individual right and duty pair holds for every right and duty pair. Thus, because the correlative duty for God’s right to be obeyed is the standing obligation to obey Him, God’s right to be obeyed cannot ground His

specific commands on this view. Further, even though God’s nature constrains His commands, actions, and will in WDCT, it does not create or constitute moral duties—God’s commands do that. Thus, aside from the business with our standing obligation to obey God, the metaphysical thesis in Peoples’s modified divine command theory, that God’s commands (or will/actions) ground moral duties, still holds for WDCT. Additionally, like Wolterstorff’s account, WDCT also holds that human rights are grounded in the worth bestowed upon all and only humans by God. This means that, prior to God commanding anything or bestowing worth sufficient to ground moral rights upon any beings, the only moral duties and rights that exist are God’s standing right to be obeyed and everyone else’s standing obligation to obey Him. Ultimately, while WDCT suggests that moral rights do not ground moral duties (and vice versa), it holds that both are grounded in a voluntarist manner in God’s will, commands, or actions (which are constrained by His nature). So, WDCT offers a unified voluntarist account of moral duties and rights.

**Part 3**

**Further Problems Facing these Metaethical Accounts**

5. **Metaphysical Constraints and the Existence of a Supremely Excellent God**

Both of these solutions resolve the major inconsistency in Wolterstorff’s account, respond to his demand to account for humans standing obligation to obey God, and include people with disabilities. However, this does not mean they are unproblematic. Both of these accounts depend on the existence of a supremely excellent God whose nature constrains His actions, commands, and will. Depending on the nature of this constraint, it could conflict with God’s omnipotence and divine free will, thus conflicting with God’s supposed supreme

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99 Although, related standing rights/obligations, like a divine right to be worshipped and its correlative duty, may also exist at this point. Such a right-duty pair would seem to be grounded in God’s excellence just like God’s right to be obeyed and the correlative standing obligation.
excellence or omniperfect nature. This would put both metaethical accounts in jeopardy and would be particularly problematic for our attempts to account for the moral rights of people with disabilities. DNR, which builds on Craig’s account, clearly imposes a metaphysical constraint on God’s actions, commands, and will such that it is metaphysically impossible for Him to do things that are inconsistent with His nature. Peoples, on the other hand, argues that the constraint in his account—although remarkably similar to the one in Craig’s account—is not a metaphysical constraint. If he is correct, then WDCT’s constraint is not a metaphysical constraint. However, in this section, I argue that the constraint in Peoples’s account, and thus in WDCT, is a metaphysical constraint and that such metaphysical constraints are prima facie problematic for both of these metaethical accounts of rights and duties.

In order to argue that Peoples’s constraint is a metaphysical constraint, I consider the analogy Peoples offers to explain his view. In this analogy a woman refuses to eat a food that she “utterly despises” and that makes her “nauseous even to look at.” Peoples suggests that if the only relevant causal factors affecting her decision to eat the food are her “will and desire” and further, if she “has no reason to eat it,” then not only will she never eat the food but he thinks she actually “could not” eat it. However, he thinks it is still “metaphysically possible” for her to eat the food in question. Analogously, Peoples thinks that, while God’s nature does not permit Him to command certain things, it is still metaphysically possible for God to command these things.

However, it seems to me that Peoples is confusing God’s nature with His will and

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100 I take the assertion that God is supremely excellent to be identical to the assertion that He is omniperfect. Thus, I will use these terms interchangeably and, unlike this instance, will only use one at a time from this point forward for the sake of efficiency.
101 Ibid., 77
102 Ibid., 78
103 Ibid., 78
104 Importantly, Peoples overlooks that it is also physically possible for the woman to eat the food and that this constraint, which is derived from her will and desires, is more restrictive than the constraints of physical possibility.
desires. If Peoples’s account is to defend DCT and theological voluntarism generally, he needs to present a constraint to God’s commands, will, and desires. Yet, in the analogy the woman’s desires and will are not constrained; on the contrary, they provide the constraint to her behavior. So, if we accept this analogy, at best, God’s commands are constrained by His will and desires in Peoples’s modified divine command theory. This does not resolve the Euthyphro dilemma. It merely shifts the problem from the Euthyphro dilemma for DCT to the Euthyphro dilemma for theological voluntarism in general wherein God’s will and desires are either arbitrary or based on reasons that make morality independent of God. However, we can improve the analogy (and Peoples’s account) by deriving a constraint from the woman’s constitution (the physical analog of her nature) instead of her will and desires. This would require that she have something like a severe allergy to the food in question that causes her throat to swell shut before she can ingest it. In such a case, the woman’s physical composition would render it impossible for her to eat the food unless, perhaps, she is force-fed. However, this amounts to a constraint of physical possibility. Similarly, the analogous constraint on God’s commands, will, and desires derived from His nature will amount to a metaphysical constraint (just as it did in Craig’s account). Importantly, the physical constraint in our improved analogy leaves open the metaphysical possibility for the woman to eat the food. Similarly, the metaphysical constraint in Peoples’s (and Craig’s) modified divine command theory leaves open the logical possibility for God to command something that conflicts with His nature. In summary, both of these strategies to circumvent the Euthyphro dilemma by appealing to God’s nature lead to the conclusion that God cannot command evil (metaphysically) but can command evil (logically).

Moreover, this metaphysical constraint seems to conflict with divine omnipotence and divine free will. Peoples argues that the constraint in his theory is not a metaphysical constraint
so as to avoid violating God’s omnipotence. This is because such a constraint would entail that it is metaphysically impossible for God to command things that are inconsistent with His nature.\textsuperscript{105} However, it seems God would have more power, metaphysically speaking, if He could command these things. Thus, because both varieties of modified divine command theory impose a metaphysical constraint, they seem to imply that God is not omnipotent. Because an omniperfect God must be omnipotent, these theories provide \textit{prima facie} evidence against the existence of an omniperfect God. It also seems that metaphysical constraints like this one inherently limit metaphysical freedom, and “‘free will,’ as a philosophical term of art, means just exactly what I mean by ‘metaphysical freedom.’”\textsuperscript{106} Given that many philosophers think moral agents must have free will in order to deserve moral praise or blame,\textsuperscript{107} the existence of any metaphysical constraint on God’s will suggests that His moral perfection might not make Him worthy of praise or worship. Because of this metaphysical constraint, these modified divine command theories (if true) also constitute \textit{prima facie} evidence against the existence of a God who is worthy of worship. Since I have repeatedly suggested that, in addition to His right to be obeyed, God’s nature may also give Him related rights like a right to be worshipped, this \textit{prima facie} evidence against the existence of a God who is worthy of worship also seems to call God’s right to be obeyed into question. Further, my second voluntarist account of worth (based on Moritz’s interpretation of the \textit{imago dei}) needs God to be able to freely choose to elect humans in order to avoid giving a capacity-based account of election, which would exclude people with disabilities.

\textsuperscript{105} If this metaphysical constraint is to fully resolve the Euthyphro dilemma by eliminating the arbitrariness in God’s commands/will, then it must also make it metaphysically impossible for God to fail to command certain things. Otherwise, God could arbitrarily choose to forego giving commands like ‘do not murder.’ This would be unacceptable because, in voluntarist accounts like Peoples’s, this would make murder morally neutral even though it should be morally wrong.


This constraint calls the freedom of that choice into question. Consequently, these implications of our modified divine command theories undermine moral arguments for the existence of an omniperfect God who is worthy of worship, jeopardize both DNR and WDCT, and challenge the foundational proposal of theistic metaethics: moral facts depend on God (where ‘God’ refers to an omniperfect being who is worthy of worship).

6. Reconciling this Metaphysical Constraint with Divine Omnipotence

While the metaphysical constraint in these modified divine command theories seems to imply God is not omnipotent, I think it would be a mistake to simply accept this as fact. There are two reasons for this. First, I think that it being metaphysically impossible for God to command things inconsistent with His nature may be relevantly similar to it being logically impossible for God to create a round square. Many philosophers and theologians do not think the latter impossibility reduces God’s omnipotence. They maintain that creating round squares and bringing about other “logical absurdities” simply falls outside of the realm of possibility even for a fully omnipotent being.108 I think that God commanding something—or doing anything—inconsistent with His nature may likewise be outside of the realm of possibility for an omnipotent being.109 If this is the case, then this metaphysical constraint on God’s power to command does not actually violate God’s omnipotence; it just highlights a necessary metaphysical impossibility. So, rather than simply entailing that God is not omnipotent, I believe this metaphysical constraint points to a real, substantive debate in theology and philosophy of

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108 Pearce, Kenneth L. “Omnipotence,” The Internet Encyclopedia of Philosophy ISSN 2161-0002.
109 See: Horn, Laurence R. “Contradiction,” The Stanford Encyclopedia of Philosophy (Spring 2014 Edition), ed. Edward N. Zalta. “Aquinas, […] underst[ood] omnipotence as the capacity to do only what is not logically impossible. (Others, including Augustine and Maimonides, have noted that in any case God is “unable” to do what is inconsistent with His nature, e.g. commit sin.) For Descartes, on the other hand, an omnipotent God is by definition capable of any task, even those yielding contradictions. Mavrodes (1963), Kenny, and others have sided with St. Thomas in taking omnipotence to extend only to those powers it is possible to possess; Frankfurt (1964), on the other hand, essentially adopts the Cartesian line.”
religion regarding God’s nature and what it means to assert that He is omnipotent.\textsuperscript{110} Thus, until this debate is resolved, the relationship between this metaphysical constraint and divine omnipotence need not undermine the modified divine command theorist’s project. Second, it is consistent with this metaphysical constraint to think God’s will is still in some sense unrestricted. This is because both Craig’s account and Peoples’s account leave open the logical possibility for God to command/will differently. Perhaps this logical possibility is enough to avoid violating God’s omnipotence.

7. Compatibility Between Metaphysical Constraints and Divine Free Will

Though DNR and WDCT constrain God’s will, commands, and actions by requiring that they be consistent with God’s nature—which seems to \textit{prima facie} violate divine free will—I think divine free will is compatible with this constraint. I start by examining the libertarian view that free will requires alternative possibilities. The pertinent question in this case is whether this metaphysical constraint eliminates God’s alternative possibilities. Initially, it seems that, even if God’s nature fixes the moral facts and makes them metaphysically necessary, this does not entail that God does not have choices in moral matters. After all, we can imagine a situation in which morality, and in particular justice, requires that someone be punished for wrongdoing and the arbiter of justice can choose between various punishments that are all morally satisfactory. If God were the arbiter of justice in such a situation, then He would be able to choose between various punishments. So, it is possible that God does have alternative choices in certain moral situations. However, there are clearly situations in which God does not have options. We arrived

\textsuperscript{110} Within this debate, Peter Geach even suggests that the Judeo-Christian conception of God does not actually need to be omnipotent (i.e., He does not have the “ability to do everything”) but instead needs to be almighty (i.e., He has “power over all things”), which is consistent with this constraint. See: Geach, Peter. T. “Omnipotence,” Philosophy, 48, no. 183 (1973): 7.
at this discussion because divine command theorists want to be able to say things like: “God cannot command that murder is right.” Hence, when faced with a choice regarding whether to command or forbid murder, torture, rape, etc., this constraint eliminates God’s alternative possibilities. Thus, the constraint in question clearly implies that God does not have alternative possibilities in every moral situation. So, if free will requires alternative possibilities, then God does not have free will in at least some moral situations.\footnote{It is unclear whether modified divine command theorists hold that the entirety of God’s nature constrains morality or only that some specific morally relevant portion of His nature constrains morality. Even if only a portion of God’s nature grounds moral constraints, it seems that the rest of God’s nature would still impose other similar metaphysical constraints on His will and actions. While I do not discuss other possible non-moral metaphysical constraints further, my treatment of this moral metaphysical constraint extends to them as well.}

However, we can also consider the compatibilist view that free will does not require alternative possibilities. This moral constraint is derived from God’s nature and it ensures that God acts in a way that is maximally consistent with His nature in every moral situation—even if He does not have alternative possibilities because the constraint has eliminated them. Furthermore, it seems quite intuitive to say that always acting in a manner consistent with one’s own nature is the very epitome of free will. This is because it seems that a person’s will is made less free when they lack the power, knowledge, etc. required to act in accordance with their nature. Conversely, when a person possesses more power, more knowledge, or more of anything else that enables them to act in accordance with their nature, then it seems that this person has greater freedom of the will. Consequently, when a being is always able to act in a manner consistent with their nature, then it seems like they are maximally free according to this view. Thus, on this view, metaphysical constraints to God’s actions that stem from His nature do not violate divine free will, but rather point to its presence. Descartes makes a similar point in his error theodicy in the \textit{Meditations}:

For in order to be free, there is no need for me to be capable of moving both ways; on the
contrary, the more I incline in one direction—either because I clearly understand that reasons of truth and goodness point that way, or because of a divinely produced disposition of my inmost thoughts—the freer is my choice. [...] But the indifference I feel when there is no reason pushing me in one direction rather than another is the lowest grade of freedom; it is evidence not of any perfection of freedom, but rather of a defect in knowledge or a kind of negation. For if I always saw clearly what was true and good, I should never have to deliberate about the right judgment of choice; in that case, although I should be wholly free, it would be impossible for me ever to be in a state of indifference.  

Descartes suggests if humans were to have perfect free will then they would always act in a particular way. The metaphysical restrictions that I have been considering help ensure that God always acts in such a way. Thus, instead of actually limiting or destroying God’s free will, perhaps these metaphysical restrictions point to the fact that His will is maximally free.

Frankfurt examples, inspired by Harry Frankfurt’s “Alternate Possibilities and Moral Responsibility,” offer another good reason to think this metaphysical constraint does not reduce the freedom of God’s will even if it eliminates all of God’s alternative possibilities. Consider a situation where Sarah goes to vote in an election. However, unbeknownst to Sarah, a powerful scientist has previously implanted her brain with a computer chip that will not allow her to vote for anyone other than candidate A. If she tries to vote for either candidate B or candidate C, then the chip will take over and force her to vote for candidate A. However, if she wants to vote for candidate A and tries to vote for him/her, the chip will not interfere. She will be able vote for candidate A. Suppose Sarah actually wants to vote for candidate A and that she

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114 These examples also apply to metaphysical constraints not derived from God’s nature as well as logical constraints. Thus, this argument can be adapted to suggest that neither logical constraints nor metaphysical constraints reduce or violate divine free will.
wants her desire to vote for candidate A to result in her actually voting for candidate A. So, when she goes to vote, Sarah votes for candidate A of her own accord without any interference from the chip in her brain. It seems that Sarah’s will is free in this situation even though she cannot take any alternative action. Even if this chip is programmed to impact all of Sarah’s decisions, it seems Sarah could still exercise her will freely if she always chooses (and wants to choose) the actions that the chip would force her to take without the chip ever having to force her to take those particular actions. Similarly, if God always chooses to act in a manner consistent with His nature (which is analogous to the computer chip in Sarah’s brain), then it is possible that God’s will is fully free even though it is metaphysically impossible for Him to do otherwise. Moreover, given that the constraint we are concerned about comes from God’s own nature rather than an external source (e.g., the scientist’s computer chip), it seems that this argument is even more compelling when applied to God than when applied to Sarah. This is because, intuitively, it seems that the elimination of a person’s alternative possibilities by something foreign to them is a greater threat to that person’s free will than the elimination of their alternative possibilities by something inherent to their nature. Thus, it seems that divine free will can be consistent with this metaphysical constraint on God’s will, commands, and actions.

Consequently, as I have shown in this section and in the previous section, there are good reasons to think that this metaphysical constraint neither violates God’s omnipotence nor His freedom of the will. So, it is reasonable to think that this constraint does not impinge God’s excellence/worth. This is important because including people with disabilities in our account of rights while also avoiding the issues that plagued Wolterstorff’s account required us to ground

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human worth in various interpretations of the *imago dei*.\textsuperscript{116} This in turn required that God be supremely excellent/worthy. Simultaneously, we had to impose this metaphysical constraint so that the broader metaethical theories to which these accounts of rights belong could escape the Euthyphro dilemma. Thus, the compatibility of this constraint with God’s excellence/worth crucially shows that DNR and WDCT can include people with disabilities in their account of rights *and* avoid the Euthyphro dilemma without becoming internally inconsistent.

**Part 4**

**Parting Thoughts**

8. Strengths and Weaknesses of these Accounts

I would be remiss to not spend a little time discussing the key strengths and weaknesses of each of these accounts, some of which I have previously alluded to, before closing my discussion. The biggest weakness in my non-voluntarist solution is that its account of worth is contingent upon the non-existence of a human disability that renders a person unable to respond to the external world in the way required to exercise the passive responsibility that Biggar discusses. However, such contingency is inherent to any non-voluntarist account of human worth or moral agency that seeks to distinguish humans from non-humans, as we could always discover the existence of non-humans with the relevant capacity or humans who lack the relevant capacity.\textsuperscript{117} Thus, though such contingency is not ideal, this view is no worse off than any other

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\textsuperscript{116} Given that all of the accounts of worth used in DNR and WDCT rely on the *imago dei*, it is worth noting the Pauline idea of two Adams found in 1 Corinthians 15:45-49 is consistent with the inclusion of people with disabilities in the group of beings that bear the *imago dei*. This concept suggests that all human fall along the continuum between Adam, the first man, and Christ, the second Adam. Given that Christ is supposed to be the perfect manifestation of the *imago dei* on the extreme end of this continuum, it is interesting to note that he was still scarred/disfigured after being raised from the dead (John 20:27). If even the epitome of the *imago dei* can be disfigured, then it seems reasonable to suggest that individuals with disabilities also bear the *imago dei* and thus are included in our account of worth and rights.

\textsuperscript{117} Further, both of these accounts exclude aliens because they rely on the *imago dei*, which is supposed to be unique to humans. So the discovery of a sentient, intelligent alien species whose members intuitively should have rights would be problematic for both of these accounts.
possible non-voluntarist accounts in this regard. It seems to me that the biggest advantage of this account is its potential to coexist with secular theories of rights. While the capacity in which my non-voluntarist account grounds human worth is decidedly theistic (because the secular options all seemed problematic), it does not necessarily have to be so. Were a new, satisfactory secular account of human worth/moral agency grounded in a previously unconsidered capacity that includes people with disabilities but excludes non-human animals to be developed, theists could potentially identify the imago dei with this capacity. They could then incorporate this into the reductionist account of moral duties found in DNR. Similarly, it would be quite natural for secular moral theorists to combine this naturalistic capacity-based account of rights with a reductive account of moral duties like reductive naturalism. While the theistic and secular theorist might disagree about certain moral facts, the parallels in structure and the common capacity-based grounding of worth would create degree of similarity that could lead to beneficial agreement and cooperation on a number of moral matters, particularly those pertaining to disability rights.

On the other hand, the chief strength of my voluntarist account is that it takes full advantage of its dependence on God’s will. It avoids contingency (and arbitrariness) by appealing to the will of a being that possesses a necessary nature (God) and consequently produces an account of worth that non-problematically includes people with disabilities while excluding non-humans. However, because God is a very special type of being, this account does not readily parallel any secular counterpart. Thus, it lacks the potential to contribute to the broader acceptance of moral disability rights outside of its theistic, and particularly Christian, proponents. Additionally, if God does not exist, then this account provides no other reasons to think that disability rights exist.
9. Moral Arguments for the Existence of God

From a theistic point of view, both of these modified divine command theories augment moral arguments for the existence of God. While I will leave the evaluation of such arguments for another time, I do want to explain why this is the case. As my discussion has shown, it is difficult to offer a secular account of inherent human rights that includes all humans, particularly those with profound disabilities, but also excludes all non-human animals. Moreover, it seems that both DNR and WDCT offer a better metaphysical explanation for the existence of such rights than the alternative secular theories. So, if inherent and uniquely human moral rights exist and people with cognitive and intellectual disabilities have these rights, then this seems to be evidence in favor these theistic metaethical theories. Further, because these theories both depend on the existence of an omniperfect God, it seems that the existence of disability rights is also evidence for the existence of an omniperfect God.\footnote{118}

\textbf{Conclusion}

My project has been motivated by a desire to provide a theory of rights that can be used as a conceptual impetus for Christian religious groups to include people with disabilities and recognize disability rights. Because of this, I offered a theistic, non-voluntarist account of rights and a theistic, voluntarist account of rights. Moreover, within the latter, I discussed two voluntarist accounts of worth. My hope is that the majority of American Christians and Christian organizations find at least one of these views compelling and, consequently, acknowledge that

\footnote{118 A secular advocate for animal rights might look at this same set of facts and arrive at a very different conclusion. They might suggest that the difficulties in including people with disabilities in our secular accounts of human rights are not evidence for these theistic metaethical theories but instead show that our accounts of rights should not posit that rights are unique to humans.}
people with disabilities have the moral right to be free to attend/participate in Christian organizations and not be hindered from doing so by barriers in accessibility or a lack of reasonable accommodations. For this reason, I do not express my preference between these accounts here. Moreover, beyond simply recognizing this right, I hope that Christian readers are compelled to ask their churches and other religious organizations to take steps to make their places of worship and their programs accessible to people with all types of disabilities (e.g., by offering childcare and programming for children with developmental, cognitive, and intellectual disabilities, offering sign language interpretation, ensuring that at least one of their restrooms are wheelchair accessible, etc.). While I have no way of evaluating my success or failure based on this metric, I do think that these arguments are compelling—particularly if one is already of the theistic/Christian persuasion. I believe that DNR and WDCT both improve upon preexisting theories of human rights that include people with disabilities, particularly the account offered by Nicholas Wolterstorff. They are internally consistent, avoid the Euthyphro dilemma, and have unproblematic metaphysical constraints. Thus, I believe I have accomplished the purpose of this paper and successfully offered two robust, theistic metaethical accounts of human rights in general and disability rights in particular.

119 For help doing this see http://irresistiblechurch.org/library/ and https://www.respectability.org/resources/faith-inclusion-resources/. Both webpages have excellent free resources to help religious groups include people with disabilities. The first focuses on Christian groups and the second focuses on Jewish groups, although it plans to provide resources for other faith groups in the future.
Bibliography


Plato. Euthyphro. In Introductory Readings in Ancient Greek and Roman Philosophy. Edited by


