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# 6 Natural Goods and Divine Law

## Protestant Theological Contributions to Neo- Aristotelian Naturalism

*Pieter Vos*

### 6.1 Introduction

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

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

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

## 6.2 Reformed Scholastic Aristotelianism: The Accessibility of the Good

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

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

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

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

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

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

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

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

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

6 *Ibid.*, 26.

*commentarius* in 1563.<sup>7</sup> In explaining how one can study philosophy from a Christian perspective, Vermigli states:

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

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

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

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

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

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

9 Ibid.

10 Ibid.

11 Ibid., 1/Commentary, 7.

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

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

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

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

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

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

14 Ibid.

15 Ibid., 9/Commentary, 15

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

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

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

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

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

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

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

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

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

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

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

### 6.3 Reformed Scholastic Understandings of Natural Goods and Divine Law

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

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

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

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

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

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

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

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

(*Commentarius* 142–143/*Commentary*, 142)

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



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

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

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

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

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

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

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

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

29 Vermigli, *EthiCorum commentarius*, 396/*Commentary*, 374, commenting on EN 1109b30-35.

30 EN 1103b3-5, quoted from Vermigli, *EthiCorum commentarius*, 303/*Commentary*, 292.

31 Vermigli, *EthiCorum commentarius*, 304/*Commentary*, 293.

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

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

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

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

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

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

32 *Ibid.*, 51/*Commentary*, 55.

33 *Ibid.*

34 *Ibid.*, 50–1/*Commentary*, 54–5.

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

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

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

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

#### Divine government

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

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

35 Ames, *De conscientia* 5.1.14/*Conscience*, 102.

36 Ames, *Medulla* 1.9.10/*Marrow*, 108.

37 *Medulla* 1.9.24/*Marrow*, 109–10.

38 Gibbs, "The Puritan Natural Law Theory of William Ames," 45–6.

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

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

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

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

39 *Medulla* 1.10.16/*Marrow*, 111.

40 *De conscientia* 5.1.20/*Conscience*, 104–5.

41 *De conscientia* 5.1.27/*Conscience*, 107.

42 *Medulla* 2.1.3/*Marrow*, 219.

43 *Medulla* 2.1.19/*Marrow*, 221.

44 *Medulla* 2.1.5/*Marrow*, 219.

45 *Medulla* 2.1.22/*Marrow*, 222.

46 *Medulla* 2.1.18/*Marrow*, 221.

47 *Medulla* 2.16–2.21/*Marrow*, 300–27. See also the contributions of VanDrunen and Klamer in this volume.

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

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

#### 6.4 Natural Goods and the Transcendent Character of Divine Law

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

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

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

48 *Medulla* 2.2.4–6/*Marrow*, 224.

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

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

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

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

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

50 *Ibid.*, 31.

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

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

## 6.5 Conclusion

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

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

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