

# Divine Command and/or Human Ethics? Exploring the maieutical dialectics between Christian faith in God and responsibility\*

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A particular experience stands at the beginning of Christianity. It began with an encounter. Some people, Jews, came into contact with Jesus of Nazareth. They were fascinated by him and stayed with him. This encounter and what took place in Jesus' life and in connection with his death gave their own lives new meaning and significance. They felt that they were reborn, understood and cared for.

Their new identity was expressed in a new enthusiasm for the kingdom of God and therefore in a special (similar) compassion for others, for their fellow-men, in a way that Jesus had already showed them. This change in the direction of their lives was the result of their real encounter with Jesus, since without him they would have remained as they were, as they told other people later (see I Corinthians 15:1-7). This was not something over which they had taken the initiative; it had happened to them.<sup>1</sup>

## 1. Introduction

Klaus Demmer once remarked that (moral) theology carries 'biographical features' because the very way one stands as a theologian within the discipline is not marked out by an irenic view from nowhere, but it receives in its very presuppositions and lines of thought the encounter with others. I would add that such encounters can both be direct and personal – in which the special interaction between verbal and non-verbal communication determines the particularity of the encounter – but also mediated by texts and stories. A particular form of such texts and stories are those where the author is aware that the encounter narrated is of such a kind that the existing presuppositions of one's own existence are addressed in a way that changes them, resulting in 'newness' that is experienced and interpreted as 'good' and therefore at the same time evokes the desire to repeat, to retell, to proclaim.

The scriptures that narrate the beginning of Christianity and which by their authors and readers are programmatically understood as *eu-angelion* – good news – contain this dynamics in the connection between faith and ethics; this means between 'obeying divine commands' and 'acting good in a humane way'. The quotation from Schillebeeckx is expressing this in a

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<sup>1</sup> Edward Schillebeeckx, *Interim report on the books Jesus & Christ*, London 1980, 10.

pregnant way: the new meaning and significance of life by which those who encountered Jesus saw themselves as reborn, understood and cared for, turns out not to be some kind of solipsist identity but an enthusiasm – a being *en theos* – for a community with others. Furthermore, through the re-enacting of Jesus' compassion, the change in the direction of their life conferred upon them by the encounter with Jesus can also become reality for these others. This also means that the aimed for kingdom of God is not a pre-given idea but a concrete assignment which intends to further the spirituality of this new identity both in the here and now and towards the future. The very concreteness of this assignment brings along at the same time the incentive for practical action and the necessity to reflect upon the particularity of such action in order to really allow 'the good' to happen. Such reflection *ex corde fidei* and its deposit in indications which aim at passing on what has turned out to be good, can very aptly be defined as Christian ethics or moral theology.

## 2. *The God of Moral Theology*

For the next step, I begin by consulting three contemporary moral theologians who provide in concise definitions the core of such a faith-ethics. The first definition is by the Scottish moral theologian John Mahoney from his study on the development of moral theology: «[M]oral theology is faith (in God) seeking expression in behaviour.»<sup>2</sup> I notice here an echo from the Letter of James 2:14-26 with its ringing conclusion: «For just as the body without the spirit is dead, so faith without works is also dead.» The second definition is by the already mentioned German moral theologian Klaus Demmer taken from his 1989 synthesis article on the self-understanding of theological ethics: «Moral theology is the scientific study of God's salvific action on behalf of humanity, which in its significance for the ethical behaviour of human beings is hermeneutically systematized and argumentatively presented.»<sup>3</sup> Here I notice the importance of God's gracious initiative and the connection with the full width of ethics. The third

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<sup>2</sup> *John Mahoney, The Making of Moral Theology. A Study of the Roman Catholic Tradition, Oxford 1987, 340.*

<sup>3</sup> *Klaus Demmer, Das Selbstverständnis der Moralthologie, in: Wilhelm Ernst (Hrsg.), Grundlagen und Probleme der heutigen Moralthologie, Würzburg 1989, 9-25, p. 10.* The full quotation is: «Moral theology is the scientific study of God's salvific action on behalf of humanity, which in its significance for the ethical behaviour of human beings is hermeneutically systematised and argumentatively presented. Moral theology is a theory of action. Historical fulfillment of the history of salvation in Jesus Christ and the still standing promise of eschatological completion are in the same way constitutive for the moral theological discourse. On this foundation a double argumentation is built: in its orientation towards the faithful, moral theology strives to inquire into the full richness of the given possibilities of being and acting in Jesus Christ; in its orientation towards non-believers, moral theology is directed by the concern not to disrupt the connection with the general ethical dialogue. Both these phases are correlated to one another.» (translation JJ)

definition is by the Flemish moral theologian – and my own teacher – Louis Janssens and taken from his last publication in 1999 two years before his death: «It is the task of moral theology to explain how, according to our Christian revelation, our relation to God affects all our doings.»<sup>4</sup> The importance here is the counterpart of the movement made by Demmer, namely the accent on the significance of the faith response by humans.

What intrigues me in these definitions are both the central place of God and the open dynamics, which arises out of the faith in God. The importance of this can hardly be overstated since it allows identifying a classical dilemma from the history of ethics<sup>5</sup> as a moral theological pseudo-problem. The dilemma is central to Plato's *Euthyphro* and forms the content of the (in)famous divine command theory: the moral obligations of human beings rest on the commands of the gods simply and solely because the gods impose them. In the discussion between Euthyphro and Socrates, Plato assigns the defense of this position to Euthyphro: whatever our feelings and experiences are, the sole and final criterion for morality are the divine commandments, which require unconditional obedience. Conversely, the position of Socrates is that there exists a standard for 'goodness' which is independent of the gods and which can even be used to assay divine commandments. For that matter, this opens at the same time the possibility to pay obedience to the gods, not because their commandments are absolute on the basis of their power or divine will, but because the commandments correspond with the good and are issued for precisely that very reason.

The epistemological presuppositions of both positions have grave consequences. Euthyphro's normative voluntarism on the one hand leads to parity between the laws issued by gods and morality, thereby at the same time rendering any practical reflection on their content superfluous and criticism even impossible. At most, the question remains how humans can 'know with certainty' what the divine commandments are. Socrates' normative realism on the other hand is at the same time the onset towards a reflection with regard to the content and the critical evaluation of factual commandments – even those issued by gods – because the true good can be assayed by the standard of ethics. This means also that both positions are incommensurable in their fundamental idea about morality. The first position will sweep aside as totally absurd some assessment of 'divine immorality' because morality itself is nothing but blind obedience to a divine command without any other or further point of reference. The core of the second position, however, consists in situating ethics as bound to goodness to which not just humans but also even the gods owe obedience.

The reception of these thoughts in Christian theology demonstrates an oscillation between these interpretations. A telling example with far reaching consequences was the way in which no less an authority as Thomas

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<sup>4</sup> Louis Janssens, Particular Goods and Personalist Morals, in: Ethical Perspectives (Journal of the European Ethics Network) 6 (1999) 55-59, pp. 55-56.

<sup>5</sup> See Peter Vardy/Paul Grosch, The Puzzle of Ethics, London 1999, 7-8.

Aquinas <solved> the tension between the clear requirements of the natural moral law and Elohim's clear commandment to Abraham to sacrifice his son Isaac as a burnt offering (Genesis 22:1-19).<sup>6</sup> In his very influential discussion of the natural moral law (*lex naturalis*) in his *Summa theologiae*, questio 94 Aquinas raises the question whether the natural law can be changed (STh I-II, 94, 5). Just to ensure a proper understanding: this <natural law> does not concern the laws of physical or biological nature, but refers to the insight about the good and the right that human beings can acquire by making use of their created *ratio* by which they participate in the great order of being created by God. Therefore, <natural law> stands for the order of morality that is obligatory for human beings because and to the degree that they themselves become aware that this order is or becomes synonymous with the good. In Thomas' own words:

Now as <being> is the first thing that falls under the apprehension simply, so <good> is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that <good is that which all things seek after>. Hence this is the first precept of law, that <good is to be done and pursued, and evil is to be avoided>. All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided (STh I-II, 94, 2 *respondeo*).

After this solid and confident definition, Thomas proceeds in the fifth article to the question «Whether the natural law can be changed?» According to scholastic custom, he formulates himself under the heading <objection> an argument in favor of such a change:

[Further], the slaying of the innocent, adultery, and theft are against the natural law. But we find these things changed by God: as when God commanded Abraham to slay his innocent son (Genesis 22:2); and when he ordered the Jews to borrow and purloin the vessels of the Egyptians (Exodus 12:35); and when He commanded Osee to take to himself <a wife of fornications> (Osee 1:2). Therefore the natural law can be changed.

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<sup>6</sup> It is interesting to note that Elohim's command to Abraham to sacrifice his son, is probed by Abraham as somehow problematic: hence his explanation to the servants that father and son will worship and then come back; hence also Abraham's answer to the observation of Isaac that they do have fire and wood, but no animal for the offering (Genesis 22:5;8). Furthermore, the doubtful morality of the whole enterprise is also discerned by the author of the passage in Genesis and -somehow- located by the introductory sentence: «After these things God tested Abraham» (Genesis 22:1). However, what really catches my eye is the way Abraham deals with this dubious command - let it be an <ordeal> - namely with a resigning obedience that according to Scripture really brings him on the verge of child murder. This becomes even more striking contrasted with Abraham's relation to JHWH in Genesis 18:23-32 - their conversation on the fate of Sodom and Gomorrah - where Abraham's intervention and protest can function as a model for a prudential attitude which in the context of intended destructive violence carefully inquires about the dividing line between morally acceptable <collateral damage> and the death of <innocent bystanders>.

Again, it is highly interesting that Aquinas - just as the author of Genesis 22 and the Abraham he is staging (and even stronger: the Abraham of Genesis 18) - experiences the tension between the implication of faith in the form of a God-given commandment (or of the intended action of God) and its ethically dubious status. The solution proposed by Aquinas is in my view, the crux of the matter: such a situation is unbearable but the looked-for answer is not the result of a thinking-through of the tension, but it is a real <solution> of the tension by streamlining one component in such a way that it absorbs the other. The tension was only apparent and, of course, moral truth can only be on God's side. In his answer, Thomas uses this fatal approach as follows:

All men alike, both guilty and innocent, die the death of nature: which death of nature is inflicted by the power of God on account of original sin, according to 1 Kings 2:6: *«The Lord killeth and maketh alive»*. Consequently, by the command of God, death can be inflicted on any man, guilty or innocent, without any injustice whatever. In like manner adultery is intercourse with another's wife; who is allotted to him by the law emanating from God. Consequently intercourse with any woman, by the command of God, is neither adultery nor fornication. The same applies to theft, which is the taking of another's property. For whatever is taken by the command of God, to Whom all things belong, is not taken against the will of its owner, whereas it is in this that theft consists. Nor is it only in human things, that whatever is commanded by God is right; but also in natural things, whatever is done by God, is, in some way, natural, as stated in the I, 105, 6, ad 1.

I have deliberately cited both Aquinas' objection and his refutation in full, because this shows that his approach towards the tension between <morality> and <religion> in these cases of murder, theft and adultery is quite consistent. This very pattern is at the same time fatal for a fruitful tension between ethics and faith, and even worse, the <image of god> that is employed is not only the solution of the tension, but also induces traits of immorality within God. This immorality consists of a formal and a material element. The formal is the equation between what is discerned as the will, the law or the power of God - such as in the song of thankfulness by Hannah in 1 Samuel 2:6a: «The Lord kills and brings to life» - and the necessity for human beings to accept this in complete obedience. The material element - as the concrete filling in of such a voluntaristic heteronomy - consists of images of god that ordain a <demarcation line> between god and humanity by which some set of actions are forbidden because they constitute trespassing over the threshold of some prerogative or the territory reserved for god.

I would suggest that a root cause for these kinds of blind alleys in (moral) theology could be situated in the systematic lack of distinction between the gods who officiate in the platonic discussion and the God of the Kingdom for which Jesus' compassion opened the way.<sup>7</sup> Or, in other words: the God

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<sup>7</sup> One can think of the remark by *Alfred North Whitehead* with regard to the tendency to pay <metaphysical compliments> to God: «Among medieval and modern philosophers,

of *Christian* morality is not to be found in whatever pantheon - in which conflicts between divine will and ethics are not at all imaginary - but only in what the moral theologians referred to described as ‹faith›, ‹salvific action› and ‹revelation›. I think that these notions qualify each other with regard to their content: God's revelation is exactly salvific action and faith is the response of human persons by which they participate in the Kingdom of God. But also vice versa: everywhere the praxis of justice and love becomes reality by ethical behaviour, grace and salvation do happen and the story of the living one is continued.

### 3. *God's Commandments: Context and Content*

From history, we can learn how some images of god have undermined the plausibility of a fruitful connection between Christian faith in God and ethics. The slogan «If God does not exist, everything is permitted», that tries to prove the necessity of a god who is imposing rules and regulations, is nothing but a weak bid. This is shown in the first place by the inhumanity that was and is perpetrated in the name of the same god in for example extermination of heretics, crusades, inquisition, witch trials, preaching in the New World, racial and sexual apartheid. This appears furthermore each time a moral contrast experience was and is invalidated by the seemingly irrefutable catchword: «*Deus volente!*» However, instead of giving in to some late/post-modern tendency towards division of the estate - in which, by the way, fundamentalist faith and its theology in their resulting ‹splendid isolation› can see the confirmation of they being right because their ‹prophetical attitude› clashes by definition with ‹the world› and its individual egotism - I would like to argue in favour of indeed being a crosstie, but from another notion of the tension.

Moral theology - the reflection on the implications of Christian faith in God with regard to our moral being and acting - should, in my view, not try to ‹solve› the tensions described. The real task of moral theology is, however, to reflect on the compatibility of some images of god as present in scriptures, liturgy and praxis and the very ethical life to which this faith in God fundamentally calls. Tension and apparent conflict have to be looked upon as a possibly fruitful dialectics. This means first of all that any representation of God and humanity as moral competitors is inadequate - if only because of the unabandonable ‹analogy of being› that both connects and differentiates Creator and creature. This means furthermore that both

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anxious to establish the religious significance of God, an unfortunate habit has prevailed of paying to Him metaphysical compliments. He has been conceived as the foundation of the metaphysical situation with its ultimate activity. If this conception be adhered to, there can be no alternative except to discern in Him the origin of all evil as well as of all good», in: *Science and the Modern World* (Lowell Lectures, 1925), New York 1925/1953, 179. However, the corollary of this position is also the utter separation so well pointed out by Blaise Pascal between ‹The god of philosophy› and ‹The God of Abraham, Isaac and Jacob›.

*fides et ratio* put to the test their involvement with each another and towards the cause of humanity by the yardstick of this very same ‹cause of humanity› (also known as ‹human flourishing›), pure and simple because this is also the very core of God's involvement. This is the perspective that can lead us away from the almost spasmodic efforts to ‹solve› tensions between faith and ethics by human subordination to ‹god› and opens at the same time the space in which we discern the *perichoresis* of humanity's truth with God and God's truth with humanity.<sup>8</sup>

Therefore, any theological ethics of Jewish-Christian signature should time and again remember the intimate covenant between ‹grace and law› as this is shaped in Scripture's narratives of Exodus. If I see things correctly, an inexhaustible ethical dynamism begins with the very name of God revealed to Moses in Exodus 3:14 - a name that turns out to be a verb: ‹I am who is›. The context of this name is the initiative of JHWH to bring about liberation and it is therefore this very context that is again recalled in the passages further down in Exodus and also in Deuteronomy that we know as ‹The Decalogue› or ‹The Ten Commandments›. For the record: the extent to which a morality of imposed commandments permeated liturgy and catechesis can very well be illustrated in the leaving out of this ‹context of liberation› in the so-called catechetical formulations of the ten commandments in which the interaction between God's initiative - grace - and the response of human beings - law - was lost sight of.<sup>9</sup>

The thesis that revelation, salvific action and faith qualify each other can therefore hermeneutically be deepened by asking about this relation between ‹grace and law› or between salvific action and normativity. The people who came in contact with Jesus of Nazareth and who were fascinated by him and stayed with him were - as Schillebeeckx aptly remarks - Jews who in their own scriptures had developed a theology of covenant. In this regard, a rich passage can be found in Deuteronomy 6:20-25, the famous ‹catechetical situation› in which children confront their parents with the arduous ‹why›-question:

When your children ask you in time to come, ‹What is the meaning of the decrees and the statutes and the ordinances that the Lord our God has commanded you?› then you shall say to your children, ‹We were Pharaoh's slaves in Egypt, but the Lord brought us out of Egypt with a mighty hand. The Lord displayed before our eyes great and awesome signs and wonders against Egypt, against Pharaoh and all his household. He brought us out from there in order to bring us in, to give us the land that he promised on oath to

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<sup>8</sup> These reflections are influenced by *Klaus Demmer*, *Gottes Anspruch denken. Die Gottesfrage in der Moralthologie*, Freiburg i. Ue./Freiburg i. Br., 1993.

<sup>9</sup> A striking example is the way in which the Catechism of the Catholic Church in the pages preceding its teaching on the Ten Commandments (2052-2557), simply presents the biblical accounts and the catechetical formulation side by side. Of course, this abbreviated version is easy to learn by heart (in the Flemish version that I got inculcated about 45 years ago - and that I can still reproduce without any hesitation - alliteration and rhyme added to that) but it comes close to the voluntaristic ‹why? - just because!› in which obedience itself becomes a trait of ethical virtuousness.

our ancestors. The Lord commanded us to observe all these statutes, to fear the Lord our God, for our lasting good, so as to keep us alive, as is now the case. If we diligently observe this entire commandment before the Lord our God, as he has commanded us, we will be in the right.>

A first remark that I will not pursue here deals with the ethical ambiguity of <the mighty hand> and <great and awesome signs and wonders> because they signal a trail of blood that further on in the Hebrew scriptures and in the praxis of Christians remains all too often present.<sup>10</sup>

Secondly, however, it is also possible to focus on the meaning<sup>11</sup> giving context to God's commandments and to ask about their internal ethical dynamism - even to a level that would trigger ethical self-criticism. For it is not just a coincidence that this context of meaning is the transition from slavery towards liberation as the fulfillment of a promise and in which the keeping of the commandments signifies the response by which the liberated people express their gratitude for their salvation. It is this very context which is programmatically connected with the <first commandment> about monotheism in both versions of the Decalogue: «I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery; you shall have no other gods before me» (Exodus 20:2-3 and Deuteronomy 5:6-7). Such focusing on the context of meaning next raises the question of whether it could also shed light on the formulated content of the commandments themselves. Against the horizon of the discussion between Socrates and Euthyphro, I would suggest that there are two schemes that could apply. On the one hand, one could think of the relation between salvation and normativity as <straightforward>: to carry out the will of God is done because of the reward that follows from such an obedience and/or especially to evade the punishment that one brings upon oneself through disobedience.<sup>12</sup> And to be sure, such an interpretation can claim biblical

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<sup>10</sup> How difficult it can be to really deal with this is demonstrated by a passage in the famous <confession of guilt> of the Roman Catholic Church issued in December 1999: « ... acts of violence perpetrated by Israel against other peoples, which would seem to require a request for forgiveness from those people or from their descendants, are understood to be the execution of divine directives, as for example *Gn* [sic: *Josh*] 2-11 and *Dt* 7:2 (the extermination of the Canaanites), or 1 *Sm* 15 and *Dt* 25:19 (the destruction of the Amalekites). In such cases, the involvement of a divine command would seem to exclude any possible request for forgiveness.» The chill factor is increased by the accompanying note 36: «Cf. the analogous case of the repudiation of foreign wives described in *Ezr* 9-10, with all the negative consequences which this would have had for these women. The question of a request for forgiveness addressed to them (and/or to their descendants) is not treated, since their repudiation is presented as a requirement of God's law (cf. *Dt* 7:3) in all these chapters.» See *International Theological Commission, Memory and Reconciliation: the Church and the Faults of the Past*, section 2.1 ([http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_con\\_cfaith\\_doc\\_20000307\\_memory-reconc-itc\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20000307_memory-reconc-itc_en.html))

<sup>11</sup> Please note: the children do not ask about the commandments in order to be instructed - they probably know them by heart anyway - but specifically about the meaning, implying foundation, legitimation and justification.

<sup>12</sup> See *Jan Jans*, <Neither Punishment nor Reward>: Divine Gratuitousness and *Moral Order*, in: *Concilium* 2004/4 (forthcoming).

support from within the Decalogue itself: «... I, the Lord your God am a jealous God, punishing children for the iniquity of parents, to the third and fourth generation of those who reject me, but showing steadfast love to the thousandth generation of those who love me and keep my commandments» (Deuteronomy 5:9-10; cf. Exodus 20:5-6). Whatever the remarkable asymmetry in the effects, this interpretation functioned as a model to make sense of the decline of Israel and the Exile as the result of infidelity to the covenant and its commandments.

On the other hand, the relation between salvation and normativity can also be thought of as <dialectical>: the very content of the commandments as they are practically lived out are the very mediation of salvation. This means that they are the rules and agreements that provide the framework to make the step from mere survival towards living together well and as such function as the returning touchstone for whatever further particular normative discourse. But - and this could be the level of ethical self-criticism to which I alluded above - such a dialectical interpretation also applies with regard to the content formulation of God's commandments themselves, as turns out to be the case in the shift of the <tenth commandment> between Exodus and Deuteronomy.

Exodus 20:17 reads as follows: «You shall not covet your neighbour's house; you shall not covet your neighbour's wife, or male or female slave, or ox, or donkey, or anything that belongs to your neighbour»; Deuteronomy 5:21 states: «Neither shall you covet your neighbour's wife. Neither shall you desire your neighbour's house, or field, or male or female slave, or ox or donkey, or anything that belongs to your neighbour.» The shift is remarkable because in the first text, the neighbour's wife is named following the house, including her as part of the properties belonging to her husband, whereas in the second formulation the commandment is now a diptych in which the neighbour's wife comes first, followed by a description what kind of things belong to <the house>. Of course, such a shift could be very easily explained (away) by the followers of Euthyphro who would just have to point to god's voluntarism whereby his will simply equals the law.<sup>13</sup> This approach, however, is ruled out by it leads to the apparent and/or real immorality of God. Furthermore, I would suggest that we have to pay attention to the content of the shift which from the ethical point of view is not just a change but a real improvement for both the neighbour and his wife and which therefore even leads to a rewording of <the word of God>.

Let us for a moment speculate that the author of Deuteronomy was confronted with a reproach such as: «it is all very well that the relation between a neighbour and his wife is more ethical if she is not counted directly as part of his property, but, however, this is how God's law demands it...» - a reproach to which the answer might have been: «indeed,

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<sup>13</sup> This kind of ethical voluntarism is sharply criticised by Mahoney: «Morality did not issue from within reality, but was painted on to it from outside, and absolutely speaking it could change color overnight», in: *The Making of Moral Theology*, 183.

that is the way it was laid down in writing, but the spirit of a God who is aiming at the well-being and liberation of human persons calls me to improve on the letter, because God's law should be nothing but the mirror of God's grace.»<sup>14</sup> Therefore, Deuteronomy can rightfully claim - not notwithstanding but exactly because of this change/improvement - to present its reading as 'God's commandment'.<sup>15</sup>

If this is true, it demonstrates the reciprocal dialectics between the context and the content of the commandments by which the ethical experience gained from actual ethical behaviour constitutively flows back in the understanding of one's proper obedience to God. Or, in other words: to really obey *God* does not consist in accepting a situation such as in the (Dutch) saying: «After the word of God, the brain is locked up» [«Na het woord van God gaat het verstand op slot»], but it is the response of human persons to the invitation to understand the *dynamics of ethics* as what constitutes doing God's will. This explains the title of this essay by which I argue the transition from whatever kind of parataxis between Christian faith and ethics towards the insight that their relation can better be thought of as maieutical dialectics.<sup>16</sup>

#### 4. *Love as Neighbour - The Characteristic of Christian Ethics*

A criticism to the position outlined above could be the reproach that Christian faith in God and ethics are reduced to each other. However, I think that such a criticism can be refuted rather easily by referring to the concrete actions mentioned in the so-called 'Last Judgment' (Matthew 25:31-46) which turn out to be sufficient to inherit the kingdom prepared from the foundation of the world: feeding the hungry and quenching the thirsty, welcoming the stranger, dressing the naked, taking care of the sick and visiting the prisoners. Furthermore, the thesis that these are but secular actions and as such confirm the dreaded reduction neglect the proper character of the kind of God to whose kingdom one partakes in:

In his actions and in his parlance, Jesus clearly proclaims a God who is ethically qualified. The tradition expresses this by 'God is love'. Thus, an ethical category is used to speak about God. God is not just something or someone, but can only be love. In Jesus who sides with the marginal, a God is

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<sup>14</sup> See *Karl-Wilhelm Merks*, *Göttliches Recht, menschliches Recht, Menschenrechte. Die Menschlichkeit des 'ius divinum'* [Abschiedsrede an der Theologische Fakultät Tilburg, 5. März 2004], in: *Bijdragen* 65 (2004) - forthcoming.

<sup>15</sup> Sadly, I have to add that this ethical dynamism needed many more centuries before the ethical truth dawned that 'male or female slave' are both figuratively and literally untenable in the eyes of a God of liberation, a God who becomes encapsulated every time the contrast between ethical insight and concrete images of god is explained away as a conflict in which human beings lose out against a god who always 'knows best'.

<sup>16</sup> See *Klaus Demmer*, *Moraltheologische*, Freiburg i. Ue./Freiburg i. Br. 1989, 72, nt. 5: «Glaube und [sittliche] Vernunft fordern einander heraus, sie üben je auf ihre Weise eine maieutische Funktion aus.»

revealed who associates with human beings in their smallness and suffering. This is the *associated* God.<sup>17</sup>

From this position, therefore, I am not inclined to side or go along with a plea in favour of a 'secular ethics' in which our actions would stand under the augury 'as if there is no God'.<sup>18</sup> After all, the background of this movement is a problematic image of god in which once again the inheritance of Euthyphro sounds through and which is rightfully opposed because of its unacceptable heteronomy. However, to expand this conclusion towards the demand that a reasonable or autonomous ethics must bracket the question about God, looks to me like something as throwing out the baby with the bath water.<sup>19</sup> If 'God' and 'ethics' are not of principle in conflict with each other, than the task is to develop in an argumentative way how being obedient towards the associated God of the gospel is consonant with good acting. Instead of any kind of parataxis, subordination and the subsequent self-reduction into a 'secular ethics', it is up to Christians to clarify in their factual living-through of such consonance the characteristic of 'faith seeking expression in behaviour'.

A first element of such a clarification is contained in the proper way of dealing with normative prescriptions. A popular way of making the contrast between the so-called 'Old' and 'New' Testament is the thesis that the 'Old' was permeated with laws and prescriptions, but that the newness of the 'New' consists in the central place of love. Analogous to this is the claim that 'Judaism' is a religion with a multitude of laws and prescriptions, but that 'Christianity' is the religion of God's love for humanity and of the mutual love between human beings. I would suggest that the best way to rebut such kinds of superiority thinking between 'old' and 'new' - and between 'law' and 'love' - is the insight that the Christian scriptures can only be understood against the background of the Jewish bible, a Jewish bible furthermore from which important commandments are reiterated by Jesus. However, according to the gospels, Jesus is not just reiterating

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<sup>17</sup> Roger Burggraave, *Tussen Rome en leven. Essay over een ethiek van het haalbare*, Tielt 1994, 29 (translation JJ); *Id.*, «Because you are lukewarm, I spit you out of my mouth!» Foundations and Major Themes of Christian Ethical Radicalism, in: *Didier Pollefeijt* (ed.), *Incredible Forgiveness. Christian Ethics between Fanaticism and Reconciliation*, Leuven 2004, 7-52, pp. 22-30.

<sup>18</sup> See *Johannes A. van der Ven*, *De toekomst van religie in Europa*, in: *Tijdschrift voor Theologie* 43 (2003) 5-14, pp. 12-13, who in referring to the Kant-interpretation of Derrida points out the possibility of a 'moral religion' in which the realisation of a good life happens without humans having their heads and hearts oriented towards God. For a different and competing approach, see *John D'Arcy May*, *Verantwortung coram Deo? Europa zwischen säkularer und interreligiöser Ethik*, in: *Karl-Wilhelm Merks* (Hrsg.), *Verantwortung - Ende oder Wandlungen einer Vorstellung? Orte und Funktionen der Ethik in unserer Gesellschaft*, Münster 2001, 193-207.

<sup>19</sup> For a concise argumentation starting from the anthropological foundation of ethics, see *Jan Jans*, *The Fish and Their Water. Implications of Anthropology as the Foundation of Ethics*, in: *Societas Ethica Jahresbericht/Annual 2001*, *The Sources of Public Morality - On the 'Ethics and Religion' Debate* (Berlin), Aarhus 2002, 253-258.

commandments in their literal formulation but he also reiterates the maieutical dialectics between context and content.

The most clear-cut illustration of this maieutical dialectics is the way in which in all four gospels Jesus seemingly comes into conflict with the commandment to keep the Sabbath. In Mark 2:23-28 this happens through a discussion on plucking heads of grain on the Sabbath, followed by Mark 3:1-5 about healing with a direct reference to the ethical notions «to do good or to do harm on the Sabbath, to save life or to kill» (3:4); in Matthew 12:1-13 similar discussions are narrated; Luke 6:1-10 contains a repetition of these two issues but there is also Luke 13:10-17 and Luke 14:1-6 with other discussions on healing; John 9:1-38 has again a story about healing. Now my point here is not the diversity and the narrative richness contained in these passages but the fundamental attitude that shines forth from the behaviour of Jesus and/or the disciples. Mark summarizes this attitude succinctly: «The Sabbath was made for humankind, and not humankind for the Sabbath» (2:27). The importance of this for my thesis about the consonance between obeying God and good behaviour is given further relief if one recalls the massive theological substantiation of the commandment to keep the Sabbath in both versions of the Decalogue: in Deuteronomy 5:12-15 with a direct reference to God's salvation out of slavery and in Exodus 20:8-11 by the reference to God's universal work of creation and the built-in rhythm of six days of work but resting on the seventh day. Nevertheless, also this – even more: exactly this – commandment is ethically qualified by Jesus: in the concrete situation in which people find themselves the meaning and significance of the commandment surfaces by which it can be fulfilled according to the spirit present in it.

A second element of such a clarification can to my mind be found in the well-known double commandment of love for God «with all your strength» and towards the neighbour «as yourself».<sup>20</sup> Each of the synoptic gospels contains a version of this double commandment (Matthew 22:37-40; Mark 12:29-31; Luke 10:27) in the context of the question put to Jesus on respectively the greatest, the first or the most important and each time the evangelist narrates an answer containing two components.<sup>21</sup> However, how do these two types of love relate to one another, and what can be the meaning of «as yourself»?

Most radical is the gospel according to Matthew, in which the love for God is qualified as being the greatest and first commandment, followed by «And the second is *like it* [ὁμοία]: «You shall love your neighbour as yourself»» (Matthew 22:39) This similarity seems to be displayed beyond doubt in one of the following chapters of Matthew's gospel when according

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<sup>20</sup> I build here on former research. See *Jan Jans, Zichzelf als naaste*, in: *Karl-Wilhelm Merks/Nico Schreurs* (red.), *De passie van een grensganger. Theologie aan de vooravond van het derde millenium*, Baarn 1997, 227-236, pp. 231-235.

<sup>21</sup> Interestingly, the same question of Luke 10:25 «... what must I do to inherit eternal life» is repeated in Luke 18:18 but given a very different answer.

to the judgment of the Son of Man the good that is or isn't done for <one of the least> turns out to refer incognito to the Son of Man himself. However, if in these situations the neighbour is or isn't loved <as yourself> is not worked out by the evangelist.

In the gospel according to Mark, the encompassing love for God is mentioned as the first commandment followed by the second to love one's neighbour as oneself, concluding that «There is no other commandment greater than these two» (Mark 12:31b). Where the passage in Matthew ends with the summary that on the commandments just mentioned hang all the law and the prophets, the summary of Mark repeats the commandments but contrasted with other prescribed actions: «To love him with all the heart, and with all the understanding and with all the strength, and to love one's neighbour as oneself - this is much more important than all whole burnt offerings and sacrifices» (Mark 12:33). It therefore looks as if the two commandments are next to one another, but even if there would be whatever kind of hierarchy between the first and the second, the both of them together are still more important than all the rest. However, also here <as yourself> receives no further clarification.

On first sight, also Luke is not helping us any further. The question put to Jesus is more general and contains not a trace of hierarchy (first, second) but deals with what must be done to inherit eternal life. The short answer - that through Jesus' pedagogy is given by his questioner himself - doesn't contain any <first, second>, nor <like it>: «You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind, and your neighbour as yourself» (Luke 10:27). The passage ends in an almost didactic way by Jesus' approval, followed by the encouragement to practice this correct answer. However, how the questioner must conceive <as yourself> still seems to be open.

Mainly referring to Matthew, the Christian tradition seems to tend towards conceiving the relation between the first and the second commandment as <equal to each other>, an interpretation that allows positing that Christian faith in God and ethics are really two sides of the same coin. A lot more disagreement can be seen with regard to the relation between the commandment to love one's neighbour and the <measure> for this, namely the love towards one self. «As yourself» was and still is *grosso modo* filled out in three different ways.<sup>22</sup> First of all, there is the position of strict equality and therefore the rejection of any kind of partiality by which I consider myself or any other person as more or less. Secondly, it is possible to go the way of subordination of myself with regard to others, for instance by highlighting one's own sinfulness and in extreme cases the readiness to sacrifice one's own bodily existence for the benefit of others. And thirdly, there is of course the approach of superiority, building upon the importance of love for oneself in order to be able to mean anything for others leading in

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<sup>22</sup> See Garth L. Hallett, *Christian Neighbor-Love. An Assessment of Six Rival Versions*, Washington 1989.

extreme cases to high-spirited egotism. However, I would like to suggest that this discord is beyond solution because ‹me, myself and I› is not an isolated reality and that therefore the proper relation between ‹others and me to be loved› is always dependent on the kind of relation between us.

Whatever one might think of this, at least on the principal level the scope of Christian love of neighbour should not suffer from this disagreement. In the opinion of many, the very ‹newness› of the Christian double commandment of love might exactly be its universality: just as we have to love God through and through, now also all human persons - including the hungry, the thirsty, the strangers, the naked, the sick and the imprisoned - are our neighbours. The biblical ‹proof› for this position is claimed to be found in the gospel according to Luke, in the well-known passage that is immediately next to the already mentioned exchange between Jesus and his questioner. Of course, this is the famous parable on what happened on the road between Jerusalem and Jericho, a parable that is supposed to answer the difficult - and self-justifying - question: ‹And who is my neighbour?› But, I would like to offer for consideration: might it be that the text of the parable is so well known that with eyes wide open we pass by on the other side of its real point?<sup>23</sup>

A man was going down from Jerusalem to Jericho, and fell into the hands of robbers, who stripped him, beat him, and went away, leaving him half dead. Now by chance a priest was going down that road; and when he saw him, he passed by on the other side. So likewise a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan while traveling came near him; and when he saw him, he was moved with pity. He went to him and bandaged his wounds, having poured oil and wine on them. Then he put him on his own animal, brought him to an inn, and took care of him. The next day he took out two denarii, gave them to the innkeeper, and said, ‹Take care of him; and when I come back, I will repay you whatever more you spend› (Luke 10:30b-35).

Because we know that love of neighbour has to be universal, we immediately see that both the priest and the Levite react in a substandard way because they don't consider the robbed man as their neighbour and therefore they don't help him. The Samaritan, however, discerns that even this half dead victim is his neighbour and therefore acts appropriately. Isn't it remarkable: the officials of rendering service to God fail, but the semi-heathen acts well. No doubt, this interpretation is valid, but does not yet touch the ‹surprise›<sup>24</sup> of the parable because this does not consist in the ‹status› of the half dead as also being a neighbour worthy of love. The real point of the parable is revealed by the question of Jesus after the story has

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<sup>23</sup> A recent example is the ‹Themenheft 2003: Zum Nächsten werden!› of *Renovabis*, the German Catholic organisation for solidarity with people of Middle and Eastern Europe in which the appeal is made by explicit reference to the ‹Parable of the Good Samaritan› to us - people from Western Europe - to make the transition of simply considering those in the rest of Europe as being physically next to us towards respecting and treating them for what they really are: our neighbours (‹Nachbar sein. Zum Nächsten werden!›).

<sup>24</sup> See *Jan Lambrecht*, *Once more astonished: the parables of Jesus*, New York 1981.

finished: «Which of these three, do you think, was a neighbour to the man who fell into the hands of the robbers?» and the answer: «The one who showed him mercy» (Luke 10:36-37a). Therefore, the parable reveals that the neighbour is not another person, or many others, or even all others - whom I have or don't have to help - but that «as myself» really means myself. The word of Jesus at the end of the passage «Go and do likewise» (Luke 10:37b) is nothing less than the universal assignment to become neighbour. «Love thy neighbour as thyself» therefore really means for Christians: «Love *as* neighbour, than you are yourself; characterized by the maieutics between faith in God and ethics.»

### 5. Conclusion: A Passion for Ethics

If this analysis and its conclusions are cutting ice,<sup>25</sup> than the enthusiasm of Christians for the kingdom of God is consonant with their passion for the cause of ethics. However, any such identity which can be understood to be inspired by love as neighbour doesn't change one single bit about the differentiation between the «mandate» to love in such a way and the «competence» to make it happen. In other words: in the realm of practical moral behaviour - and especially in the realm of new questions which are the corollary of the development of science and technology - even those who love as neighbour don't have some kind of «Christian advantage» to their disposal which would allow them to see clearly into the grey areas that make up the complexity and the interconnectedness of values & disvalues in, for example, biomedicine<sup>26</sup>, resulting in clear cut directions for moral behaviour. Here also, the saying applies: Christian ethics is ethics, and if it is not ethics, it cannot be Christian ethics.

But again: the light of the gospel can also be the trust that our human ethical responsibility doesn't need any «surplus» to be the fulfilment of obedience towards God. Exactly this insight can sharpen conscience to detect in any kind of applied ethics the seduction to short-circuit faith and ethics - and to resist this fatal way out.<sup>27</sup>

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<sup>25</sup> I would like to express my gratitude to the *Association of Teachers of Moral Theology* for discussing a former version of this paper in the Fall of 2003 and suggesting more than a few improvements.

<sup>26</sup> See *Julie Clague*, Abortion and the use of foetal tissue in research and treatment: what is the connection?, in: *John Scally* (ed.), *Ethics in crisis?*, Dublin 1998, 33-43.

<sup>27</sup> With regard to the ongoing debate on «euthanasia», I discuss this problematic under the heading «Life is a gift of God» in *Jan Jans*, Christian Churches and Euthanasia in the Low Countries. Background, Argumentation and Commentary, in: *Ethical Perspectives* (Journal of the European Ethics Network) 9 (2002) 119-133, pp. 129-131; *Id.*, «Sterbehilfe» in den Niederlanden und Belgien? Rechtslage, Kirchen und ethische Diskussion, in: *Zeitschrift für Evangelische Ethik* 46 (2002) 283-300, pp. 296-297.