DIVINE COMMAND THEORY AND MORAL SUPERVENIENCE

Mark Murphy argues that the property identity version of divine command theory, coupled with the doctrine that God has freedom in commanding, violates the supervenience of the moral on the non-moral. In other words, they permit two situations exactly alike in non-moral facts to differ in moral facts. I give three arguments to show that a divine command theorist of this sort can consistently affirm moral supervenience. Each argument contends that there are always non-moral differences between worlds with different divine commands. If there are such non-moral differences, then there's no conflict between divine command theory and moral supervenience.

In spite of persistent attack, divine command theory remains a prominent metaethical theory amongst theists and the dominant one in certain Christian circles. Many objections are simply a rehashing or re-presentation of the Euthyphro dilemma, but on occasion, a genuinely novel challenge arises. Such is the case with "Murphy's trilemma", an objection from Mark C. Murphy to one of the most plausible versions of divine

command theory.[1] This objection must be carefully considered and addressed. That is my task.

The basic worry is that a popular version of divine command theory violates the supervenience of the moral on the non-moral. In other words, it allows the world's moral features to float free of its non-moral features. This would be bad. Murphy writes,

> Moral properties supervene on non-moral properties. There is some confusion over why this is so, and what modal strength this supervenience is supposed to have, and what the ultimate philosophical significance of supervenience is, but there is no doubt whatever that it is a fixed constraint on any adequate accounts of the concept of the moral and of what properties are identified as moral properties that they recognize this truth.[2]

According to Murphy, one of the most plausible versions of divine command theory, when coupled with a certain Christian doctrine, forces us to reject this constraint.

More precisely, Murphy argues that

(i) The property identity view of divine command theory,
(ii) God's freedom in commanding, and
(iii) The supervenience of the moral on the non-moral

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[1] Murphy, "A Trilemma for Divine Command Theory," *Faith and Philosophy* 19(1) (2002), 22-31; and *An Essay on Divine Authority* (Ithaca, NY: Cornell University Press, 2002): 82-92.

[2] Murphy, "A Trilemma for Divine Command Theory," 24.

form an inconsistent triad such that one cannot consistently endorse all three. If we are unwilling to deny (ii) or (iii), we are thereby forced to reject the property identity view of divine command theory. I will argue, contra Murphy, that the above claims do not form an inconsistent triad—in other words, one can consistently affirm all three.

The heart of Murphy's argument is his assertion that (i) and (ii) entail the possibility of two worlds, identical in non-moral facts, that differ in moral facts. I offer three arguments against this contention. Each response shows how, on the property identity view of divine command theory, it is necessary that there be non-moral differences in worlds with different divine commands. My first argument focuses on facts about God's free choices. My second argument centers on the promulgation of divine commands and the non-moral features involved in promulgation. My final argument explores a potential distinction between God commanding ϕ and ϕ being commanded by God. If any of these arguments is sound, then I will have shown how divine command theorists can escape Murphy's trilemma.[3]

[3] For other attempts to escape this trilemma see Michael Almeida, "Supervenience and Property-Identical Divine Command Theory," *Religious Studies* 40(3) (2004): 323-333 and Murphy, "Reply to Almeida," *Religious Studies* 40(3) (2004): 335-339; as well as C. Stephen Evans, *God and Moral Obligation* (New York: Oxford University Press, 2013). In my estimation, neither response fully addresses Murphy's concerns, though Evans' reply comes very close.

In the next section I explain Murphy's argument in greater detail. In the following three sections (sections II-IV), I develop my three arguments. In each section, I show how these arguments defuse Murphy's trilemma.

I. Murphy's Trilemma

To begin, let us briefly discuss (i)-(iii).

(i) The property identity view of divine command theory.

This view states that the property *being morally obligatory* is identical to the property *being commanded by God*.[4] From hereon, the property identity view will just be called "divine command theory," though there are versions of divine command theory other than the property identity view.[5]

Divine command theories are not to be confused with divine will theories.[6] Divine will theories suggest that moral obligations arise by virtue

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[4] See Robert Adams, "Divine Command Metaethics Modified Again," reprinted in Adams, *The Virtue of Faith* (New York: Oxford University Press, 1987) and, especially, *Finite and Infinite Goods* (New York: Oxford University Press, 1999) for perhaps the most influential property identity view of divine command theory. See Evans (2013) for a recent, extended defense of this theory.

[5] For a helpful survey of the different forms of divine command theory see Mark Murphy, "Theological Voluntarism," *Stanford Encyclopedia of Philosophy* (2008), http://plato.stanford.edu/archives/sum2012/entries/voluntarism-theological/.

[6] Examples of divine will theories include those endorsed by Matthew Carey Jordan (2012), "Divine Attitudes, Divine Commands, and the Modal Status of Moral Truths," *Religious Studies* 48: 45–60; Mark Murphy (1998), "Divine Command, Divine Will, and Moral Obligation," *Faith and Philosophy* 15: 3–27; Christian Miller (2009), "Divine Desire Theory and Obligation," in Yujin Nagasawa and Erik Wielenberg (eds.), *New Waves in Philosophy of*

of God's will, attitudes, desires, motivations, etc., whereas divine command theories contend that moral obligations arise by virtue of the issuance of a divine command—one expressing God's will or reflecting his attitudes, desires, motivations, etc.

(ii) God's freedom in commanding.

God's freedom is an essential component of the traditional conception of God. For the purposes of this argument, we will focus on God's freedom in issuing commands. To affirm that God has freedom in commanding one must hold that, "What God commands is not wholly fixed by the way the world otherwise is."[7] Say that there are two possible worlds (W_1 and W_2) that have indistinguishable histories up to some point in time. In these worlds God is choosing what to command.[8] Endorsement of (ii) requires us to say that God could command ϕ-ing in W_1 and ψ-ing in W_2 (and suppose he does so). Since God's commands engender moral obligation, W_1 and W_2 differ in moral facts.

Religion (Basingstoke: Palgrave Macmillan); Phillip L. Quinn (2002), "Obligation, Divine Commands and Abraham's Dilemma," *Philosophy and Phenomenological Research* 64: 459–66; and Linda Trinkaus Zagzebski (2004), *Divine Motivation Theory* (Cambridge: Cambridge University Press).

[7] Murphy, "A Trilemma for Divine Command Theory," 23.

[8] I speak throughout the paper as if the same individuals are in both W_1 and W_2. One might prefer that I use proper counterpart language, but doing so would greatly hinder lucidity. I ask that the reader overlook this peccadillo.

(iii) The supervenience of the moral on the non-moral.

That moral features supervene on non-moral features is a deeply intuitive view. It is motivated by the following sort of consideration: two situations that are identical in non-moral features cannot differ in moral features. If we deny this supervenience, we allow there to be moral differences without any non-moral differences to account for them. The morality of actions is permitted to float free of how the world otherwise is. We should avoid denying this position if possible.

For the purposes of explaining and responding to Murphy's argument it is not necessary that I provide a formal analysis of supervenience. It is sufficient for one to understand that two situations cannot be exactly alike in non-moral features without also being exactly alike in moral features. Or alternatively, if two situations differ in moral features, then they must also differ in non-moral features. There are, however, some additional features of (iii) that should be briefly mentioned.

First, Murphy discusses both strong and weak supervenience, but I will only deal with strong supervenience. The difference between strong and weak supervenience is one of modal strength. As Murphy explains,

> On strong supervenience, if an item has a certain moral property due to its having a certain set of non-moral properties, then any item in *any* possible world that has that set of non-moral properties in that world will have that moral property in that world. On weak supervenience, if an item has a certain

> moral property due to its having a certain set of non-moral properties in some possible world, then any item in *that* possible world that has that set of non-moral properties will have that moral property.[9]

Strong supervenience is clearly the stronger claim in that it entails weak supervenience but not vice versa. Hence, if I show that divine command theory is consistent with God's freedom and strong supervenience, then I have shown that divine command theory is consistent with God's freedom and weak supervenience. Also notice that strong supervenience holds across worlds. So if two worlds (or two situations in different worlds) are exactly alike in non-moral facts, then they are exactly alike in moral facts. This means that if W_1 and W_2 mentioned above differ in moral facts, then they must also differ in non-moral facts.

Let us return to our discussion of W_1 and W_2. If (i) and (ii) are correct, W_1 and W_2 differ in moral facts—ϕ-ing is morally obligatory in W_1 and ψ-ing is morally obligatory in W_2. The problem is that W_1 and W_2 are, according to Murphy, identical in non-moral facts given that they are indistinguishable up until the command of God. But (iii) entails that if W_1 and W_2 are identical in non-moral facts then they must also be identical in moral facts. Therefore the conjunction of (i)-(iii) implies a contradiction.

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[9] Murphy, "A Trilemma for Divine Command Theory," 25.

Here is where Murphy makes a mistake: Why think that W_1 and W_2 are identical in non-moral facts? Murphy's reasoning is that the only difference between W_1 and W_2 is that God commands ϕ-ing in W_1 and commands ψ-ing in W_2; and since [ϕ-ing is commanded by God] and [ψ-ing is commanded by God] are *moral* facts (being identical to [ϕ-ing is obligatory] and [ψ-ing is obligatory], respectively), then these worlds do not differ in non-moral facts. But Murphy's move here requires at least two assumptions. The first assumption is:

> The fact [God commands ϕ-ing (or ψ-ing)] is identical to the fact [ϕ-ing (or ψ-ing) is commanded by God].

I will discuss in the final section how one might argue that these two facts are not identical and how this distinction would undermine Murphy's argument. The second assumption Murphy makes is:

> The only factual difference between W_1 and W_2 is that [God commands ϕ-ing] is true in W_1 and [God commands ψ-ing] is true in W_2.

In the next two sections, I argue that this assumption is false. Non-moral facts about God's free choices necessarily differ between worlds in which God issues different commands. Furthermore, promulgation is a necessary part of God's commanding, and the promulgation of God's command to ϕ in

W_1 and his command to ψ in W_2 ensures that there are non-moral differences between these two worlds. Each of these three strategies argues that there will always be non-moral differences between two worlds in which God commands different things. Thus, no violation of moral supervenience is implied when these two worlds differ in moral facts.

II. God's Free Choices

Here I appeal to facts about God's free choices to resolve Murphy's trilemma. To explain my proposed resolution, let's return to our two worlds, W_1 and W_2, which are indistinguishable up until the command of God. God commands ϕ-ing in W_1 and ψ-ing in W_2. According to divine command theory, W_1 and W_2 differ in moral facts:

> In W_1, [ϕ-ing is obligatory] or [ϕ-ing is commanded by God] is a moral fact.
>
> In W_2, [ψ-ing is obligatory] or [ψ-ing is commanded by God] is a moral fact.

The strong supervenience of the moral on the non-moral requires that if W_1 and W_2 have different moral facts, then W_1 and W_2 have different non-moral facts. Is it a problem for divine command theory that these worlds differ in moral facts? No, because W_1 and W_2 differ in *non-moral* facts as well—namely, non-moral facts about God's free choices.

We are assuming God's freedom in commanding, so it must be the case that God *freely chooses* to command ϕ in W_1 and *freely chooses* to command ψ in W_2. If so then there will be the following factual difference between W_1 and W_2:

In W_1, [God freely chooses to command ϕ] is a fact.

In W_2, [God freely chooses to command ψ] is a fact.

If these are non-moral facts, as they appear to be, then these facts provide a resolution to Murphy's trilemma since W_1 and W_2 differ in non-moral facts as well as moral facts. That is, facts about God's free choices in commanding could serve as the non-moral supervenience base on which moral facts supervene.

So are these non-moral facts? I think the answer is yes; and even if the answer is no, then there will at least be non-moral facts in the vicinity that can serve to resolve the trilemma. Again, the distinction between moral and non-moral facts is not altogether transparent, but a fact such as [God freely chooses to command ϕ] seems to be a good candidate for a non-moral fact. Certainly there are many moral facts about God's free choices. Such facts might be [It is good that God freely chooses to command ϕ] or [God's free choice to command ϕ was virtuous]. But the fact [God freely chooses to command ϕ] merely expresses *that* God freely chooses and *what* God freely chooses. It does not express the moral status of God's free choice. There's a

prima facie case, then, that facts such as [God freely chooses to command ϕ] are non-moral facts.

Even if these facts about God's free choices turn out to be moral facts, there must be some non-moral facts on which these moral facts supervene given the supervenience of the moral on the non-moral. Notice that divine command theory only threatens moral supervenience with respect to moral obligation, and this is only because divine command theory contends that the property *being morally obligatory* is identical to the property *being commanded by God*. Divine command theory gives no reason to doubt moral supervenience in other areas. Thus, facts such as [God freely chooses to command ϕ] are either non-moral facts or they supervene on non-moral facts. Either way, there will be non-moral facts here that differ between worlds in which God makes different free choices about what to command. These non-moral facts can serve as the supervenience base for facts about moral obligation, resolving the apparent trilemma.

My argument in this section is in a similar vein to C. Stephen Evans' response to Murphy's trilemma.[10] Evans begins by defining supernatural properties as properties possessed by x in virtue of a relation x has to God. He then suggests that non-moral supernatural properties will differ between worlds in which God issues different commands. In fact-terminology, there are non-moral facts about the relations things bear to God, and these non-

[10] Evans, *God and Moral Obligation*, Ch. 4.

moral facts necessarily differ between worlds with different divine commands. My argument in this section adopts this same sort of strategy in that I am appealing to non-moral, supernatural facts to resolve the trilemma. I go beyond Evans' argument, however, in appealing specifically to facts about God's free choices. These sorts of facts have some particular advantages in that, clearly, they will always differ between worlds in which divine commands differ, and they are an especially fitting supervenience base for facts about moral obligation. On the latter point, part of the appeal of divine command theory, for many, is that it gives God a central role in explaining moral obligation. Particularly, it gives God's free choices a central role. The divine command theorist will find it fitting, then, that facts about moral obligation supervene on facts about what God freely chooses.

The argument in this section shows that (i)-(iii) do not form an inconsistent triad as Murphy claims. For W_1 and W_2, we have assumed the property identity view of divine command theory, we have given God freedom in commanding (he commands different things in worlds indistinguishable until the time of his command), and we have maintained the supervenience of the moral on the non-moral. Thus, acknowledging the existence of non-moral facts about what God freely chooses allows one to escape Murphy's trilemma.

III. Non-Moral Features of Promulgation

There is another way in which to disarm Murphy's trilemma. A divine command is a special kind of linguistic act with several essential features, one of which is the promulgation of God's will. Robert Adams explains, "In order to exist, a command must be issued. It must be communicated to those who are subject to it."[11] The key is that the very *existence* of a divine command (and, hence, the existence of a moral obligation) requires promulgation. This is a major point of distinction between divine *will* theories and divine *command* theories.[12] Divine will theories contend that God's will engenders moral obligation, whether this will is communicated or not. Divine command theories insist that God's will must be communicated to an individual before that individual is morally obligated to conform to that will.[13] Let's grant that the necessary promulgation can be achieved through a large variety of mediums (through an audible speech act, through a holy text, through one's conscience, etc.). Through any medium, the promulgation of God's will includes non-moral features; and if God's will is different, the non-moral features involved in the promulgation of God's will will also be different. Therefore, if God commands ϕ-ing in W_1 and ψ-ing in W_2, the promulgation that is an essential

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[11] Adams, *Finite and Infinite Goods*, 263.

[12] See Adams, *Finite and Infinite Goods*, 258-262 on divine command theories versus divine will theories

[13] I don't mean to imply here that a divine command just is God's promulgated will, only that the promulgation of God's will is a necessary feature of divine commands.

part of these commands ensures that there will be non-moral features in W_1 that are distinct from the non-moral features in W_2.

The crucial claim here is that the promulgation of God's will that A ϕ involves non-moral features different than those non-moral features that accompany the promulgation of God's will that A ψ. For example, consider the story of Moses receiving the Ten Commandments.[14] The promulgation of God's will in this instance included certain sound waves being generated and certain symbols being inscribed on stone tablets. Now say that God had decided to issue slightly different commands (say that he swapped out "Thou shall not covet" for "Thou shalt not love money"). The promulgation involved in this new command has different non-moral features than the promulgation involved in the original commandment. Different sound waves are generated and different symbols are inscribed on the stone tablets.[15] So a world in which God commands A not to covet differs in *non-moral* facts from a world in which God commands A not to love money given the promulgation involved in these commands.

This same thing will be true no matter what medium God's will is promulgated through, though the non-moral distinctions may be subtler. To see this let's return once again to W_1 and W_2, which are indistinguishable up

[14] See Exodus 20:1-17, and 24:12.

[15] There could be a world where the inscriptions or sound waves involved in the promulgation of the Ten Commandments communicated different commands, but only if there are non-moral differences in the linguistic practices of the community in which these inscriptions or sound waves are generated.

until the command of God. Say that in W_1, God's will that A ϕ is promulgated through A's conscience—that is, A's mind is arranged such that when A considers ϕ-ing it seems to A that A ought to ϕ. But in W_2, God's will that A ψ is promulgated through A's conscience. The promulgation of God's will in these two worlds ensures that they differ in non-moral facts:

> In W_1, [A's mind is arranged such that, when A considers whether to ϕ, it seems that A ought to ϕ] is a non-moral fact.
> In W_2, [A's mind is arranged such that, when A considers whether to ψ, it seems that A ought to ψ] is a non-moral fact.

If W_1 and W_2 differ in non-moral facts, then their difference in moral facts does not entail a violation of moral supervenience.

One might question whether these are actually non-moral facts. For instance, a virtue ethicist might argue that the arrangement of A's mind is so wrapped up in A's flourishing that the above facts are actually moral facts. I do not deny that the arrangement of A's mind may have moral features; but the moral features of the arrangement of A's mind must ultimately supervene on *non-moral* features of the arrangement of A's mind. Again, divine command theory gives us no reason to doubt this. Divine command theory only threatens moral supervenience with regard to the property *being obligatory* since it claims that this property is identical to *being commanded*. Thus, there will be a non-moral fact that expresses only the non-moral

features involved in the arrangement of A's mind such that, when A considers whether to ϕ (or ψ), it seems that A ought to ϕ (or ψ). For example, a physicalist will insist that moral facts about A's virtue (or lack of virtue) supervene on the non-moral facts involved in a purely physical description of A's mind. And these non-moral facts about A's mind will differ from the non-moral facts about A's mind in worlds where A's conscience differs.

So, a world in which God commands ϕ-ing differs non-morally from a world in which God commands ψ-ing because there are distinct non-moral features involved in the promulgation of each of these respective commands. But Murphy's trilemma was based on the contention that (given divine command theory and God's freedom in commanding) two worlds in which God commands different things could differ in moral facts but be identical in non-moral facts. Thus, my argument in this section shows that Murphy's argument is off base. There is no difficulty in affirming the property identity view of divine command theory, God's freedom in commanding, and the supervenience of the moral on the non-moral.

IV. Commanding and Being Commanded

In this section I argue that the fact [God commands ϕ-ing] is distinct from the fact [ϕ-ing is commanded by God]. There is a plausible case to be made for such a distinction. While more controversial than the preceding responses, this strategy deserves careful consideration because it, if correct,

requires significant revisions to the way many philosophers think about the property identity view of divine command theory.

Recall that the property identity view of divine command theory states that the property of being obligatory is identical to the property of being commanded by God. Say God issues a command: He commands A to ϕ. So ϕ-ing is commanded by God for A; hence ϕ-ing is morally obligatory for A. There are at least three states of affairs here:

(God's Commanding) *God's commanding A to ϕ*

(Being Commanded) *ϕ-ing being commanded by God for A*

(Being Obligatory) *ϕ-ing being obligatory for A*

According to divine command theory, *ϕ-ing being commanded by God for A* and *ϕ-ing being obligatory for A* are identical. These states of affairs are identical in the same way that *the glass being full of water* and *the glass being full of* H_2O are identical. My argument is that *God's commanding A to ϕ* explains both *ϕ-ing being commanded by God for A* and *ϕ-ing being obligatory for A* but is not identical to either of these. In other words, God's Commanding explains but is not identical to Being Commanded and Being Obligatory. God's Commanding clearly has some very close relation with Being Commanded and Being Obligatory (and I will avoid explicating what that relation may be), but it is not a relation of identity.

Before going further, I need to clarify what I mean by states of affairs. States of affairs can be a hard to pin down. For instance, I am typing this sentence. As I was typing that sentence, the state of affairs *my typing that sentence* obtained. The state of affairs *my writing this paper* also obtained. Someone observing me at that moment might be tempted to say that these two states of affairs—*my typing that sentence* and *my writing this paper*—are identical. But those two states of affairs are not identical. One reason why is that *my writing this paper* could obtain without *my typing that sentence* obtaining. For instance, as I continue to write additional sentences and paragraphs, *my writing this paper* still obtains while *my typing that sentence* no longer obtains. Or I could have explained my arguments in this paper differently, in which case *my writing this paper* could obtain without *my typing that sentence* ever obtaining. While, at that very instant, the pressing of my fingers on the keys explained both *my typing that sentence* and *my writing this paper*, those two states of affairs are distinct. The argument in this section is that a divine speech act (broadly construed) explains, at the moment the speech act is made, both *God's commanding A to* ϕ and ϕ*'s being commanded by God for A*; but these states of affairs remain distinct.

Here is one reason to think this is the case: ϕ*-ing being commanded by God for A* can obtain when *God's commanding A to* ϕ no longer obtains. Say God's Commanding obtains at t_1. By t_2, God's speech act is finished and *God's commanding A to* ϕ no longer obtains. But ϕ*-ing being commanded by God*

for A obtains at t_1 and t_2 and t_3 and so on. To reiterate, it is possible that God's Commanding obtains at t_1 and at no other time, while Being Commanded obtains at t_1 and t_2 and so forth until God issues a new command. Since God's Commanding can obtain when Being Commanded does not, these two states of affairs cannot be identical.

There are two concerns that should be immediately addressed. First, one might doubt whether *God's commanding A to ϕ* can cease to obtain before God issues some other command with regards to ϕ-ing. Perhaps God's Commanding is a continual process that obtains perpetually until a new command is issued. But it is clear that God's Commanding can cease in at least some situations. Consider a situation in which God audibly commands you to love your neighbor. This commanding lasts for as long as the audible speech act lasts and no longer.[16] Second, one might doubt whether *ϕ-ing being commanded by God for A* really continues to obtain after *God's commanding A to ϕ* ceases to obtain. This concern is also misguided. A common source of error comes from misinterpreting the word "being" in "ϕ-ing being commanded by God for A" as implying that the commanding

[16] The point being made is not that God's Commanding *must* cease earlier than Being Commanded, but just that it *can* do so. For instance, via Scripture, God might be perpetually commanding us to love our neighbors. If Scripture lasts forever, then there will never be a time in which Being Commanded obtains but God's Commanding fails to obtain. Fortunately, to show that these states of affairs are numerically distinct all we need is the possibility that one obtains without the other.

process must be ongoing whenever Being Commanded obtains. Rather "being" ought to be interpreted such that "ϕ-ing being commanded by God for A" means the same as "ϕ-ing being-or-having-been commanded by God for A." Why should we understand Being Commanded in this way? Since *ϕ-ing being commanded by God for A* is identical to *ϕ-ing being obligatory for A*, Being Commanded lasts as long as Being Obligatory lasts; and it is obvious that the moral obligation generated by God's Commanding remains after the commanding itself has ceased. For instance, when God's audibly commands you to love your neighbor, the commanding ends at the end of the audible speech act, but the moral obligation you have to love your neighbor remains. It follows that we ought not interpret *ϕ-ing being commanded by God for A* such that God must be presently commanding ϕ for it to obtain. Therefore, Being Commanded can obtain when God's Commanding does not obtain. This indicates that these two states of affairs are not identical.

There remains the natural concern that distinguishing between God's Commanding and Being Commanded commits us to an unattractive expansion in our ontology. I do not think, however, that any costly expansion is required. I've merely pointed out that the three place relation of *X's being-or-having been commanded by Y for Z* is a different relation than *Y's commanding X for Z*. Admittedly, making this distinction involves ontological expansion. For one, there are now two distinct relations where previously it seemed there was only one. But expansion of this sort is not

always costly. For example, you may think that there is only one kind of lion—the African lion. Say we learn that some of the animals you currently categorize as African lions are actually of a distinct species called Ethiopian lions.[17] We now realize that there are two properties—*being an African lion* and *being an Ethiopian lion*—where we previously thought there was only one. This ontological expansion does not disturb us as long as there is good reason to think that these properties are distinct. It seems that my proposed distinction is in the same boat. As long as there is good reason to think that there are really two relations where we previously thought there was one, then adding another relation to our ontology should not disturb us. I have attempted to provide such reason above.

Once we admit these two distinct relations into our ontology, there seems to be little reason to protest a corresponding expansion in the number of states of affairs. Let's assume that states of affairs are structured entities consisting in an object or objects and some property or relation. The aforementioned distinction between relations means there are now two structured entities where we previously thought there was one. There will be a structured entity consisting in ϕ, God, A, and *ϕ's being-or-having been commanded by God for A* (Being Commanded); and there will be a structured

[17] Some think we have learned this. DNA analysis suggests that a group of animals previously thought to be African lions are actually a distinct species. See Susann Bruche, Markus Gusset, Sebastian Lippold, Ross Barnett, Klaus Eulenberger, Jörg Junhold, Carlos A. Driscoll, and Michael Hofreiter (2013), "A Genetically Distinct Lion (*Panthera leo*) Population from Ethiopia," *European Journal of Wildlife Research* 59(2): 215-25.

entity consisting in ϕ, God, A, and *God's commanding of ϕ for A* (God's Commanding). As structured entities, the ontological cost of these states of affairs is not significantly more expensive than the ontological cost of their constituents. We already have the objects ϕ, God, and A in our ontology. Thus, the cost of the proposed expansion in states of affairs is not significantly more expensive than the cost of adding another relation to our ontology, which I have already defended as being affordable. Hence, the ontological expansion required for the current strategy is not particularly alarming.

For some, this ontological expansion may still be too costly. Perhaps this cannot be avoided. What matters, however, is whether a divine command theorist can plausibly accept such an expansion; and many, it seems, would be rational in accepting the proposed expansion in ontology.

Now if God's Commanding and Being Commanded are not identical, it follows that the fact [God commands A to ϕ] is distinct from the fact [ϕ-ing is commanded by God for A]. Though the distinction between moral facts and non-moral facts is not entirely transparent, [God commands A to ϕ] seems to be a non-moral fact. Examples of moral facts are [Torturing the innocent for fun is bad], [Loving your enemies is morally obligatory], or [Cheating on your taxes is wrong]. [God commands A to ϕ] is a fact about the issuance of a divine speech act with no mention of moral value or obligation. Intuitively, this appears to be a non-moral fact. To be clear, I am

not claiming that God's command to A to ϕ is devoid of moral features. For instance, there is the moral value of God's action expressed in the moral fact [God's command that A ϕ is good]. My claim is just that the particular fact [God commands A to ϕ] is a non-moral one, being solely about the issuance of a divine speech act and not about the moral status of this speech act.

Moreover, I see no positive reason to think that [God commands A to ϕ] is a moral fact. Divine command theory provides no such reason. Divine command theory holds that [ϕ-ing is commanded by God for A] is a moral fact because it asserts that *ϕ-ing being commanded by God for A* is identical to *ϕ-ing being obligatory for A*. But if *God's commanding A to ϕ* is distinct from these states of affairs, as this section argues, then divine command theory says nothing about whether [God commands A to ϕ] is a moral fact or not. Given that it seems to be a non-moral fact and we have no ready defeater for this claim, the most reasonable conclusion (at least *prima facie*) is that [God commands A to ϕ] is a non-moral fact. If there is such a non-moral fact, then this provides a natural and fitting resolution to Murphy's trilemma.

This resolution follows the pattern displayed in the previous sections. Say W_1 and W_2 are indistinguishable until the command of God. God commands ϕ-ing in W_1 and ψ-ing in W_2. Though W_1 and W_2 differ in moral facts (with ϕ-ing being obligatory in W_1 and ψ-ing being obligatory in W_2) they also differ in *non-moral* facts.

In W_1, [God commands ϕ] is a non-moral fact.

In W_2, [God commands ψ] is a non-moral fact.

So the supervenience of the moral on the non-moral is not violated. What makes this the most fitting resolution for a divine command theorist is that the moral obligations in these worlds differ precisely because God's commands in these worlds differ; and this reflects the very sentiments motivating divine command theory in the first place.

Distinguishing facts as I have suggested has implications for the property identity view of divine command theory beyond resolving Murphy's trilemma. It is not uncommon for divine command theorists of the property identity variety (or those explaining their position) to say that moral obligations are identical to divine commands. If the arguments of this section are sound, then this is a mistake. Moral obligations are not identical with the commands of God. Moral obligations are relations between a subject and an action that arise by virtue of the commands of God. To be more specific, the action of ϕ-ing bears the relation of being morally obligatory to A by virtue of possessing the property *being obligatory for A*, which is identical to the property *being commanded by God for A*; and clearly it is by God's commanding A to ϕ that ϕ-ing gains this property. On an intuitive level, this is as it should be. Moral obligations are relations; divine commands are speech acts. It seems appropriate that moral obligation be *dependent* on divine speech acts rather than *identical* to those speech acts.

Also note that we have not abandoned the characterizing feature of the property identity view: that the property *being morally obligatory* is identical to the property of *being commanded by God*.

V. Conclusion

The property identity view of divine command theory stands accused of permitting moral properties to differ even if the worlds are in all other respects the same. I have shown in three separate ways that these accusations are false. The unifying theme in these responses is that differences in moral status will always be accompanied by non-moral differences to account for this discrepancy. In section II, I pointed out that God's free choices necessarily differ between worlds in which he commands different things. In section III, I showed that the promulgation of divine commands guarantees that there be non-moral differences when different commands are issued. And finally, in section IV, I argued that the states of affairs, *God's commanding A to* ϕ and ϕ*-ing being commanded by God for A*, are distinct. The former describes the issuance of a special sort of divine speech act; the latter describes a relation arising in light of that speech act. Accordingly, facts about obligation can supervene on non-moral facts about the issuance of divine commands.

In the final verdict, divine command theory is acquitted of Murphy's charges. Nor does this victory come on account of technicality. We saw that,

given divine command theory, the property of being morally obligatory supervenes on non-moral features about the commands of God. For the divine command theorist, this isn't unmotivated or costly to accept; it's a natural extension of the conviction that the origins of moral obligation are to be found in the commands of a loving God. In short, it's a solution to Murphy's trilemma that the divine command theorist will find easy to embrace.[18]

[18] Thank you to Mark Murphy, Stephen Evans, and the participants of the Baylor Graduate Colloquium for comments and discussion resulting in a much stronger paper.