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# **The Problem of Arbitrary Requirements: An Abrahamic Perspective**

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*Abstract – Some religious requirements seem genuinely arbitrary in the sense that there seem to be no sufficient explanation of why those requirements with those contents should pertain. This paper aims to understand exactly what it might mean for a religious requirement to be genuinely arbitrary and to discern whether and how a religious practitioner could ever be rational in obeying such a requirement (even with full knowledge of its arbitrariness). We lay out four accounts of what such arbitrariness could consist in and show how each account provides a different sort of baseline for understanding how obedience to arbitrary requirements could, in principle, be rational.*

I have just learned that my religion requires me to follow this law: I must perform four cycles of prayer after the length of an object's shadows becomes equal to the length of the object itself, and before sunset.<sup>1</sup> This norm is puzzling: why is the turning point four cycles rather than three, for instance?<sup>2</sup> Perhaps there is some reason for this norm that I do not yet understand. If so, this norm is not genuinely arbitrary; it merely appears to be so because of my epistemic limitations. On the other hand, it may be that the requirement is genuinely arbitrary: it may be that there are no sufficient reasons to explain why this requirement with this content should pertain—especially as in contrast with some other similar requirement that has a slightly different content.<sup>2</sup>

If a requirement merely appears arbitrary, a religious practitioner might still be rational in obeying it. Perhaps, for instance, God understands the rationale for the requirement and assures her that there are good reasons for obeying it. Perhaps she is justified in believing God, and so—by extension—rational in obeying the requirement. But what if the practitioner comes to *know* that the requirement is genuinely arbitrary?<sup>3</sup> In this case, it is hard to see how her choice to obey the requirement could be rational.

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<sup>1</sup> Robinson, *Islam: A Concise Introduction*, 98.

<sup>2</sup> One might be concerned that this way of characterizing arbitrary requirements fails to distinguish them from ethical first principles—say, for instance, utilitarians' principle of equal consideration of interests (Singer, *Practical Ethics*) or a Kantian Categorical Imperative. It might be argued that since they are first principles, they too lack further ethical explanatory reasons. Even if this is so, however, defenders of first principles tend to point to descriptive facts and intuitions to motivate their views (see e.g. Singer, *Practical Ethics*, Chapter 1). It might be argued that in doing so they provide explanations for their ethical first principles are still rationally satisfying in some way. Given these considerations about ethical first principles, one might prefer to characterize arbitrary requirements this way: arbitrary requirements are requirements for which there is no rationally satisfying explanation.

<sup>3</sup> Arbitrary religious requirements may be regarded as an exercise of God's practical authority to direct our behaviors. Let's make a distinction between epistemic (or theoretical) authority and practical authority (Raz 1986:9). Epistemic authority concerns the authority of an expert with greater knowledge to *show* me a reason that was there all along. Someone with practical authority, on the other hand, can create a new reason for me. As Enoch (2014) explains it, practical authority is a case of "robust reason-giving." A practical authority has normative power to bring about a change in the addressee's reasons. God's commands, in general, can be

This paper aims to understand exactly what it might mean for a religious requirement to be genuinely arbitrary and to discern whether and how a religious practitioner could ever be rational in obeying such a requirement (even with full knowledge of its arbitrariness). We will lay out four accounts of what such arbitrariness could consist in, and show how each account provides a different sort of baseline for understanding how obedience to arbitrary requirements could, in principle, be rational. In showing that obedience to arbitrary requirements could in principle be rational, we consider relevant arbitrary requirements taken in isolation; that is, we don't initially attend to the complexities of real-world deliberation in which arbitrary requirements may often conflict with non-arbitrary requirements. Understanding how practitioners can be rational in obeying arbitrary requirements in these contexts requires additional argumentation, since it is difficult to see how religious practitioners can rationally deliberate about how to act when they are weighing arbitrary requirements against non-arbitrary requirements. We address this challenge in the final section.

## 1. Defining the Problem

Since quantities in religious requirements often give rise to a *prima facie* sense of arbitrariness, we will take quantitative arbitrariness as our paradigm case. Here are some examples from each of the Abrahamic religions: Why pray five times a day instead of four?<sup>4</sup> Why eschew meat three days of the week instead of two?<sup>5</sup> Why require ten people to form a sufficient congregation

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epistemically authoritative. They can show me a reason to perform what is commanded, a reason that was there all along. Arbitrary religious requirements, however, are requirements for which there seem to be no sufficient reasons to explain why those requirements *with those specific contents* should pertain. They might be seen as instances of God's power to give reason robustly. In such cases, God's issuing a command determines in part that the arbitrary religious requirement obtains.

<sup>4</sup> Robinson, *Islam: A Concise Introduction*, 98.

<sup>5</sup> Abhinav, "Ember Days and Ember Weeks," *Encyclopedia Britannica*.

instead of eleven?<sup>6</sup> These questions pose a deep problem for religious practitioners that has resulted in two kinds of unsatisfactory responses.

First, arbitrariness could be explained away. An approach that we'll call *numerical mysticism* seeks to assign an esoteric reason behind each quantity, such that quantitative requirements that are seemingly arbitrary turn out in fact to be rationally mystically required. For instance, perhaps the number of people required for a minyan (congregation) mirrors the number of spies who spoke negatively about the land of Israel, and there is some deep similarity between the two cases.<sup>7</sup> Or eighteen days of meditation are required because of the eighteen syllables in the invocation of God's name, and again some similarity relates God's name to the days of meditation. According to numerical mysticism, seemingly arbitrary requirements are not really arbitrary.<sup>8</sup>

An alternative form of explaining away is *revisionary rationalism*. On this approach, apparent arbitrariness can be explained away by relativizing the arbitrary demand to a context which descriptively explains the particular quantity. For instance, the revisionary rationalist might argue that the number of prescribed vegetarian days per week is a legacy from pre-Christian religious practices,<sup>9</sup> or that the requirement for five daily prayers was influenced by Zoroastrianism.<sup>10</sup> This form of explanation diffuses any reason to take an arbitrary requirement

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<sup>6</sup> Eisenberg, *Jewish Traditions*, 372. In traditional Jewish discourse, *huqqim* refers to those statutes which either have no reasons or have reasons that we do not, or cannot, know. For helpful discussion see J. Stern, "Problematic Commandments I: *Maimonides on the Huqqim and Antinomianism*," 15 and D. Frank and A. Segal (eds), *Debates in Jewish Philosophy Past and Present*, Part 10: "Ritual and Rationality."

<sup>7</sup> Eisenberg, *Jewish Traditions*, 372

<sup>8</sup> Aquinas takes a related but distinct approach to arbitrary requirements. Since he rejects the idea that divine decrees can be arbitrary (*Summa Theologiae, Prima Secundae Partis, Question 95, Article 2*), he is eager to explain away the apparent arbitrariness of the "ceremonial precepts" of Jewish law. However, rather than arguing that these precepts are mystically required, he argues that they are "figurative" representations of truths that would later be manifested in Christ (*Ibid, Question 101, Article 2*)

<sup>9</sup> Abhinav, "Ember Days and Ember Weeks," *Encyclopedia Britannica*.

<sup>10</sup> Heinz, "The Origins of Muslim Prayer," 79ff.

seriously; for revisionary rationalism, seemingly arbitrary requirements are not really requirements. Of course, a causal explanation for the legislation of the law in its historical context may not undermine the normative force of a requirement. Rather, revisionary rationalism *presupposes* that there is no independent non-arbitrary rationale for arbitrary requirements. These deflationary responses, especially the latter, reveal a deep discomfort with arbitrary religious requirements.

Arbitrariness is not just a problem for religious requirements. Discussions about arbitrariness also figure prominently in philosophical debates about divine command theory, where opponents of the theory object that it threatens to make all moral requirements arbitrary.<sup>11</sup> Of course, there are a variety of approaches to dealing with this objection, and we note below where our discussion of arbitrary religious requirements draws on these approaches (see especially Section 2.1). Nevertheless, the problem of arbitrariness in the domain of religious requirements merits a distinct treatment. First, since the domain of arbitrary religious requirements is much narrower than the domain of moral rules that divine command theorists must account for, accounts of arbitrariness that are not satisfying in the context of divine command theory may nevertheless prove compelling as accounts of the arbitrariness of religious requirements. Second, the problem of arbitrary religious requirements has historically presented a distinct challenge to religious believers that needs to be addressed on its own terms. As we will now say more about, religious believers have often been criticized for the

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<sup>11</sup> Philosophers of law have also raised concerns about arbitrariness. The most dominant discussion about arbitrariness in the philosophy of law, however, concerns the arbitrariness of judicial interpretations of the law, which is thought to stem (perhaps inevitably) from indeterminacies in human intentions and language (see e.g. Hasnas (1995) and MacCormick (2005)). Since we are not concerned with interpretations of religious requirements, and since (moreover) we presume that God's intentions and language need not be constrained by the indeterminacies that affect human intentions and language, these discussions about arbitrariness in legal interpretation are not likely to offer insight into our problem. A less prominent but more promising area of discussion arises in the context on natural law theory. We make note of some of these contributions below in Section 2.2.

(alleged) irrationality of their obedience to religious requirements in a way that they have not also been criticized for obedience to the more generally recognized demands of morality. To address this criticism, we need a concise and systematic discussion of arbitrariness specifically as it relates to religious requirements.

It is not uncommon to come across the idea that those who are committed to obeying arbitrary religious laws betray a kind of irrationalism that prevents them from achieving ‘full’ moral agency and (so, also) ‘full’ moral development. Of course, this idea that moral maturity requires an understanding of the reasons for the requirements that one obeys has been most popularly associated with Kant (1784)<sup>12</sup>—but it also continues to exercise influence on modern-day scholarship. Indeed, one of the preeminent moral psychologists of the late twentieth century, Laurence Kohlberg, characterized those who adhered to fixed rules without an accompanying ‘rational’ motivation as having reached only the “conventional” rather than the higher and more superior “post-conventional” level of moral development.<sup>13</sup> Kohlberg’s theories, in turn, influenced the thought of notable political theorists like Seyla Benhabib (1992) and Jurgen Habermas (1987), who—at least at times—have characterized religious modes of moral reasoning as sub-par to more secular modes of moral reasoning on account of how the former (allegedly) allow persons to settle for a kind of ‘slavish’ adherence to rationally unsupported (i.e., contingent and arbitrary) laws.<sup>14</sup>

Even more troublingly, the idea that adherence to arbitrary laws betrays a deficiency in moral development has historically been used to justify Euro-American denigrations of Islam and Judaism. Drawing on the philosophical developments of the European Enlightenment,

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<sup>12</sup> See e.g. Kant, *Foundations of metaphysics of morals and ‘What is enlightenment?’*, trans. LW Beck.

<sup>13</sup> Kohlberg, *Essays on Moral Development*.

<sup>14</sup> See e.g. Habermas, *The Theory of Communicative Action*, Chapter 2 and esp. 174–179, Benhabib, *Situating the Self*, 42–46. For more Kohlberg’s influence on Habermas, see Habermas, *Moral Consciousness and Communicative Action*, 116–94.

early scholars of the budding Euro-American discipline of religious studies latched on to the (alleged) arbitrariness of laws within Islam and Judaism as grounds for characterizing these traditions as being less developed and morally ‘sophisticated’ than Christianity.<sup>15</sup> Thus it was in part by reference to the (alleged) arbitrary nature of Islamic and Jewish religious laws that nineteenth century scholars like Abraham Kuenen, Cornelis Tiele, and Otto Pfliederer justified their characterizations of Judaism and Islam as “particularistic,” *merely* “nationalistic” religions that had “ossified” into a “rigid” legalism.<sup>16</sup> Christianity, by contrast, was characterized as a “universal,” “ethical” religion in part by virtue of how it had (allegedly) ‘purified’ itself from—and ‘risen above’ the level of—making arbitrary, contingent demands of its followers.<sup>17</sup> One author of this paper can remember hearing echoes of these sentiments in the Christian institutions she grew up in.

The socio-cultural controversies raised by arbitrary requirements are motivated primarily by negative assessments of the rationality of obeying such requirements. We’ll term the arguments for these negative assessments “Habermasian Arguments.” For the purposes of this paper, we assume that rationality consists in responding properly to reasons. *If* arbitrary

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<sup>15</sup> One might also interpret Aquinas as making the same suggestion. He argues that the ‘ceremonial precepts’ of Jewish law appear not to have reasons because are merely “figurative” representations of the truth that would later be manifested in Christ. Indeed, he suggests that “divine mysteries” *must* be revealed to “*uncultured people* under a veil of figures” (emphasis added, *Summa Theologiae, Prima Secundae Partis*, Question 101, Article 2).

<sup>16</sup> The language of “ossification” comes from Masuzawa in the course of his elegant summary of Pfliederer’s views (*The Invention of World Religions*, 198). Pfliederer writes in his *Religion and Historic Faiths* that Judaism is caught in a “hard shell of external legality” (quoted in Masuzawa, *The Invention of World Religions*, 198, footnote 21); he also writes the following of Islam: “founded by the prophet Mohammed under Jewish and Christian influences among the half-barbaric Arabic people in the seventh century, Islamism shares the rigidly theocratic and legalistic character of Judaism” (quoted in Masuzawa, *The Invention of World Religions*, 199). Pfliederer’s writing continues an impulse also found in Keunen’s works. For instance, Keunen writes in his *National Religions and Universal Religions* that we must “attribute [to Judaism] a rigidly national and exclusive character” (quoted in Masuzawa, *The Invention of World Religions*, 193). For further excellent discussion of Pfliederer, Keunen, and Tiele’s views, see Masuzawa, *The Invention of World Religions*, Chapters 2-3, 6 (see especially 82-86, 97, 107-117, 192ff). For further discussion of a specific example as it pertains to Islamic prayer practices, see Powers, “Interiors, Intentions, and the ‘Spirituality’ of Islamic Ritual Practice,” 425-459.

<sup>17</sup> Masuzawa, *The Invention of World Religions*, Chapters 2-3, 6 (especially 77-78, 107-117, 192ff).

requirements genuinely exist *as normative requirements*, then—by virtue of their being real normative requirements—they give rise to reasons for relevant practitioners to respond to them and to act in accordance with them. From this perspective, it would be confused to grant that such arbitrary requirements genuinely exist and then insist that religious practitioners are necessarily irrational in obeying the requirements (since the genuine existence of these requirements would give religious practitioners reasons to obey them.) Thus, on this way of looking at things, the strongest form of the Habermasian Argument would focus on trying to show that relevant arbitrary requirements are not genuinely normative requirements in the first place. The irrationality of obeying (alleged) “arbitrary requirements” would follow from the denial of the idea that these requirements genuinely exist. If these requirements don’t genuinely exist as normative requirements, after all, then religious practitioners turn out to be irrational insofar as they treat relevant “requirements” as though they were genuinely reason-giving, when in fact they are not. In what follows, we provide a response to this style of a Habermasian argument against the rationality of obeying arbitrary requirements. Here, the challenge is to show how or why a requirement could be a genuinely normative requirement—that gives rise to reasons for practitioners to act—even though the requirement does not have a fully rationally satisfying metaphysical explanation. We give four different ways of understanding how and why this could be the case.

## **2. A Taxonomy of Arbitrariness**

Where does arbitrariness come from? We will define the space of answers to this question by two dimensions and then go on to consider some examples of each kind.



One dimension of arbitrariness reflects the *normative* ‘depth’ of arbitrariness. This answers the questions: how much does the arbitrary nature of the requirement pervade the grounds or reasons for that requirement? Sometimes, there is an abstract, general reason for having a certain *kind* of requirement, but reasons ‘run out’ when it comes to particular quantitative details. That is to say, there may be a non-arbitrary reason to pick one of a set of equally acceptable requirements, but no further reasons to guide the choice of particular requirement out of the set. In light of this, we can make a distinction between reasons for the content of a command and reasons for issuing a command regardless of its content, and we may understand arbitrary requirements as commands that God has a reason to issue, without having a reason for commanding the specific content of the requirement. We’ll call this kind of arbitrariness *first-order* arbitrariness, since the extent of the arbitrariness covers the first-order and no further. On the other hand, when an arbitrary requirement does not issue from this sort of higher-order non-arbitrary reason, we will say that it is *completely* arbitrary. To put this slightly more formally, suppose our requirement to  $\phi$  is arbitrary. Further, we assume there is some set of higher-order reasons,  $\mathbf{P}$ , in virtue of which this requirement to  $\phi$  holds. For illustration, we’ll start with a simple case. Imagine I say to you that I need to find someone taller than me to play on our soccer team. This seems arbitrary (and indeed, we’ll stipulate that it is). You might ask me: what are the reasons  $\mathbf{P}$  for why this requirement to  $\phi$  (to find someone taller than me to play on the team) holds? I might answer that the requirement holds because I decide the rules, and I decide the rules because our captain picked my name out of a hat. These higher-order reasons for the requirement to  $\phi$  are themselves arbitrary. Another answer might be that the requirement to  $\phi$  holds because we need a tall player, and my own height is the most efficient and convenient threshold. This would be a reason for the arbitrary

requirement that is not itself arbitrary. This distinction forms the basis for our definition. That is: a requirement to  $\phi$  is completely arbitrary if and only if both the requirement to  $\phi$  and all members of  $\mathbf{P}$  are arbitrary.<sup>18</sup> A requirement to  $\phi$  is merely first-order arbitrary if and only if the requirement to  $\phi$  is arbitrary, but at least one member of  $\mathbf{P}$  is not itself arbitrary. While this definition allows for there to be multiple members of  $\mathbf{P}$ , we will for the purposes of discussion consider cases in which there is one central higher-order reason.

The second dimension of arbitrariness reflects the metaphysical contingency of the fact of arbitrariness itself.<sup>19</sup> This dimension answers the question: to what extent is the arbitrariness of the requirement determined? On the one hand, it could just happen that a requirement to  $\phi$  is arbitrary because of how contingent and irrelevant features of the world have happened to align. For example, Buridan's ass faces an arbitrary choice between this stack of hay and another stack of hay. Suppose the ass is now issued an arbitrary requirement to eat this stack of hay rather than the other. There is nothing metaphysically necessitating that this requirement—the requirement to *eat this stack of hay*—had to be arbitrary. There could have been perfectly good reasons to rationally explain why the ass should eat this stack of hay, but in this case the requirement happens to be arbitrary because of the particular, contingent nature of the circumstances of the case. This is an example of metaphysically *accidental* arbitrariness. Conversely, arbitrariness might be metaphysically *entailed*: it might be that, given the way the world is, it is 'in the nature of things' that a particular kind of requirement to  $\phi$  had to be arbitrary. In a theory of randomness in physics, for example, we might hold that a certain arbitrariness could not have been otherwise—or, less stringently, that it is entailed given some

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<sup>18</sup> Note that when  $\mathbf{P}$  is the empty set,  $\phi$  is completely arbitrary.

<sup>19</sup> We call this metaphysical contingency—however, on some views, we might only have a weaker but related form of necessity such as nomological necessity. If such a view were adopted, the spirit of our argument would probably still hold. We focus here on metaphysical necessity, since it is a more widely-adopted category.

other generic features of the physical world. Similarly, perhaps there are some requirements whose arbitrariness could not have been otherwise—whose arbitrariness is metaphysically entailed, given some other generic features of the world. While we use the language of necessity here, there may be other forms of entailment that stop short of necessity, just as a physical law might make it *probable* that a particle be in some location.<sup>20</sup> The arbitrariness of a requirement to  $\phi$  is accidental when it could easily have been the case that a requirement to  $\phi^*$  would have held instead, where the requirement to  $\phi^*$  is a similar but non-arbitrary replacement for the requirement to  $\phi$ . The arbitrariness of a requirement to  $\phi$  is entailed when it is not accidental, that is when either there is no way that  $\phi$  could have failed to obtain, or all the requirements that could easily have taken the place of  $\phi$  would themselves have been arbitrary. Thus while the first dimension focused on a feature of higher-order reasons to  $\phi$  (their degree of arbitrariness), this second dimension picks out the degree to which the arbitrariness of  $\phi$  is determined or stable.

Putting this together, we have the following categories, into which our four kinds of arbitrariness will be classified in the following sections:

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<sup>20</sup> In fact, it seems likely that the most natural way of describing this second dimension is a quantitative rather than qualitative difference, allowing for degrees of strength of entailment. Nothing in the main argument of the paper depends on this question, but treating the difference as qualitative allows us to simplify the discussion.

1: stability of arbitrariness - did the requirement have to be arbitrary?

2: depth of arbitrariness - is there a non-arbitrary reason for the arbitrary requirement?

	<i>Accidental</i>	<i>Entailed</i>
<i>Complete</i>	Arbitrary Per Se	Irregularity
<i>First-order</i>	Coordination	Devotion

## 2.1 Arbitrariness Per Se

Perhaps the most prominent historical avenue for understanding arbitrary commands is Divine Command Theory. Divine Command Theory traditionally holds that the binding force of *moral* norms is grounded in the fact that those norms have been divinely decreed by God, and arbitrary requirements of the sort we are concerned with might easily be folded under this broader category. While a Divine Command Theorist might grant that some moral requirements gain normative force derivatively—because of other, more basic requirements that God has issued—she will normally insist that the normative force of all such laws fundamentally ‘bottom-outs’ in facts about God’s divine decrees. Thus, perhaps a requirement not to trespass on other’s property can be grounded in the more basic command that God has issued for us to respect each other’s privacy, but the latter command has binding force just because God has decreed it. One might wonder whether God has a deeper reason to impose the latter requirement. After all, it is completely consistent to say that while this requirement is normatively binding just because God has commanded it, God has a deeper reason for imposing the requirement (we will talk about such cases in sections 2.2-2.4). Here, however, we want to consider a conception of Divine Command Theory that may provide the most direct and trenchant problem of arbitrariness. According to this conception of Divine Command Theory, God doesn’t need to have deeper reasons for issuing a command for that command to be

normatively binding on me.<sup>21</sup> Moreover, this picture of Divine Command Theory assumes that it is completely up to God to command as God wishes and God does not have deeper reasons for God's commands.<sup>22</sup>

Assuming this picture of Divine Command Theory, all moral and religious requirements are, so to speak, *fundamentally* arbitrary. That is, the requirement that I complete a certain number of cycles in my prayer would be explained in essentially the same way that all other moral norms are: I am required to obey God's bidding in completing a certain number of cycles in my prayer *just because* God has bidden it. If so, the religious requirements that a Habermasian would identify as objectionably 'arbitrary' may be distinguished from ordinary, 'less' arbitrary moral rules just by the fact that these requirements 'bottom out' in divine decrees more quickly and obviously than those rules. Accordingly, all religious requirements (including those one might identify as arbitrary) are requirements *wholly* and *simply* because God commanded them. They aren't backed by any higher-order, independent rationale. So, their arbitrariness is complete.

Whether the arbitrariness of requirements backed solely by divine command is *entailed* or *accidental* is more tricky. Some might argue that *it is in the metaphysical nature of things* that the *only* way that any law can genuinely and fundamentally gain binding force is via divine command. On this approach, all requirements *must* by nature ultimately bottom out in a divine

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<sup>21</sup> Raz argues that a necessary condition for practical authority is that all its commands should be based on, or reflect, some reasons that already apply to the subjects of the commands (Raz, 1986, p.47). He calls this condition the dependency thesis. The version of the divine command theory we discuss in this section might be inconsistent with the dependency thesis. That is, God's basic commands might generate new reasons that are not based on any reason that already applies to us. However, the other examples of arbitrariness that we discuss in sections 2.2-2.4 are consistent with Raz's thesis. In those cases, the new reasons generated by God commands are partly based on some reasons that already apply to us.

<sup>22</sup> It is worth noting that there are other conceptions of Divine Command Theory in which God's commands are justified by reference to a higher rationale or standard of goodness (e.g. Audi 2007, Adams 2002, Hare 2015). Even on those conceptions of divine command theory, God may impose some arbitrary requirements. But the arbitrariness of those requirements would not be complete. We will discuss the issue in sections 2.2-2.4.

command because it is the *metaphysical nature* of laws that they require a *lawgiver* to impart to them genuine, normatively binding force.<sup>23</sup> If arbitrary requirements are understood on the model that this sort of divine command theory suggests, then the arbitrariness of arbitrary requirements will be *entailed* rather than accidental, since it will be in the nature of any requirements *as requirements* that they lack a deeper or higher-order rationale.

On another understanding of divine command theory, however, the arbitrariness of arbitrary requirements would be accidental. A divine command theorist could hold that God's (unreasoned) commands *do* as a matter of fact give rise to requirements—even if there's nothing in the nature of genuinely, normatively binding 'requirements' as such that dictates that they *must* be grounded in such a command.<sup>24</sup> Perhaps, for instance, requirements not to kill, or to eat healthy, or to believe true things *are* or *could* have been grounded in reasons that give rational, normative force to these requirements even independent of God's commanding them—and perhaps arbitrary requirements to pray, or eat, or dress in certain ways could have been grounded in the same way.<sup>25</sup> But, perhaps, this is just now how things have turned out: in fact, God has commanded relevant arbitrary requirements simply by fiat. Drawing on this second understanding of divine command theory, relevant divinely commanded requirements

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<sup>23</sup> For instance, Anscombe (1958), "Modern Moral Philosophy," seems to have a view close to this. In the same vein, Adams (1987, 2002) suggests that *moral* obligation in particular, owing to its social nature, must be understood in terms of God commands. However, Adams (1987,2002) holds that moral obligations imposed by God are not completely arbitrary. See footnotes 24 and 33 for further discussion.

<sup>24</sup> This seems to be Adams 's view on divine command theory in his "Moral Arguments for Theistic Belief," (1979a). In that paper, he argues that that the divine command theory is the best theory that explains our intuitions about ethics, and so all moral requirements are specified by God's commands. However, in this work, he does not hold that there is anything in particular about the concept of wrongness that requires a lawgiver. He also defends a similar view in (1979b). But he modifies his view later. Starting from his "Divine Commands and the Social Nature of Obligation" he holds that the social nature of the concept of wrongness is such that only theistic properties can fill the role assigned by the concept (Adams 1987, 2002). Adams' very early paper on divine command Theory (1973) also suggests that the meaning of wrongness depends partly on God's commands.

<sup>25</sup> Of particular note is the prohibition against wearing wool and linen together in the Torah, which has continued to be held up as an example of a requirement that is very difficult to rationalize.

would be not only completely arbitrary, but also *accidentally* arbitrary. For there would not be anything to metaphysically necessitate that these requirements *had* to be arbitrary. If, by virtue of being divinely commanded, the arbitrariness of requirements is both complete and accidental in this way, we will say that those requirements are arbitrary *per se*.

Though divine command theory provides a natural way of understanding arbitrary religious requirements, we will now propose three additional ways of understanding these requirements.

## **2.2 Arbitrariness from Coordination**

Authoritative directives can help us solve coordination problems (Raz 1986:49-50, Gans 1981).

Consider an arbitrary secular requirement: driving on the left side of the street rather than the right. This law is arbitrary but not troubling because it solves a coordination problem:

everyone will be safer and get where they're going faster if we agree on either the left or the right, and so (we might suppose) someone arbitrarily picked the left side. Arbitrariness from coordination is first-order, since we have a non-arbitrary requirement to all drive on one side, but any reasons run out when it comes to requiring driving on the left versus the right.

Arbitrariness from this sort of coordination is accidental: there is nothing in the nature of the choice about what side of the road to drive on that entails that the requirement to drive on the left *had* to be arbitrary. It *could* have been the case that there was something about road or vehicle design that favored the left, so that this choice didn't have to be so unreasoned.

In a religious context, arbitrariness from coordination applies nicely to laws and requirements that concern group behavior.<sup>26</sup> For instance, we might think whatever worth

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<sup>26</sup> Natural law theorists like Yves Simon (1962) and John Finnis (1980) have emphasized the important coordinative role played by positive laws that are (in some respects) "arbitrary" determinations of general

there is in prayer is magnified if many individuals are required to pray together. First, each individual might be more likely to actually pray given the presence of others. Second, the individual prayer's experience might be more transformative when done in coordinated groups. Third, the nature and value of the prayer itself might be transformed. So there are higher-order, non-arbitrary, reasons to pick one out of a set of possible forms of coordination about prayer. The best thing would be to coordinate on the location and timing of prayer, and this might be most effectively accomplished by making explicit, arbitrary numerical requirements. These requirements will be arbitrary, but only in a *first-order* way—just like the case of the soccer team height standard, where we had a reason of efficiency and convenience to pick some or other threshold of tallness.<sup>27</sup> They will also only be *accidentally* arbitrary (rather than

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principles of natural law. Simon (1962) and Finnis (1980) are particularly concerned about the role that positive laws play in determining the natural law principle that the common good should be promoted. They take it that the role that the law plays in coordinating interpersonal transactions so as to promote the common good is crucial to its normative authority. Murphy (2002) points to limitations in this “salient coordinator” account of authority in cases where the “end” of coordination is indeterminate either because of vagueness (for instance, Murphy suggests that the end of ‘the common good’ is vague) or complexity (for instance, Murphy gives the example of the end of ‘lowering crime and promoting beautification’) (p. 121-125). These criticisms of the salient coordinator account of authority suggests that there may be an important debate to be had about the limitations of the account of arbitrariness from coordination that we consider in this section. Since, however, we are only in the business of providing a taxonomy of approaches to understanding arbitrary religious requirements, and not in the business of arguing for one of these approaches over another, we do not settle that debate here.

<sup>27</sup> Murphy (2006) suggests that we may be normatively bound to obey a particular determination of a general practical principle in virtue of the fact that incorporating that general principle into our practical reasoning in a way that is “consistent” and “principled” requires that we be guided by a particular determination of the principle (p. 116-117). Murphy gives the example of being directed in a will to give \$100 to every bald person who one meets. To do well with respect to taking this principle as a guide to your practical conduct, you must select a determination of the principle that allows you to carry out the will in a consistent and principled way. The cases of arbitrariness that we have considered in this section are similar to this sort of case insofar as both involve a higher-order, non-arbitrary, reason to pick one out of a set of possible determinations. Of course, the higher-order reasons relevant to coordination that we emphasize are distinct from the kind of higher-order reasons that are relevant in this example, in that the former but not the latter are specifically concerned with benefits that redound to a group. However, one can imagine a scenario in which the arbitrariness of (say) a requirement to fast for a certain number of days stems not from any benefits of group coordination, but rather from facts about vagueness. Perhaps, for instance, there is vagueness with respect to when one has been “purified” of a sin, and this vagueness gives rise to a certain degree of arbitrariness in the requirements for an indulgence meant to blot out that sin. In this case, God could have higher-order reasons of consistency and principledness to allow some works but not



arbitrary by entailment). There's nothing about the nature of coordinated prayer that metaphysically entails that the relevant requirements about the locations and timings of prayer *have* to be arbitrary. It could have been the case that there was something about our social patterns or biorhythmic schedules, for instance, that favored certain locations and timings.

### **2.3 Arbitrariness from Empirical Irregularity**

A third source of arbitrariness can be found in the transition between a divine or spiritual realm, and the messiness of empirical reality. We take Josef Soloveitchik as an exemplar of this view. He explicitly discusses the issue of quantities in Halakhah (roughly, the religious law in Judaism):

The Halakhah, from the perspective of the process of contraction, also uses the method of quantification; it quantifies quality and religious subjectivity in the form of concrete, objective phenomena that are measurable (55).

Contraction is the process by which the subjective is translated to the empirical. According to Soloveitchik, this process necessarily creates quantification, because of the nature of the empirical. The ensuing quantification is arbitrary in the sense of being not fully determined or rationalizable from a spiritual perspective, though this is less a problem than the inevitable place of the Halakhic man, of whom Soloveitchik further writes:

He does not wish to snap the fetters of the objective form and demolish the iron bars of the firm and fixed lawfulness of this world. The Shekhinah, the Divine Presence, does not anguish over the mystery of tzimtzum ["/contraction/], over her descent

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others to count towards the granting of an indulgence. (For more on indulgences, see the Cardinal Baum (2000) on "The Gift of the Indulgence.")

into the empirical realm; accordingly, halakhic man does not wish to free either her or himself from this realm (63).

To clarify this notion of contraction, let's turn to an analogy. Suppose you are telling a story. Part of the experience you are trying to convey is how suspense ramps up as a character begins to remember pieces of a past wrongdoing, as she slowly comes to recognize her own blameworthiness. Call this feeling of growing realization the subjective reality. As a storyteller, however, you need to convey this subjective reality with concrete detail—rather than providing a schematic description as we have just done, the story might note the sight of a particular crooked tree trunk or a left-behind soda bottle, a tired facial expression or the outline of a woman tying her shoe. The process of translating the subjective feeling of realization into a sequence of precise sensory details creates arbitrariness, in the sense that the woman tying her shoe might have just as well matched the subjective reality as a man fixing a button on his sleeve. In this sense, contraction is a kind of messy translation from the subjective to the objective, and because the concreteness of the objective world is deeply determinate (a door must be exactly so tall, a service must occur at some particular time), arbitrariness ensues.

Quantitative arbitrariness can be seen as resulting from contraction beyond the Halakhic context as well. For example, think of the history of the process of finding the qibla (direction of prayer towards the Kaaba, the House of God, in Mecca). We can think of the qibla as a spiritual injunction (prayer figuratively oriented toward God) translated into an empirical requirement of literally facing Kaaba in Mecca.<sup>28</sup> However, when we make the idea of facing Mecca literal, we encounter a series of practical difficulties. While there was some debate over

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<sup>28</sup> In an anecdote from *Discourses of Rumi* (chapter 2), two of Rumi's disciples prayed toward him when he was immersed in the light of God. Rumi later says that even though the disciples did not pray toward Mecca, their prayers were really toward the qibla.

how to choose a mathematical model that handles the curvature of the earth, it's the earth's irregularities that pose an even more difficult problem, making arbitrariness inevitable to make the requirement precise. Soloveitchik's view takes quantities in religious requirements in general to arise from an analogous translation from ideal to empirical.

On this view, arbitrariness is complete rather than first-order: while features of the subjective realm may map on to parts of the empirical law, these subjective reasons are not abstract versions of the empirical, but instead take a different perspective on first-order matters. The ideal rule is not a rule about requirements: instead, the ideal rule is translated into the empirical rule. This relationship of translation differs sharply from the relationship between first and second order: for one, translation is a symmetric relationship, whereas second/first order is always asymmetric. And of course, in general, if a translation were to count as a reason for the translated requirement, then we would have an explosion of second-order reasons.

To see how empirical irregularity generates complete arbitrariness, consider again the spiritual injunction of *qibla*. The prayer should be figuratively oriented toward God. The corresponding empirical requirement is: pray facing Kaaba in Mecca.<sup>29</sup> The spiritual injunction is not about how practices should be organized or reasons weighed—instead, it is a first-order directive. In contrast, a higher-order requirement is a requirement about requirements. For instance, a requirement to coordinate is a requirement *that our requirements be coordinated*. The idea of contraction as translation between two normative domains or perspectives entails that the spiritual requirement does not stand in a hierarchical relationship to the empirical requirements. This case has a parallel in our toy soccer team case if my explanation for picking new players based on my own height was that we need a tall player. This answer implies that I take “tall player” and “taller player than me” to be roughly inter-translatable. Unlike “that we

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<sup>29</sup> Robinson, *Islam: A Concise Introduction*, 96-97, 106-107.

need a convenient standard for height,” this answer does not provide a new reason for the taller-than-me requirement.<sup>30</sup>

At least according to Soloveitchik, arbitrariness from empirical irregularity is also entailed rather than accidental, because it is the very nature of the difference between empirical and subjective that gives rise to this form of arbitrariness. This divide, and the subsequent need for translation, is an essential part of the world we live in.

#### **2.4 Arbitrariness from Devotion**

The preceding views characterized arbitrariness as a side effect—either accidental or entailed. But what if arbitrariness itself has value? In this section we explore the idea that obedience to arbitrary requirements may be valuable to the development or exercise of devotional virtue.

Many have thought that the arbitrary nature of arbitrary requirements allows them to play a special role as means to the *development* of religious virtue—even without obedience to those requirements yet being valuable entirely for its own sake. For instance, the Buddha is reported to have compared the *dharma* to a raft that disciples might use to cross a river—only to then leave it behind as they progress further along the path to Enlightenment.<sup>31</sup> Elements of practice included under the *dharma* might be arbitrary; for instance, a practitioner might be directed to recite a certain text an arbitrary number of times. On this way of understanding arbitrary requirements, obedience to such an arbitrary directive might be necessary for teaching the practitioner to moderate his compulsive need for personal control over his circumstances, and that (in turn) may be necessary for him to progress towards liberation and

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<sup>30</sup> Of course, in some cases of translation we might have a higher-order reason that we recognize for one of the translations and not the other. In these cases, translation still does not itself act as a higher-order reason, but after translation, we are now in a better position to recognize the higher-order reasons we already had.

<sup>31</sup> Holder, *Early Buddhist Discourses*, 108. For a similar approach taken by an Islamic thinker, see Sadr al-Din Shirazi (Mulla Sadra), *Breaking the Idols of Ignorance*, Lecture I, Section 3.

Enlightenment. In other traditions, learning to obey arbitrary requirements might be instrumentally valuable for training practitioners to be more reliant on God or to better trust God. Learning to obey arbitrary requirements may serve not only to strengthen the practitioners' valuable relationship with God, but also to enable a practitioner to more faithfully execute God's will in other circumstances where there *is* a rationale for acting, but it is difficult to understand.

In addition to being instrumentally valuable, obedience to arbitrary requirements might also be *constitutively* valuable.<sup>32</sup> Indeed, it may be that obedience to specifically *arbitrary* requirements makes possible the exercise of a unique kind of devotional virtue that can't also be exercised via a practitioner's obedience to other, non-arbitrary kinds of religious requirements.

Consider first the case of a religious practitioner who follows a requirement that has a clear, rational explanation that she understands. Perhaps, for instance, there is a clear rationale for taking a vow of poverty, and she fully understands this rationale. Despite her understanding of the rationale for this requirement, she might find it difficult to obey the requirement because she lacks sufficient motivation; perhaps she finds herself easily distracted from the reasons that give it its rational force, or perhaps even when she focuses on the reasons, she finds herself failing to be moved enough by them to reliably execute her duty. In this case, she will need to exercise self-discipline to obey the requirement, and this exercise of self-discipline might involve an exercise of devotional virtue. Perhaps, for instance, she gains the necessary determination to carry out her duty by way of relying on God for strength, or by looking up to God as an inspirational model of generosity. In a case of this kind, the practitioner's obedience

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<sup>32</sup> Doing courageous acts may be instrumentally valuable to developing courage, but even once such courage is developed, courageous acts might still have intrinsic value *qua* acts that manifest or exercise the virtue of courage. Similarly, being obedient to arbitrary requirements may be not just instrumentally valuable to developing devotion, but also intrinsically valuable *qua* acts that manifest or exercise certain devotional virtues.

to the requirement may involve an exercise of devotional virtue insofar as it involves enhanced affective reliance on God.

Alternatively, consider a case where a religious practitioner is presented with a requirement that she has reason to believe has a rational explanation. However, she is not yet in a position to understand that explanation for herself. The fact that the practitioner lacks understanding of the reasons for the requirement may make it difficult for her to accept and trust that the requirement genuinely applies to her. In this case, the practitioner's obedience might involve another kind of devotional virtue: she might overcome her doubt and so bring herself to obey the requirement by exercising epistemic humility and trust. If she does so, her obedience to the requirement involves an exercise of devotional virtue insofar as it involves enhanced epistemic reliance on God.

Though these are both ways in which obedience to a requirement can be devotionally valuable, there seems to be an additional, special kind of devotional value that comes with following a requirement one knows to be arbitrary. In the two kinds of cases that were just discussed, the reasons to obey the relevant requirement don't necessarily have anything to do with the value of the practitioners relationship with God, *per se*: the practitioner's exercise of the relevant sort of devotion to God is ultimately valuable because God plays the role either of an affective motivator or epistemic guarantor with respect to reasons she would in principle anyways have had to act. When a practitioner obeys an arbitrary requirement that is known to be arbitrary, however, she has an opportunity to respond to reasons that are uniquely founded in the nature of the special relationship she has with God.<sup>33</sup> Thus, suppose my mother asks me

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<sup>33</sup> Adams (2002) offers an account of moral obligation that bears some resemblance to our account of arbitrary devotional requirements. According to Adams' social theory of moral obligation, "valuing one's social bonds gives one, under certain conditions, a reason to do what is required of one by one's associates or one's community" (p.242). Specifically, he suggests that complying with someone's requirements can be "an expression of my valuing

to do an arbitrary thing. My special relation to my mother gives me a reason to perform her request—regardless of whether there are any other, independent reasons to do the thing she asks me to do—and my decision to do as she asks in this instance thus allows me to demonstrate that I value my special relationship to her for its own sake. Similarly, to do God’s bidding when God asks one to obey what one knows to be an arbitrary requirement allows one to show that one holds one’s relationship with God in special esteem, for its own sake. For instance, if God commands me to perform a certain number of cycles of prayer, I may show that I value my relationship to God (for its own sake) by following this command. And whereas asking for a wrong or practically irrational act might damage a relationship, asking for arbitrary acts would be more benign.<sup>34</sup>

A slightly different view of devotional value takes the source of such a value to be in the alignment between the individual’s will and God’s will. Consider again our two cases: in the former, the practitioner acts out God’s will *just because* it is God’s will, whereas in the latter, she acts out God’s will because it is right (and of course, perhaps also because it is God’s will). By acting according to an arbitrary requirement while knowing that it is arbitrary, she thus in a sense gives up on acting out of her own will, and takes God’s will in its place<sup>35</sup>.

As we noted in laying out our taxonomy of arbitrariness, we can make a distinction between reasons for the content of a command and reasons for issuing a command regardless of its content. So, the fact that God may issue an arbitrary command does not entail that God

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and respecting [our] relationship” (p. 242). Adams holds that the social bond that is relevant to moral obligation is our bond with God.

<sup>34</sup> Of course, one might argue that asking for a wrong or practically irrational act does not necessarily *always* damage a relationship: for instance, perhaps God’s asking to Abraham to sacrifice Isaac (or Ishmael) did not damage their relationship. However, though it’s possible that such a request would not damage a relationship—especially if it is a one-time request (as in Abraham’s case)—it seems that such requests would *tend* to damage a relationship, especially over time, insofar as they seem to express a lack of respect or concern for the practitioner.

<sup>35</sup> An anonymous reviewer suggested this to us as a rationale given in the Torah based on stories of obedience and disobedience (most obviously Abraham and Isaac, as well as Aaron’s sons Nadab and Abihu, Adam and Eve, and so on).

necessarily has no reason for issuing that command; God may have reason for issuing a command without having a reason for the content of the command. In the present case, God might have reason to issue an arbitrary command because of the kind of devotional value that there is to practitioners' obeying these commands. Correspondingly, in the case of devotion, we have a general reason to do as God asks (within limits) regardless of the content of God's command.<sup>36</sup> This general reason is grounded in our special relation with God, or the devotional value entailed by the devotional act.<sup>37</sup>

Arbitrariness from devotion is first-order: the higher order non-arbitrary reason is clearly that following an arbitrary requirement would have devotional value. Unlike the arbitrariness of requirements aimed at establishing coordination, however, the arbitrariness of requirements that support devotion in the way we've just discussed is not accidental. Rather, it is the nature of the particular kind of devotional value associated with obeying arbitrary requirements that *entails* that those requirements *must* be arbitrary.<sup>38</sup> The kind of devotional value of doing God's bidding by adhering to a relevant arbitrary requirement could not be what it is if that requirement were not arbitrary.

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<sup>36</sup> Of course, God's normative power may have a limit. It is a matter of debate whether God has the normative power (of the sort explained in this section) to override commands of morality. The case of God's asking Abraham to sacrifice his son is a case in point. Kierkegaard thinks that God has such power. Others deny it (e.g. Adams 2002).

<sup>37</sup> Given this general reason, God has practical authority to robustly give us a reason to comply with His arbitrary demands. Enoch (2014) explains how this general reason might give rise to authoritative commands. See footnote 3 for more.

<sup>38</sup> In personal correspondence, [Name removed for blind review] points out that it seems that similar devotional results could be achieved if a practitioner merely believes that a law is arbitrary, when in fact it is not. Here though, we can respond by noting that the intrinsic value of such devotion would seem to be diminished by the fact that it was predicated on God's keeping information from us. If one responds to a requirement that is genuinely arbitrary, then your reasons for obeying the requirement match up with the reasons that there actually are for obeying the requirement, and both are rooted in the value of your relationship with God. However, if one responds to a requirement that is merely believed to be arbitrary, your reasons for obeying the requirement depend on God's non-disclosure of the actual reasons for obeying it, and these don't have any internal connection to the value of your relationship to God.



### **3. Reasoning with Arbitrary Requirements**

We have surveyed a series of ways of understanding what it is for a religious requirement to be arbitrary. These accounts of arbitrariness show how arbitrary requirements may genuinely exist as normative requirements, and thus how they may give rise to reasons for relevant practitioners to respond to them and to act in accordance with them. The accounts we have surveyed would thus cast doubt on the strongest form of the Habermasian arguments which tries to show that relevant “arbitrary requirements” are not genuinely normative requirements at all.

However, someone who doubted the possibility of arbitrary religious requirements may not have been satisfied with the response we’ve given so far. A weaker form of the Habermasian arguments seeks to show that it would not make sense—from the believer’s deliberative perspective—to obey arbitrary requirements: arbitrary requirements are (on this view) not the sort of things that can figure in a rational agent’s practical deliberations concerning action. For, from the deliberative perspective, there is something fundamentally irrational in obeying a requirement that we rightly know to be arbitrary. If this argument were sound, then the defense of arbitrariness in religious law we have mounted so far would be in vain. So in this section we’ll move to the deliberative perspective to ask: what would it mean to follow requirements I know to be arbitrary, and to deliberate with such requirements?

Imagine you endorse one of the accounts above, and you take yourself to be bound by, say, the arbitrary (in one of the above senses) requirement to pray five times a day rather than four, as well as the non-arbitrary requirement to be kind. It’s now very late in the day, and there is barely time for your final prayer. Your friend messages you—she’s feeling sad about a

death in the family and is heading over to your house, and you realize that you are out of tea. You now face a (low-stakes) choice: you could either run to the store to buy more tea to serve to her, or say your prayers. What should you do? Should the arbitrariness of the requirement to pray five times rather than four play into your reasoning? This challenge puts the theorist of arbitrariness between two obstacles: allow an arbitrary requirement to weigh too heavily and *reasons* for action seem to be problematically inert, allow an arbitrary requirement to weigh too lightly and arbitrary requirements seem like mere tie-breakers that don't have the normative force of genuine *requirements*.<sup>39</sup> Below, we consider how our taxonomy may help provide a religious practitioner with guidance on how to weigh arbitrary requirements against other (non-arbitrary) obligations in deliberation. As we will see, the taxonomy of arbitrariness allows us to understand a relationship between the source of an arbitrary requirement and its weight in rational deliberation.

### **3.1 Deliberating about Arbitrary Devotional and Coordinative Requirements**

First-order views of arbitrariness allow a religious practitioner to appeal to the relevant higher-order reason to settle what she should do. Rather than the injunction to pray specifically five times, you could consider whether complying with *the reason for the obligation for daily prayer* is more important than complying with *the obligation* to be kind to your friend by welcoming her with tea. On a coordination view, this reason would be the benefit of uniform prayer times across the group, and on the devotion view, this would be the devotional value of submitting to this obligation.

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<sup>39</sup> [Name removed for blind review] noted to us that this problem resembles that of incommensurability in choice (e.g. Chang, 2001). However, the decision problem we describe can arise even when all values at stake are comparable, or even when a single value is at stake. For instance, a coordination requirement to pray might be based on the collective utility of group well-being, and my obligation to my friend could be based in exactly the same value.

But what would it mean to weigh these reasons against the more mundane bit of kindness? On the coordination view, you could either determine *your* contribution to the coordination problem in this particular instance, or alternately take your part of the group action to inherit the weight of the group action directly. That is, you could think of yourself as a causal contributor to a shared outcome, or as bearing a proportion of the weight of the group obligation directly. To do the former, you might estimate the causal impact of your defection from group norms in this particular case. This would likely be extremely minimal. In our case, favoring buying the tea is not obviously incorrect. But on most accounts of our causal contribution to very significant group actions (e.g. Ahmed 2014), these contributions are extremely minimal even in cases, like voting to start a war, in which the moral stakes are immense. In other cases, when the relevant group is smaller, one's causal impact will of course be larger. But if these requirements apply to the religious group as a whole, we can imagine the relevant group will in general be quite large, and more importantly, be of a fixed size. This means that while we can connect the weight of the arbitrary requirement to the better-defined weight of the underlying reason to coordinate, we will mainly get a minimal weight regardless of the reason in question. Of course, many solutions have been proposed to allow significant obligations to incur in cases with small causal contributions (e.g. Zimmerman, 1985). Rather, we have argued that an instance of a vexed moral problem arises precisely because of the interpretation of arbitrariness as coordination.

On the latter option, you might see the higher-order reason as grounding your obligation to pray five times in an obligation to group prayer. Rather than being a contributor to group prayer, and accruing responsibility in proportion to your causal contribution, you might think of yourself as bearing part of a group obligation directly—that is, based on your identity as part of the group, as opposed to your causal efficacy. This approach requires some

fancy footwork around the nature of this direct inheritance of group norms, but there's a broad family of work on joint agency that would provide precedents for thinking in this non-causal way (e.g. Margaret Gilbert, David Velleman).

Things look quite different for the case of devotion. First, complying with each devotional requirement has a larger impact on the underlying reason, since presumably this reason supports my own behavior being devotional. Further, a deviation from devotional requirements is particularly bad; if I chose to break with the requirement at will, that might undermine a whole week's worth of submission. Conversely, complying with the arbitrary requirement even though another desirable option must be passed up may increase the devotional value of compliance. So this view may weight arbitrary requirements more heavily than the coordination view, and the particular account of devotion may even exaggerate this effect.

Though devotional views of arbitrary requirements may exaggerate the weight of arbitrary requirements, they need not. The precise implications of a devotional view for the weight of arbitrary requirements will depend on the nature of the value of devotional acts. Are the relevant devotional acts valuable in themselves or because of the devotional *character* that repeated instances of such acts help build? If the latter, then individual acts of devotion may after all carry a reduced significance. Further, consider the deeper value that we said earlier may underwrite the value of devotional acts (which could also apply to devotional character): that is, the value of showing the importance that we place on our relationship with God. In some circumstances, this same value might speak in favor of going out to get tea for your friend. For, perhaps in these circumstances, the *best* way to honor our relationship with God is to honor our relationship with God's children. If so, a devotional view of arbitrary requirements could after all settle in favor of getting tea for your friend.

### **3.2 Deliberating about Completely Arbitrary Requirements**

Complete arbitrary accounts do not offer a religious practitioner recourse to a higher-order reason that she can appeal to in order to settle what she should do. Could the entailed nature of the arbitrariness in the empirical irregularity account play a role in reasoning? This seems implausible, although understanding arbitrary requirements in this way might change the way a believer sees herself as an agent, and her place in the natural world. The irregularity view, however, allows us a certain consolation. The world is messy, which means that acting well is not a straightforward matter of mapping good values to empirical states of affairs or acts. Instead, we might take what Soloveitchik calls “contraction”—or what we termed a “translation”—between the spiritual and empirical to be an ongoing constructive project. This means that rather than being subject to arbitrary stipulations or static requirements, we can view dilemmas like the tea example as places where it’s up to us to work out how to bring subjective commitments into empirical verdicts. We might be engaged in a process of learning how to do so by struggling, as well as constructing a framework to act where objective, determinate verdicts may not exist independent of our way of making sense of these verdicts. By reconciling my friend’s demand on my time with the religious requirement, I might seek out a policy that would allow me to decide future cases—for instance, I might resolve to forgo this kind of religious obligation in favor of helping others emotionally only when they are unable to comfort themselves. In searching for this policy, I might be reminded of how religion and morality lay claim to my time, and of the need to perform such messy negotiations between irreconcilable demands. All of this, the contractionist might argue, is part of making myself into a virtuous person—even if my decision itself can’t be under full rational guidance.

Accounts of arbitrariness that understand arbitrary requirements as arbitrary *per se* may have the most difficulty providing religious practitioners with guidance on how to weigh arbitrary requirements against other (non-arbitrary) obligations like that of getting tea for one's friend. If all requirements are ultimately grounded in God's divine commands, then—at least in principle—there is a way out. We are obliged to obey (per se) arbitrary commands just because God commands us to. But on this view *all* obligations are ultimately rooted in (per se) arbitrary commands—including the obligation to get tea for my friend. So—in principle—all we would need to do is ascertain which of these per se, arbitrary commands God commands more strongly. Consulting religious texts, prayer, or religious authorities may help us in ascertaining this. On the other hand, on the perhaps more realistic assumption that there are some requirements that pertain to us independently of God's commands, and that the requirement to get tea for my friend is one such requirement, the idea that arbitrary requirements are arbitrary *per se* becomes more problematic. For, in this case, there is—even in principle—no overarching ground of obligation that we can consult to determine which requirements are more demanding.

We have taken up the problem of arbitrary requirements from the practitioner's deliberative perspective. Here, the taxonomy of arbitrariness allowed us to see a relationship between the source of an arbitrary requirement and its weight in rational deliberation. While questions remain for this mode of deliberation, particularly for arbitrariness per se, we conclude that obeying arbitrary religious requirements need not be irrational. Where Habermas and others might have seen a peculiar irrationality or lack of development of deliberative capacity in believers who think of themselves as bound by arbitrary laws, we instead want to suggest that there might be something characteristically rational about the difficult work of balancing one's own reasons against obligations that cannot, by definition, be made sense of from the inside.

#### 4. Conclusion

Seemingly arbitrary religious requirements have often been minimized or ignored: many thinkers hold that there is something defective about a requirement that is genuinely arbitrary. In this paper, we've provided a taxonomy of ways of understanding how religious requirements can be arbitrary and yet also constitute genuine normative requirements which issue reasons for religious practitioners to obey them. If one accepts one or more of these accounts, a religious practitioner can be rational to obey an arbitrary religious requirement to  $\phi$  because, in obeying it, she acts in accordance with a genuine normative reason that she has to  $\phi$ . Even once we've granted that arbitrary requirements can constitute genuine, reason-giving requirements, however, important questions open up for religious practitioners about deliberative rationality. How can we reason with arbitrary and non-arbitrary requirements, weighing each against the other? As we have seen, solutions to this problem depend on which normative and metaphysical picture of arbitrariness one endorses. But there are solutions. Religious practitioners need not be morally immature to obey arbitrary requirements.

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## Works Cited.

- Adams R.M, 1973, "A modified divine command theory of ethical wrongness." Pp. 318-347 in Gene Outka and John P. Reeder, Jr. (eds.), *Religion and Morality*. Garden City: Anchor
- Adams, R. M, 1979a. "Moral Arguments for Theistic Belief." In *Rationality and Religious Belief* edited by C. F. Delaney, 116-40. Notre Dame: University of Notre Dame Press.
- Adams R. M, 1979b. "Divine Command Metaethics Modified Again." *Journal of Religious Ethics* 7.1 (Spring): 66-79.
- Adams, R.M, 1987. "Divine Commands and the Social Nature of Obligation." *Faith and Philosophy* 4:262-75.
- Adams, R. M, 2002, *Finite and Infinite Goods, A Framework for Ethics*, Oxford University Press.
- Abhinav, V, 2013. "Ember Days and Ember Weeks." In *Encyclopedia Britannica*.  
<https://www.britannica.com/topic/Ember-Day-and-Ember-Week>
- Ahmed, A, 2014. *Evidence, Decision and Causality*. Cambridge University Press.
- Aquinas, T. 1962. *The Summa Theologiae of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province. Online edition. Available at  
<<<http://www.newadvent.org/summa/index.html>>>.
- Arberry, A.J, 2004. *Discourses of Rumi*, Taylor & Francis.
- Audi, R. 2007. "Divine Command Morality and the Autonomy of Ethics", *Faith and Philosophy* 24:2, pp. 121-143
- Benhabib, S., 1992. *Situating the self: Gender, community, and postmodernism in contemporary ethics*. Psychology Press.
- Anscombe, G.E.M. 1958. "Modern Moral Philosophy", *Philosophy* 33.124: 1-19
- Chang, R, 2001. *Making Comparisons Count*. Routledge.



- Degnan, D. A. 1982. "Two Models of Positive Law in Aquinas: A Study of the Relationship of Positive Law and Natural Law." *The Thomist: A Speculative Quarterly Review* 46.1: 1–32.
- Eisenberg, R.L., 2010. *Jewish traditions: A JPS guide*. Jewish Publication Society.
- Enoch, D. 2014. "Authority and Reason-Giving", *Philosophy and Phenomenological Research*, 89(2), pp. 296–332
- Finnis, J., 1980. *Natural Law and Natural Rights*. Oxford University Press.
- Frank, D. and A. Segal, 2017. *Jewish Philosophy Past and Present: Contemporary Responses to Classical Sources*, Routledge.
- Gans, C. 1981 'The Normativity of Law and Its Co-Ordinative Function.' *Israel Law Review* 16: 333.
- Habermas, J, 1987. *The theory of communicative action*, Vol 2. Transl. McCarthy, T. and McCarthy, T., Boston: Beacon press. [German, 1981]
- Habermas, J. 1990. *Moral Consciousness and Communicative Action*. Transl. C. Lenhardt and S. W. Nicholsen. Cambridge, MA: MIT Press. [German, 1983]
- Hare, J. 2015. *God's Command*. Oxford University Press.
- Hasnas, John. 1995. The Myth of the Rule of Law. *Wisconsin Law Review* 1: 199-233.
- Heinz, Justin P, 2008. *The Origins of Muslim Prayer, Sixth and Seventh Century Religious Influences on the Salat Ritual*, University of Missouri-Columbia.
- Holder, J.J., 2006. *Early Buddhist Discourses*. Hackett Publishing.
- Kant, I, 1784. Foundations of metaphysics of morals and what is enlightenment.(trans., LW Beck).
- Kohlberg, L, 1981, 1984, *Essays on Moral Development* (Volumes I and II), San Francisco: Harper & Row.

MacCormick, N. 2005. *Rhetoric and the rule of law: A theory of legal reasoning*. Oxford University Press.

Masuzawa, T, 2005. *The invention of world religions: Or, how European universalism was preserved in the language of pluralism*. University of Chicago Press.

Murphy, M. 2002. *An essay on divine authority*. Cornell University Press.

Murphy, M. 2006. *Natural law in jurisprudence and politics*. Cambridge University Press.

Powers, P. R., 2004. Interiors, intentions, and the “spirituality” of Islamic ritual practice. *Journal of the American Academy of Religion*, 72(2), pp.425-459

Raz, J. 1986. *The Morality of Freedom*. Oxford; New York: Clarendon Press

Robinson, N., 2013. *Islam: A concise introduction*. Routledge.

Segal, A. and Frank, D., *Debates in Jewish Philosophy-Past and Present*.

Shirazi, Sadr al-Din, 2008 *Breaking the Idols of Ignorance: Admonition of the Soi-Disant Sufi*. (M. D. Bozorgi & F. A. Amjad, Trans.) ICAS Press.

Simon, Yves. 1962. *A General Theory of Authority*. University of Notre Dame Press.

Singer, P, 1979. *Practical Ethics*, Cambridge University Press

Soloveitchik, J. B, (1983). *Halachic Man*. ( L. Kaplan, Trans.) Philadelphia: Jewish Publication Society (JPS)

Stern, J., 2012. Problems and Parables of Law: Maimonides and Nahmanides on Reasons for the Commandments (ta'amei Ha-mitzvot). SUNY Press.

Westberg, D. 1994. The relation between positive and natural law in Aquinas. *Journal of Law and Religion* 11(1): pp. 1–22.

Zimmerman, M., 1985. Sharing responsibility. *American Philosophical Quarterly*, 22(2), 115-122.