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HELL, VAGUENESS, AND JUSTICE:
A REPLY TO SIDER

Trent Dougherty and Ted Poston

Ted Sider's paper "Hell and Vagueness" challenges a certain conception of Hell by arguing that it is inconsistent with God's justice. Sider's inconsistency argument works only when supplemented by additional premises. Key to Sider's case is a premise that the properties upon which eternal destinies supervene are "a smear," i.e., they are distributed continuously among individuals in the world. We question this premise and provide reasons to doubt it. The doubts come from two sources. The first is based on evidential considerations borrowed from skeptical theism. A related but separate consideration is that supposing it would be an insurmountable problem for God to make just (and therefore non-arbitrary) distinctions in morally smeared world, God thereby has sufficient motivation not to actualize such worlds. Yet God also clearly has motivation only to actualize some member of the subset of non-smeared worlds which don't *appear* non-smeared. For if it was obvious who was morally fit for Heaven and who wasn't, a new arena of great injustice is opened up. The result is that if there is a God, then he has the motivation and the ability to actualize from just that set of worlds which are not smeared but which are indiscernible from smeared worlds.

Ted Sider's paper "Hell and Vagueness"[1] challenges a certain conception of Hell by arguing that it is inconsistent with God's justice. Sider's inconsistency argument works only when supplemented by additional premises. We lay out the inconsistency argument, supplement it, and then argue that one key additional premise—the existence thesis—is unsupported.

The Inconsistency Argument

Sider's aim is to show that several propositions describing the requirements of justice and a common conception of Hell are jointly inconsistent. First, there are the propositions describing a "binary" conception of the afterlife:

Dichotomy (D): there are exactly two states in the afterlife, Heaven and Hell.

Badness (B): Hell is much worse than Heaven.

Non-universality (NU): Both Heaven and Hell are populated.

Divine Control (DC): God decides according to some criterion C who goes to Heaven and who goes to Hell.

Second, there are two propositions describing the nature of God and the nature of justice.

Divine Justice (DJ): God will not violate the proportional nature of justice.

Proportionality (P): Similar cases deserve similar treatment.

These propositions describe what we take to be a sufficiently accurate picture of one fairly common conception of Hell and the nature of divine justice. Yet, these propositions are not inconsistent. A step in the direction to inconsistency is to add the following premise.

Borderline (BL): Any application of a just criterion must judge created beings according to a standard that comes in degrees or admits of borderline cases.

Sider asserts that this addition to the set of propositions mentioned above generates an inconsistency.[2] The thought seems to be this. By (NU), (DC), (DJ), (BL) and (B) God has decided according to a just criterion that comes in degrees that certain individuals are in a much worse condition than others. But this conflicts with (P) because some individuals are close to the borderline and certain of those individuals go to Hell while others go to Heaven. Thus we have an inconsistency.

This explication, though, has tacitly introduced another premise, the premise that there are some individuals that are relevantly similarly who receive dissimilar treatment. We shall call this the existence thesis.

Existence Thesis (E): There are some individuals in the actual world such that they are relevantly very similar in respects pertaining to the condition C specified in (DC), yet who end up in radically different eternal destinations.

We shall argue that (E) is groundless and upon sufficient reflection implausible.

There are other possible responses to Sider's argument. One may motivate a denial of the proportionality principle,[3] one may motivate an epistemicist response to this problem,[4] or one may argue that "whimsical generosity" is not objectionable.[5] Though we think each of these responses plausible, we judge that our response is stronger than any of these responses because our argument retains all the original premises of Sider's argument.

Our arguments works like this: We maintain that God can satisfy the requirements of justice described by (DJ) and (P) within the constraints of the targeted doctrine of Hell. This may be done by ensuring that (BL) has no teeth. That (BL) has no bite is ensured by the falsity of (E).

On the Existence Thesis

In the following we adduce a consideration against (E). Reflection suggests little reason to endorse (E).

Consider the following parable (perhaps best read with a British accent, in the style of Monty Python).

Angel Parable

> God is about to create the world. After looking through a large dossier of possible worlds, just as he is about to say the magic words "Fiat w" Gabriel interrupts, "Ahem, Sir, if you don't mind my saying so don't forget to make sure only to actualize a world in which people differ sufficiently in respects pertaining to their position in the afterlife."
>
> "What do you mean?" God says "Speak plain English why don't you! Preferably King James English . . . just kidding, I do have a sense of humor you know."
>
> "Certainly, Sir. It's just that you don't want people so close to one another in respects of salvation that you have to make an arbitrary choice as to whether they go to Heaven or Hell, that would smack of injustice."
>
> "Ah, very well, I see what you mean," says God and then is again about to issue the Fiat when Michael interrupts, "Um, Lord, pardon me for saying so, I'm sure you'll have thought of this, but you also don't want to actualize a world in which the gaps are discernable to *them*. The last thing you want is for it to be clear to all who's got an advantage on whom. They'll no doubt argue about such things anyway, but as long as it's hard to tell no one will have the upper hand. Not to mention the disasters that could occur from people trying to consign the Hell-bound to their fate prematurely. It will be hard for such beings not to play God."
>
> "Hmm, very good point. Now before I get started, does anyone else have anything they'd like to say," God asks.
>
> Harold then points out, "Actually, you could save yourself the trouble—though of course it would be no trouble to you—of looking for a world with moral joints between individuals just large enough for you to make non-arbitrary decisions yet just small enough for humans not to see them by picking a world with a gap anywhere below a point where people determinately deserve Hell. Then send everyone above that point to Heaven. They will get more than they deserve, and to varying degrees at that, but no one will have anything to complain about, because they'll all get more than they deserve."
>
> "I like it!" says God "I'm glad someone has an eye for efficiency around here!"

Sider's inconsistency argument assumes that the actual world is not S(oteriologically)-gappy.[6] We now question that assumption. Sider says it is "manifestly false" that the actual world is S-gappy, for "every morally or spiritually relevant factor we encounter in our lives is *quite clearly* a smear."[7] That's a pretty confident assertion on a matter which seems to us not an easy matter to judge. "But the LORD said to Samuel, 'Do not look at his appearance or at his physical stature, because I have refused him. For the LORD does not see as man sees; for man looks at the outward appearance, but the LORD looks at the heart" (1 Samuel 16:7 NKJV). Sider looks at the world and sees no S-gaps. He doesn't say what he's looking for when he does this. We have no theory about what exactly the S-relevant features are according to which one is judged, but we expect that it will be quite complex and "hidden from the eyes of man."[8]

This is a case where absence of evidence is not necessarily evidence of absence. We must consider the probability that we would see gaps if they

were there. For if the probability of our seeing gaps conditioned on their existence is low, then our not seeing them will not necessarily count as evidence against their existence. It is like Plantinga's case of the noseeums, the tiny buzzing insects which frequently pester campers. While we have a reason to expect that we'd notice, say, an Irish wolfhound in the tent, we have no corresponding reason to think we'd spot a noseeum.[9] This argument is directly parallel to the issue of so-called "skeptical theism" in the literature on the problem of evil.[10] This is not the place to rehash that argument, but suffice it to say that this is a key weakness in Sider's argument (especially since the move is on considerably more firm ground here than in the case of evil). The assumption that the actual world is not S-gappy is essential to his argument, yet he claims to know this contingent fact empirically, even though—as the Creation Parable makes clear and the noseeum case illustrates—on the traditional account which is under fire there is no good reason to expect the gaps to be manifest.

This line of thought is open to the objection that S-relevant features supervene on moral features and M-relevant features are continuous. This objection, however, only relocates the problem (or perhaps just *locates* it). For the original line of reasoning applies just as well to moral status. We can observe people's behavior, but not their intentions, motives, regrets, or a host of factors that determine whether a person has the relevant moral characteristics. True, we do sometimes infer people's intentions—as best we can—from their observed behavior. But even in cases in which this succeeds there are other hidden factors that affect moral character. Anyone who has done even a modicum of inner moral scrutiny realizes clearly that most moral struggles are *within*. There is a huge difference morally between performing an action on motives of which you don't fully approve and deeply regretting it afterwards and performing a type-identical action fully endorsing the same motives and without any regret.

Furthermore, it seems to us that the features of persons upon which moral character supervene are both more fine-grained than beliefs and desires and of a higher order. It is plausible that it is morally blameworthy to hold certain beliefs.[11] If so, it could be more morally reprehensible to hold them to a greater degree. For example, the person that has just enough credence to count as believing that members of a certain race are inferior is not as badly off morally as someone who feels certain of it, if it is a certain kind of moral sensitivity on their part which blocks further credence. Yet our method of inferring beliefs from behaviors cannot always detect the granularity of a belief. For someone living in a racist community the disutility of acting contrary to those racist precedents will obscure the difference between barely believing it and being convinced of it.

Moreover, though our inferences from behavior might reasonably implicate certain beliefs and desires, they will ordinarily not provide insight into higher-order states such as whether the individual believes their beliefs or desires to be objectionable or desires to have certain beliefs and desires. Yet both one's degrees of confidence and one's higher-order states, we submit, are surely factors relevant to the assessment of their moral character. To illustrate this, we present a contrast between two individuals who exhibit identical actions and have the same course-grained mental

profile but form a marked contrast with respect to the finer-grained and higher-order considerations we advert to.

Brutal Bart

> Brutal Bart goes into his former workplace (where he was recently fired), shoots his old boss, takes the petty cash fund, and runs. Bart believes he has a right to the money since he'd worked there for a full year without a raise. He desired to shoot his boss and take the money and believed he could get away with it. He has certitude that his boss forfeited his life when he fired him and no reservations about what he has done.

Reluctant Ralph

> Ralph goes into his former workplace (where he was recently fired), shoots his old boss, takes the petty cash fund, and runs. Ralph believes he has a right to the money since he'd worked there for a full year without a raise. He desired to shoot his boss and take the money and believed he could get away with it. However, Ralph is just barely convinced he has a "right" to the money since he sees that his Boss had a legitimate grievance with him. In fact, when he thinks about it, he believes this belief is probably not justified, though it persists. Furthermore, he believes his desire to do this is one he should not have and in fact desires not to have this desire. After he has done it, he deeply regrets it, believing it to have been a wicked act and desiring that he could undo his wrong.

We think this contrast represents the *possibility* of undetectable mental bases of moral character which provide reason to doubt our ability to make the kinds of judgments necessary to support Sider's smear thesis. We conclude that Sider's "smear" thesis is thus a dubious and unargued assumption.

There is, however, another reply to our argument that only invokes the possibility of S-gappiness. Sider thinks that the mere possibility of S-gappiness is sufficient to undermine either the traditional conception of Hell or the conception of divine justice. He reasons:

> One . . . wonders what happens in the possible worlds in which gaps are absent. My opponent might claim that gaps are metaphysically necessary, or, more plausibly, claim that in worlds without gaps some component of the binary conception of hell would need to be abandoned. I am somewhat inclined to object that it would be unbecoming of God to use a criterion that would allow for *possible* cases of injustice if applied in every possible world, even if those cases do not actually arise.[12]

There are a number of things to say in reply to this. First, since God exists in every possible world (or so we shall assume) and has his properties essentially, it follows from the fact that God has overriding reasons not to allow non-S-gappy worlds that it's not even metaphysically possible for a

world to fail to be S-gappy.[13] There is no manifest problem with this suggestion. Second, and more importantly, there is nothing morally suspect about using a criterion to adjudicate between actual cases that *can* admit of borderline cases. If I am to distribute medicine to large groups of people and I use a criterion that gets the actual cases right then the possibility of that criterion leading to morally objectionable distributions in other nonactual situations is just not relevant to the actual morality of my action. This is especially obvious when I *know* that it will get the actual cases right. We judge that a similar case applies to God's use of a criterion based on a moral matter of degree. As long as there are no actual violations of morality, there are no violations of morality.

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NOTES

1. *Faith and Philosophy* Vol. 19, No. 1 (2002), pp. 58–68.
2. Ibid., p. 59.
3. There are independent reasons to question Proportionality. Proportionality rules out lottery-generated blessings. That's counter-intuitive. Egalitarian principles of distributive justice might argue that divisible sums won in lotteries be shared, but to deny the fortunate possession of an unshareable prize would be a case of "leveling down" which is almost universally rejected as a correct principle in ethical theory. See D. Parfit, "Equality or Priority" (Lindley Lecture, University of Kansas Press), in *The Ideal of Equality*, ed. M. Clayton and A. Williams (New York: St. Martin's Press, and London: Macmillan, 1995).
4. Epistemicism is a view about the nature of vagueness which holds that vagueness is a result of ignorance. For instance, suppose Bob is a borderline case of baldness. It is unclear whether Bob is bald or not. Epistemicism explains that this inability to judge whether Bob is bald or not arises because we lack knowledge about the precise cut off for 'bald.' For details and defense see Timothy Williamson, *Vagueness* (New York: Routledge, 1994). An epistemicist response to the current problem would hold that we are ignorant of the precise cut off regarding the criterion God uses to decide eternal fate. One might think: "Well, epistemicism is intuitively crazy at first glance, but look at all the problems it solves. Sider's argument is just another instance in which epistemicism solves an intractable problem."
5. If one thought that a consequence of God's actualizing a world would be that there would be borderline individuals with respect to their soteriological properties then one should think God may decide to send to Hell only the "super-damnable." Admittedly there is higher-order vagueness: where's the cut off between the super-damnable and the not superdamnable? But if the choice is between actualizing a world in which only the superdamnable go to the Hell and the rest go to Heaven or not, then if the world actualizes other tremendous goods, creating that world wins the day.
6. See below (pp. 326–27) for a discussion of Sider's different claim that the mere possibility of S-gappiness is sufficient to raise difficulties with the targeted conception of Hell.
7. Sider, p. 65.
8. This borrows a phrase from famed nineteenth-century Freemason Thomas Smith Webb. The full quote is a gem: "[A]nd although our thoughts,

words and actions, may be hidden from the eyes of man, yet that All-Seeing Eye, whom the Sun, Moon and Stars obey, and under whose watchful care even comets perform their stupendous revolutions, pervades the inmost recesses of the human heart, will reward us according to our merits." Thomas Smith Webb, *The Freemasons Monitor or Illustrations of Masonry* (Salem, MA: Cushing and Appleton, 1821), p. 66.

9.   For a thorough discussion of this literature see Alvin Plantinga, *Warranted Christian Belief*, (OUP: 2001), 465ff. See especially the papers referenced at 466n.10.

10. For a recent defense of "skeptical theism" see Michael Bergmann and Michael Rea, "In Defence Of Sceptical Theism," *Australasian Journal of Philosophy* Vol. 83, No. 2 (June 2005), pp. 241–51.

11. For a fairly detailed investigation of this, see James Montmarquet, *Epistemic Virtue and Doxastic Responsibility* (Rowman and Littlefield, 1993).

12. Sider, pp. 64–65.

13. Notice that there are lots of things that might at first have appeared to be possible that aren't if there is a necessarily existing God who has all powers essentially. To turn this into an objection to theism would require a very strong tie between conceivability and possibility. In Conee and Sider's *Riddles of Existence* (OUP, 2005), chapter three, an objection is raised from "vanishing possibilities" to the existence of a necessary being. The objection is that lots of apparent possibilities vanish if there is a necessary being. A full response to this objection is beyond the scope of this paper, but notice that this argument cuts both ways: if a necessary being does not exist, then by S5 modal reasoning, a necessary being is impossible, but it seems possible. Furthermore, any interesting metaphysical thesis should be metaphysically necessary and thus make its apparently possible rivals metaphysically impossible, e.g., gunk theory or true atomic theory. Finally, we might have thought it possible for water to be XYZ. The moral of the story is that metaphysical possibility is not perspicuous.