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A DEONTOLOGICAL THEODICY? SWINBURNE'S LAPSE AND THE PROBLEM OF MORAL EVIL

Eric Reitan

Richard Swinburne's formulation of the argument from evil is representative of a pervasive way of understanding the challenge evil poses for theistic belief. But there is an error in Swinburne's formulation ("Swinburne's Lapse"): he fails to consider possible deontological constraints on God's legitimate responses to evil. To demonstrate the error's significance, I show that some important objections to Swinburne's theodicy admit of a novel answer once we correct for Swinburne's Lapse. While more is needed to show that the resultant "deontological theodicy" succeeds, its promise highlights the significance of Swinburne's Lapse and the prospects for theodicy it has obscured.

I: Introduction

In *Providence and the Problem of Evil*, Swinburne offers the following formulation of the argument from evil (which he takes to be more adequate than an earlier naïve formulation he first considers):

1. If there is a God, he is omnipotent and perfectly good.
- 2*. A perfectly good being will never allow any morally bad state E to occur if he can prevent it, unless (i) allowing E to occur is something which he has the right to do, (ii) allowing E (or a state of affairs as bad or worse) to occur is the only morally permissible way in which he can make possible the occurrence of a good state of affairs G , (iii) he does all else that he can to bring about G , and (iv) the expected value of allowing E , given (iii), is positive.
3. An omnipotent being can prevent the occurrence of all morally bad states.
- 4*. There is at least one morally bad state ϵ which is such that either God does not have the right to allow ϵ to occur, or there is no good state γ , such that allowing ϵ (or a state at least equally bad) to occur is the only morally permissible way in which God can make possible the occurrence of γ , that God does all else that he can to bring about γ , and that, given the latter, the expected value of allowing ϵ is positive.

So: There is no God.¹

¹Richard Swinburne, *Providence and the Problem of Evil* (Oxford: Oxford University Press, 1998), 13–14.



In Swinburne's judgment, the second premise of this argument presupposes an account of perfect goodness that theists generally ought to find acceptable. Hence, theists who wish to reject this argument must focus on 4*.

In fact, however, premise 2* is not going to be acceptable to deontologists about ethics. Since very many theists are deontologists about ethics, it follows that 2* presupposes an account of perfect goodness that very many theists would reject.

The failure of Swinburne (and others) to notice that 2* is unacceptable to deontologists is what I will be calling "Swinburne's Lapse." In what follows I intend not only to expose and correct for Swinburne's Lapse but to explore its significance—more precisely, to consider the additional resources for pursuing the task of theodicy that become available once Swinburne's Lapse is overcome. More precisely still, I will show how Swinburne's general approach to developing a theodicy of moral evil—what I will call his "efficacious freedom theodicy"—could benefit from the insight that is overlooked in Swinburne's Lapse.

II: Correcting Swinburne's Lapse

While Swinburne does not make the mistake (as several others on the problem of evil do²) of presupposing a consequentialist understanding of morality, premise 2 of his formulation of the argument from evil recognizes only *one* way in which deontological constraints may regulate a morally perfect being's behavior with respect to the elimination of evil. But there is at least one other way in which deontological constraints might operate in regulating such behavior.

Swinburne recognizes that from a deontological moral perspective, an act might be morally impermissible even if it promotes the best consequences—most notably when the agent has no *right* to perform the act. Swinburne thus concedes that it might be impermissible for someone to allow an evil *E* to occur even if allowing *E* is necessary to produce some overriding good *G*. It follows that, in developing a theodicy for a given evil, it is insufficient to show that God's allowing it is necessary in order to produce a better overall balance of good over evil. The theodicy must also show that God has a right to allow the evil. In short, Swinburne recognizes that deontological moral requirements impose additional hurdles for theodicy, hurdles he gamely seeks to leap.

What Swinburne fails to notice are the ways in which deontological moral requirements create *opportunities* for theodicy. Specifically, if an evil *E* can be prevented only by doing something God has no right to do, or by refraining from something God has a duty to do, then allowing *E* is consistent with God's moral perfection even if allowing *E* does not contribute

²For a detailed discussion of this oversight, see Eric Reitan, "Does the Argument from Evil Assume a Consequentialist Morality?," *Faith and Philosophy* 17 (2000), 304–317.

to a better overall balance of good over evil in the world (and may even lead to a worse balance).³

In other words, Swinburne treats conditions (i)–(iv) as *necessary* in order for a morally perfect being to permit an evil she has the power to prevent. But while (i)–(iv) are jointly *sufficient* for a morally perfect being to do so, they are not collectively necessary. While (i) seems necessary, (ii)–(iv) do not. Specifically, if one has a strict moral obligation to perform (or refrain from) some act, and the fulfillment of this obligation has as a necessary consequence allowing *E*, then one has a strict *obligation* to allow *E*. And when this is so, a morally perfect being would allow *E* even if (ii)–(iv) do not hold.

In order to take this concern into account, an adequate formulation of the argument from evil would need to replace premise 2* above with something like the following:

- 2**. A perfectly good being will never allow any morally bad state *E* to occur if he can prevent it, unless *either* {(i)–(iv)} *or* (v) he has a strict moral obligation or set of obligations, *O*, the fulfillment of which entails allowing *E* to occur.

Notice that (v) implies (i), since an obligation to perform an act entails the right to perform it. Thus, although (i) is a necessary condition for a perfectly good being allowing *E* to occur, it is not necessary to reiterate (i) in each disjunct of 2**.

Replacing 2* with 2** necessitates a parallel change to 4*, as follows:

- 4**. There is at least one morally bad state ϵ which is such that *God has no strict moral obligations entailing He must allow ϵ , and either God does not have the right to allow ϵ to occur, or there is no good state γ , such that allowing ϵ (or a state at least equally bad) to occur is the only morally permissible way in which God can make possible the occurrence of γ , that God does all else that he can to bring*

³There are theists who, unlike Swinburne, deny that God has duties. For these theists, one might think a deontological theodicy of the sort I develop here is unavailable, and that this essay thus targets only those who think divine duties exist. But anyone who takes the problem of evil to be a problem calling for a defense/theodicy would hold that possession of moral perfection has implications for divine behavior. And if there are some acts/omissions incompatible with moral perfection, this fact could be articulated in terms of rule-like accounts of what acts are necessarily included or excluded from a morally perfect being's behavior-set. Resistance to calling such rule-like accounts "duties" presumably springs from worry about holding God subject to moral constraints. But in God's case these rules are more properly *descriptive* than *prescriptive* (describing what it means to say God is morally perfect) and would not impose constraints. Whether or not we call them "duties," we can still ask whether any are of the form, "A morally perfect God would always/never do acts of type A under conditions of type C, regardless of the consequences." If yes, there is a sense in which God is subject to deontological rules even if one hesitates to call them duties—and these rules would serve the function I have in mind here. I address the issue of divine duties in somewhat greater depth in John Kronen and Eric Reitan, "Species of Hell," in Joel Buenting, ed., *The Problem of Hell: A Philosophical Anthology* (Burlington, VT: Ashgate, 2010). See 200–203.

about γ , and that, given the latter, the expected value of allowing ε is positive.

The implication for the theodist's task is clear. According to Swinburne, the traditional theist must maintain that the following conditions hold for every bad state E :

- (a) God has the right to allow E .
- (b) Allowing E (or a state as bad or worse) is the only morally permissible way in which God can bring about a logically necessary condition of a good G .
- (c) God does everything else logically possible to bring about G .
- (d) The expected value of allowing E , given (c), is positive.

But what the above analysis shows is that the theist must maintain *either* (a)–(d) *or*

- (e) God has a strict obligation or set of obligations, O , the fulfillment of which entails allowing E .

Hence, theodists who are called upon to explain some particular evil, ε , will have succeeded in doing so if they show *either* that (a)–(d) hold with respect to ε , or that (e) holds. In recognizing only the former, Swinburne excludes from the theodist's arsenal a strategy that might be employed with respect to at least some evils. Another way to simply characterize what I mean by "Swinburne's Lapse," then, is as the failure to notice this second option.

III: Swinburne's Theodicy of Moral Evil

To see the full import of Swinburne's Lapse, it will help to look at a particular case in which Swinburne's failure to notice the second option above—making a case for (e)—drives him to posit a problematic theodicy, whereas a more promising approach might be available were the second option pursued. I will focus here on Swinburne's theodicy vis-à-vis moral evils, by which I mean wicked choices and the harms that result from them.

Swinburne's basic approach to addressing these evils focuses on what he calls "efficacious freedom"—that is, the freedom to make choices with *real* consequences for good or ill.⁴ According to Swinburne, "It is intrinsically good (good for us) that we shall have much responsibility, and make significant choices between many good and bad alternatives."⁵ In short, it is valuable for us, given the kinds of creatures we are, to have not just the freedom to deliberate and choose among good and bad alternatives, but the power thereby to *affect the world in ways we are responsible for*. Swinburne

⁴Swinburne, *Providence and the Problem of Evil*, 11.

⁵*Ibid.*, 159.

also appears to hold that it is good, all else being equal, that the world contain creatures like us.

An omnipotent God who did His *best* to stave off the harmful effects of our wicked choices would thereby eliminate efficacious freedom. In so doing, granting Swinburne's value judgments, God would eliminate a very great good. For this good to exist, then, God must do *less* than His best to stave off the harmful effects of wicked choices. In short, to make possible this valuable state of affairs in which creatures like us exercise efficacious freedom, He must permit us not only to decide to do evil, but also to succeed once the decision is made—that is, to achieve the evil results we have in mind.

But we can imagine a God who permits us to achieve our evil aims only when the evil intended falls under a certain severity threshold. God might, for example, draw the line at the aim of bringing about *undefeated* horror. By “horror” I mean Marilyn McCord Adams's idea of an evil so monumental that it acts to “engulf the positive value of a participant's life” and so *prima facie* strip that person's life of positive meaning.⁶ For Adams, horror is *defeated* when its *prima facie* capacity to strip life of meaning is not just overcome by a higher quantity of good (she calls this the *engulfing* of horror), but when the horror is set into a broader framework that invests it with positive meaning in the life of the one who endures it. Since, presumably, only God can defeat the most shattering horrors, it follows that created persons will have efficacious freedom with respect to the production of *undefeated* horrors if and only if God refrains from defeating the horrors they produce.

For all we know, God may systematically defeat *every* horror and thus ensure that no human life is decisively stripped of positive meaning, even if he does not *prevent* the horrors from occurring in the first place. In short, God might for all we know guarantee that we do not have efficacious freedom to impose *eternal* ruin on anyone. But if God draws a line that limits our efficacious freedom in this way, it appears to be a line drawn “beyond the mortal coil.” Within the sphere of mortal life, we appear to have the capacity to perpetrate horrors to the extent that our own powers and the contrary efforts of other creatures allow, and some victims die in despair. If all horrors are ultimately defeated by God, many are apparently defeated, not in this life, but beyond it.⁷

⁶Marilyn McCord Adams, “Horrendous Evils and the Goodness of God,” in *The Problem of Evil*, ed. in Marilyn McCord Adams and Robert Merrihew Adams (Oxford: Oxford University Press, 1990), 209–221 (see 211 for quotation).

⁷At least for the subject, in the sense of restoring to the horror victim a subjective sense of meaning. Marilyn Adams suggests that Christ's death on the cross, which takes place within human history, is the means whereby horror is defeated—by way of making horror a unique means of experiencing solidarity and communion with God. But even if this is so, not every horror victim subjectively experiences the redemptive significance of Christ's crucifixion. Since horror is essentially a subjective experience of one's life as either meaningful or not, it follows that horror has not been defeated in the truest sense for everyone in this lifetime, even if the objective requirements for horror defeat are in place.

Hence, if Swinburne's approach to explaining moral evil is to conform with what we know about the world, God's tolerance threshold within which we are free to achieve evil effects must be high. If the achievement of an effect falls within the scope of our terrestrial powers and the laws governing the physical world, God seems to afford us efficacious freedom with respect to it—limited only, it seems, by the imperfect constraints imposed by our fellow creatures. Hence, Swinburne must hold that the value of efficacious freedom is so great that it justifies permitting human beings to be responsible for horrors whose gravity extends to the outer limits set by terrestrial life and human powers. Presumably, this is because efficacious freedom that makes one responsible for matters of truly great significance is more valuable than efficacious freedom that makes one responsible only for matters of comparatively trivial import.

Up to this point, Swinburne's thinking is entirely consequentialist: God must permit certain evils so as to achieve certain outweighing goods. But Swinburne recognizes that we must also consider whether God has a right to permit the evils He permits in pursuing the goods He can thereby achieve. It is one thing to say that, in order for humans to have broad efficacious freedom, God must permit acts of brutality that produce extreme suffering. It is something else to say that God, in pursuing the goal of securing broad efficacious freedom, has the moral *right* to permit these acts.

Here is the point where Swinburne's Lapse is most clearly seen in play with respect to his efficacious freedom theodicy. For Swinburne, the chief deontological question is precisely this one: whether God has the *right* to permit human beings to suffer the range of evils they endure for the sake of making possible efficacious freedom of a suitably broad scope. Swinburne understands the claim that one has a right to do X to mean that one does nothing morally impermissible in doing X.⁸ Hence, showing that God has a right to permit the evils of the world amounts to showing that there are no duties God *violates* by permitting them. Swinburne never asks if there are duties *requiring* God to permit them—perhaps duties that are bound up with respect for efficacious freedom.

This is a possibility I will return to in due course. For now, it is important to see how Swinburne addresses the possibility that God might have no right to allow the evils that must be allowed for the sake of efficacious freedom. Building on the analogy of parental rights towards children, most significantly the limited right "to cause or allow their children to suffer somewhat for the good of those children, or of others,"⁹ Swinburne attempts to make the case that God is not violating any deontological constraint on his behavior when He allows the evils we endure.

The essential point Swinburne tries to make here is that parental caretakers, by virtue of being benefactors *on the whole* of those in their care, *acquire* rights relative to those cared for. Because a parent is "the source of

⁸Swinburne, *Providence and the Problem of Evil*, 223.

⁹*Ibid.*, 227.

much good for the child," this "entitles" the parent "to take some of it (or its equivalent) back if necessary."¹⁰ So long as God remains on the whole our benefactor, He does nothing wrong in allowing us to pay the costs we *must* pay in order to make possible certain goods not otherwise attainable.

The clause that God is on the whole our benefactor is crucial for Swinburne's case. And that we owe our existence to God may be insufficient to secure God as our benefactor, since nonexistence may be preferable to some particularly horrific modes of existence. But if we include within our framework of assumptions the Christian doctrine of a heavenly after-life, Swinburne thinks the view that God *is* a benefactor on the whole for even those who suffer horribly in this life becomes plausible. To assume that this life affords the only opportunity for God to operate as our benefactor is to beg the question.¹¹

IV: Objections to Swinburne's Theodicy of Moral Evil

The most obvious grounds for objecting to this theodicy become clear as soon as we frame it in relation to concrete instances of moral evil—say the Holocaust. Swinburne's theodicy would appear to address the Holocaust as follows: *Since allowing His children to suffer the horrors of the Holocaust is necessary in order to afford us an efficacious freedom so broad as to leave us free to commit such horrors as the Holocaust, and since the freedom to commit such horrors as the Holocaust is (supposedly) a very great good for his children to possess, and since by virtue of being our benefactor God (supposedly) acquires a right to allow His children to suffer "somewhat" (in Auschwitz!) for goods as significant as the freedom to torture people in Auschwitz, it follows that God has the right to permit the horrors of the Holocaust, even though he could prevent them.*

Reflecting on Swinburne's thinking in something like this way, Richard Dawkins was moved to describe it as a "grotesque piece of reasoning, so damnably typical of the theological mind."¹² Of course, Dawkins is quick to mischaracterize, attributing to Swinburne the aim of attempting to *justify* the Holocaust "on the grounds that it gave the Jews a wonderful opportunity to be courageous and noble." He then relishes Peter Atkins's response to Swinburne: "May you rot in hell."¹³

Swinburne does not, in fact, seek to justify the horrors of the Holocaust or similar horrors. What he seeks to justify is God's choice to *permit* them.

¹⁰Ibid., 227–228.

¹¹I set aside the question of the damned, since I see no prospects of defending the idea that God is on the whole a benefactor for those who suffer eternal damnation, and since I have no interest in defending a doctrine of *limited* salvation in any event. On this point, my own view is that if he wishes to sustain his theodicy, Swinburne needs to embracing universal salvation—but this is a claim I will not defend here. I will, instead, treat it as a less-than-friendly amendment to Swinburne's theodicy, less-than-friendly given Swinburne's expressed support for a doctrine of hell. See Richard Swinburne, "A Theodicy of Heaven and Hell," in Alfred J. Freddoso, *The Existence and Nature of God* (Notre Dame, IN: University of Notre Dame Press, 1983), 37–54.

¹²Richard Dawkins, *The God Delusion* (Boston: Houghton Mifflin, 2006), 64.

¹³Ibid.

Not only does Swinburne deny the moral permissibility of committing these horrors, but he further denies that humans with the power to prevent or mitigate them may permissibly refrain from doing so. Swinburne believes it is our duty to “fight very hard” against such evils. Only *God* has the right to permit them, and then only because of God’s unique place in the cosmos, as a kind of parent to us all—who, like other parents, has a right to “allow (His) children to suffer somewhat for the good of those children, or of others.”

But the implications of Swinburne’s theodicy have evoked uneasiness even among theologians who haven’t misunderstood him. John Hick, for example, is strongly critical of Swinburne’s willingness to pursue his theodicy of moral evil to its most unsettling conclusions.¹⁴ When Swinburne considers the eighteenth-century slave-trade, he presents it to his readers as a case in which the possibility and actuality of “large-scale human suffering” creates “opportunities for significant choices” to produce or prevent this suffering and “innumerable opportunities for good or bad choices of response” once that suffering is underway.¹⁵ And so, by permitting humanity to descend down the path of buying and selling kidnapped Africans for economic gain, God made possible “innumerable opportunities for very large numbers of people to contribute or not contribute” to the development of the slave culture. He made possible opportunities “for slavers to choose to enslave or not; for plantation-owners to choose to buy slaves or not and to treat them well or ill; for ordinary white people and politicians to campaign for its abolition or not to bother . . . and so on.”¹⁶

In response, Hick says, “One has to admire the logical rigour with which Swinburne carries out his programme; but having seen it carried out to this horrifying extent many will reject it as a disastrous wrong turning.”¹⁷ Hick counts himself among the many. In his concluding assessment of *Providence and the Problem of Evil*, Hick calls Swinburne’s theodicy “an intellectual triumph, but not a triumph of moral judgment or of common sense.”¹⁸

The suggestion, of course, is that Swinburne’s theodicy clashes with our common-sense moral intuitions. There’s likely more than one such clash; but perhaps the most basic and obvious has to do with Swinburne’s utilitarian weighting of the positive value of the efficacious freedom to commit horrors (and to fight against them or not, etc.) versus the negative value of the horrors themselves. There are at least two versions of this utilitarian weighting-problem, which can be helpfully understood by considering the following three broad policies God might adopt with respect to intervening in the human freedom to commit horrors:

¹⁴John Hick, “Review of *Providence and the Problem of Evil*, by Richard Swinburne,” *International Journal for the Philosophy of Religion* 47(2000), 57–61.

¹⁵Swinburne, *Providence and the Problem of Evil*, 246.

¹⁶*Ibid.*, 245.

¹⁷Hick, “Review of *Providence and the Problem of Evil*,” 59.

¹⁸*Ibid.*, 61.

Policy (1): *Nonintervention*: No divine intervention even with respect to the most serious matters, resulting in unrestricted efficacious freedom and all the horrors that in fact follow;

Policy (2): *Systematic intervention*: Systematic divine intervention with respect to the most serious matters, resulting in no efficacious freedom to commit horrors combined with a world free of horror;

Policy (3): *Selective intervention*: Selective divine intervention with respect to the most serious matters, resulting in continued efficacious freedom with respect to the most serious matters, but with a reduced success-rate and a concomitant reduction in the number of horrors relative to option (1).

Those who find Swinburne's efficacious freedom theodicy problematic by virtue of its utilitarian weighting will presumably share the view that Policy (1) is not a good utilitarian trade-off. Hence, a good and sovereign God, at least with respect to the divine motive to achieve the best results, would not make such a trade-off. The question is what God would do instead.

There are at least two possibilities. A critic of Swinburne might hold that the best utilitarian trade-off would be achieved if God did not permit horror at all, even if the cost is a decisive truncation of the scope of our efficacious freedom. In other words, one might think that the best utilitarian trade-off is achieved by Policy (2)—which would result in no horrors and a scope of efficacious freedom narrower than what we see in the real world. As such, contrary to what Swinburne claims, the purported value of efficacious freedom can't reconcile the world we actually live in with the existence of God. We might call this the Truncated Freedom Objection (TFO).

Alternatively, a critic might argue that a God concerned with achieving the best utilitarian results would pursue Policy (3). More precisely, one might suppose that *expansive* efficacious freedom—by which I mean freedom that extends even to the perpetration of horror—does have a positive value that could outweigh the negative value of the horrors its misuse produces . . . but only if the number of such horrors is sufficiently low. In short, there's an optimal balance between expansive efficacious freedom and the amount of horror in the world. A God concerned about achieving the best results would pursue such an optimal balance by, if necessary, selectively *intervening* in cases of attempted horror-perpetrations, thwarting enough of them to bring the negative value of horror down to the level at which this optimal condition is obtained. The concern is that the scope of horror in the actual world is so great that it clearly does not represent the sort of optimal balance we'd expect were there a God prepared to selectively intervene when the volume of horror threatens to become too great. Hence, the value of efficacious freedom cannot, contrary to what Swinburne claims, explain the horror we see in the actual world. Let's call this the Selective Intervention Objection (SIO).

For the remainder of this paper I will focus primarily on the Selective Intervention Objection (SIO). But in the process of developing my response to SIO, a response to TFO will also become available. What I wish to do, first, is develop SIO in terms of a challenge raised to the theodicy Peter van Inwagen develops in his book *The Problem of Evil*.¹⁹ Doing so will not only help show how difficult it is for Swinburne to answer SIO in the terms that Swinburne himself has laid out, but will also help set out the resources for developing a deontological variant of Swinburne's efficacious freedom theodicy—a variant which I believe offers a promising way to answer the concerns that underlie SIO.

V. Van Inwagen and the Local Argument from Evil

The details of van Inwagen's response to the argument from evil do not much concern me. In brief, he asks us to consider the possibility that God has permitted the world to be a place where we can come to understand what it means to exist in alienation from God, an understanding that is essential for our uncoerced repentance and redemption. Given the Fall—the result of an abuse of human freedom—humanity came to exist in a state of alienation from God. For fallen humans to be redeemed—that is, to return to a state of loving union with God—they need a proper understanding of what alienation from God really means. To bring about this understanding, God must allow for the world to be a place in which there is an enormous amount of evil. Were God to do otherwise, God would be shielding humanity from the natural consequences of alienation and thus impeding their understanding of their state and redemption from it.

What is interesting for my purposes is that van Inwagen recognizes that this general story offers a response only to the so-called *global* argument from evil—that is, the argument which looks at the evils of the world as a whole, and argues from their enormity to the nonexistence of a benevolent, all-powerful God.²⁰ Van Inwagen acknowledges that an adequate response to the global argument does not, by itself, adequately address arguments from evil that appeal to very specific evils (what he calls "local" arguments from evil²¹), such as Bruce Russell's example of the little girl in Flint, Michigan who was brutally raped and murdered.²² Were this evil prevented, the world would still be a place with an enormous amount of evil, and hence would still be a place where we can learn the correct lessons about what it means to be alienated from God. So this particular evil is unnecessary or gratuitous. Why, then, did God permit it?

Van Inwagen answers by noting that, in deciding which evils to allow and which to prevent, God *must* draw a "morally arbitrary line," such that there will be evils on the "unprevented" side that might have been prevented

¹⁹Peter van Inwagen, *The Problem of Evil* (Oxford: Clarendon Press, 2006).

²⁰See *ibid.*, 56, for his own formulation of the global argument.

²¹See *ibid.*, 97–98 for a sketch of the general form of such "local" arguments from evil.

²²Bruce Russell, "The Persistent Problem of Evil," *Faith and Philosophy* 6 (1989), 121–39.

without thereby undermining the justifying purpose for allowing evils in the world. *Wherever* God draws this line there will be such “gratuitous” evils—but God is “morally required” to draw the line *somewhere*. So, the decision about the precise place to draw the line will *necessarily* be arbitrary, and the existence of “gratuitous” evils will be unavoidable (even if *this* evil or *that* evil might have been avoided).²³

A similar move might be made to defend Swinburne against SIO. For us to have expansive efficacious freedom, God must give us significant latitude to carry out our most wicked intentions. But had God intervened to prevent the horrific consequences of the child-rapist’s choices in Russell’s example, we’d still have expansive efficacious freedom. So why did God permit *that* evil, given that its prevention wouldn’t have undermined God’s aim of creating a world with expansive efficacious freedom?

Were God to intervene on *every* such occasion, expansive efficacious freedom would evaporate. So God must draw a line. But van Inwagen’s insight, adaptable to Swinburne, is this: *wherever* God draws that line, it will be arbitrary. There will be evils, such as the rape/murder in Flint, which God might have prevented but chose not to, not because permitting that evil was necessary for us to possess expansive efficacious freedom, but because some extensive latitude to successfully carry out evil intentions *is* necessary—and because a policy of selective intervention in which the rape/murder in Flint is *not* prevented is one possible policy from which God must arbitrarily choose.

What van Inwagen’s strategy here does is appeal to a version of the sorities problem: there is no specific grain of sand the removal of which from a heap of sand brings it about that one no longer has a *heap*. What God needs to allow is a *heap* of successful horror-perpetrations—and for any such heap, there will always be a horror God could have prevented while still having a heap.

VI: Fischer and Tognazzino’s Objection

But there are bigger and smaller heaps. Some heaps may be so enormous that it is hard to understand why God would arbitrarily choose the larger heap over the much smaller one if the smaller one would do the job. And this fact means that a new problem arises in the face of the van Inwagen-style solution to the local argument from evil—a problem nicely expressed by John Martin Fischer and Neal Tognazzino in a recent article.²⁴ Fischer

²³See van Inwagen, *The Problem of Evil*, 124–125.

²⁴John Martin Fischer and Neal Tognazzino, “Exploring Evil and Philosophical Failure: A Critical Notice of Peter van Inwagen’s *The Problem of Evil*,” *Faith and Philosophy* 24 (2007), 458–474. While Fischer and Tognazzino’s response to van Inwagen is motivated by considering the latter’s reply to the local argument from evil, and while Fischer and Tognazzino’s use of the Holocaust in their response may give the impression that they are offering a revised version of the local argument that avoids van Inwagen’s reply, this is a misreading. They are, in fact, introducing a different version of the argument from evil—a so-called “range” argument—that they think van Inwagen’s replies to global and local arguments haven’t answered.

and Tognazzino introduce what they call *The Range Argument from Evil*, which they outline as follows:

- (1) If there were a God, the amount of evil in the world would fall within a *reasonable* range.
- (2) But the amount of evil in the world surely falls within the *overkill* range.
- (3) Therefore, there is no God.²⁵

Fischer and Tognazzino argue that we have good reason to suppose (2) is true based on considering a sufficiently large *set* of horrors:

If the set were sufficiently large, it seems that a case can be made for the claim that God's including all members of that set of horrors brings the actual amount of evil out of the reasonable range and into the overkill range. Granted, the elimination of a single horror from that set wouldn't make a morally relevant difference, but perhaps the elimination of all of the horrors in that set would.²⁶

Fischer and Tognazzino note that the Holocaust is really a collection of "billions of horrors," and might therefore constitute such a set. They frame the objection as follows: "Surely a world without the Holocaust would still have contained a vast amount of evil—plenty to ensure the success of (God's) plan of atonement. So doesn't it seem that including the Holocaust is just overkill?"²⁷

Fischer and Tognazzino's objection to van Inwagen can be extended readily enough to Swinburne: In order for human beings to have expansive efficacious freedom, God must give them substantial room to achieve their most vicious aims. While God could have made *this* rapist trip and fall as he leapt from the bushes or *that* would-be child-molester get into a fender bender without thereby undermining expansive efficacious freedom, God must nevertheless afford substantial room for rapists and child molesters to succeed in their plans. Otherwise, there would be no efficacious freedom in relation to such horrors. But humans would still experience efficacious freedom, even relative to the perpetration of horrors, had the Holocaust not occurred. While some might worry that obvious divine intervention on a grand scale would announce to the world that there are limits on efficacious freedom, and that this would restrict efficacious freedom far beyond the scope of the intervention itself, God could surely have prevented the Holocaust through subtle nudging in the course of history.

We might think of this as the Fischer and Tognazzino Revival of SIO. But notice that this revived objection remains thoroughly consequentialist in its assumptions: the very idea of an "overkill" range suggests that what justifies evils is that, when they fall *within* a given range, they

²⁵Ibid., 469.

²⁶Ibid., 470–471.

²⁷Ibid., 471.

make possible an outweighing good; but when they exceed the limits of this range, they are just magnifying evil without comparably expanding the compensatory good. The deontological question that Swinburne introduces into the equation—the question of whether God has a moral *right* to allow so much evil—cannot answer Fischer and Tognazzino’s consequentialist concerns because, for Swinburne, if an act or omission with evil consequences has no “consequentialist redeeming value”—if it produces no good effect that could outweigh the evil ones—the question of whether God has a right to perform it never even comes up.

But here is where we come face to face with Swinburne’s Lapse: outweighing good results are not the only thing that might make an act (or omission) with bad results a candidate for moral legitimacy. If performing the act is *required by duty regardless of the consequences*, then performing it is *a fortiori* legitimate despite bad consequences. For a deontologist, an act may be required by duty even if it does more harm than good.

Consider, in this light, the following hypothesis: What justifies God’s failure to intervene with respect to moral evil more than He apparently does is not that the *value* of the efficacious freedom thereby afforded is so great as to outweigh the evils it makes possible. Rather, what justified God’s failure to intervene is the *duty* God has to respect efficacious freedom, even in such cases as the Holocaust. In short, what makes God’s non-intervention vis-à-vis the Holocaust (and comparable collective horrors) compatible with His moral perfection is that God has a strict obligation or set of obligations, *O*, the fulfillment of which entails allowing the Holocaust (and similar horrors) to occur. In short, what I referred to in Section I as “condition (e)” obtains with respect to God’s permitting the Holocaust (and comparable horrors).

If this hypothesis is defensible, a deontological variant of the efficacious freedom theodicy could be constructed which avoids SIO altogether. So, can a plausible theodicy of this sort be constructed?

VII: Sketch of a Neo-Kantian Theodicy

A fully satisfying deontological theodicy would have to do two things: first, it would have to spell out an obligation or set of obligations, *O*, such that if God in fact possesses *O*, He would be required to permit the moral evils we see in the world, including the horrors; second, it would have to show that God really does possess *O*.

The latter is a formidable task, requiring definitive conclusions about moral norms as they pertain to a mysterious deity’s intervention in human affairs. A complete deontological theodicy would have to *resolve* the controversies in moral philosophy pertaining to what standards should regulate interference in liberty of action—and resolve them in favor of standards which, when applied to God, would have implications consistent with our observations about the range and scope of terrestrial evils.

I do not propose to offer any such resolution here. Rather, I pursue the more modest goal of spelling out a *prima facie* plausible content for

O such that, if God possessed O, God would be required to permit the horrors of the world. To make the content *prima facie* plausible, I will piggy-back on a moral tradition that many philosophers find plausible. Specifically, I will draw on Kantian ideas to identify a pair of obligations that, if possessed by God, would jointly entail a divine moral obligation to permit horrors of such magnitude that consequentialist considerations alone would dictate against permitting them.

I should note that God, as creator, must meet a moral constraint that no creature is required to meet. For a world God might create, if its nonexistence would be better than its existence but for certain divine interventions, and if the needed interventions were precluded by deontological moral constraints, God would (it seems) have a duty not to create that world. Arguably, if free agents existing in a world such as ours were more likely than not to have lives that on the whole were not worth living *but for* interventions God is duty-bound *not* to pursue, the duties preventing these interventions would also dictate against creating a world such as ours in the first place.

The question is whether God is morally permitted to create a world like ours if, once it was created, He'd be duty bound to permit the kinds of evils that we see in our world. The answer might well be "no" if the worst evils we see amount to all-things-considered horrors—that is, horrors that are never redeemed. But if God possesses the capacity to redeem terrestrial evils, it seems He would not be duty bound to refrain from creating a world like ours, even if He were subject to obligations which precluded Him from preventing the kinds of evils epitomized in the Holocaust.

So, are there such obligations? I will suggest a pair of contenders—divine duties that, jointly, imply that God must stand by and watch as we do our worst to one another (and then, presumably, slip in afterwards to make it better).

The first duty I have in mind is directly inspired by Swinburne and bears a strong family resemblance to the second formulation of Kant's Categorical Imperative. As opposed to saying that the *value* of efficacious freedom is so high it justifies all the moral horrors done in the real world, one might hold that respecting our efficacious freedom—even in its expansive scope—is a deontological requirement demanded by the kinds of creatures we are. While such respect needn't entail that one can never intervene to prevent the exercise of free choice or neutralize its most pernicious consequences, it may mean one cannot pursue a pattern of intervention that strips its target of efficacious freedom altogether—or of efficacious freedom beyond a certain truncated scope. Let us call this the Principle of Efficacious Freedom, or PEF.

The idea that *complete* removal of efficacious freedom is strictly prohibited, regardless of the good outcomes, will strike many if not most as *prima facie* plausible. Affording some opportunity to act in ways that matter may be necessary to show respect for human dignity. Many if not most of us see our capacity for deliberative agency and our ability to make

choices for good or ill as so central to who we are as human beings that to be deprived of efficacious freedom altogether would amount to being denied a fully actualized human life. One is rendered not merely useless but *insignificant*. This, we might say, can never be justified, no matter what good may come of it.

But the PEF as I envision it goes further than this. It does not merely rule out complete removal of our efficacious freedom. It also rules out complete removal of efficacious freedom with respect to horror-perpetration—in other words, with respect to certain kinds of actions that fall within the scope of our terrestrial human capacities.

Here, it is important to distinguish between two ways that one might be deprived of efficacious freedom to perform a certain kind of act. On the one hand, performing an act of a given type might depend on the possession of a specific human power or capacity, the removal of which would thus deprive one of the freedom to perform acts of that type. So, if I become paralyzed from the neck down in an accident, I no longer have the freedom to train for a marathon. Alternatively, I might have capacities which, given the laws of nature, enable me to perform acts of a certain type—but I might be prevented from carrying out these conceivable acts by a systematic pattern of third-party intervention. So, for example, a prisoner has the capacities necessary to kill a fellow prisoner. But with sufficiently intense surveillance and dedicated prison guards focused on the task 24/7, the prisoner may be stripped of the freedom to carry out such an act.

Being deprived of the freedom to commit horror would presumably fall into the latter category. The reason is that horrors can be perpetrated through the exercise of ordinary human capacities: the same capacities that enable me to peel and slice an onion could be put to the task of torturing a child. Unless God were to rule out the perpetration of horrors by radically truncating our capacities and thus radically reducing our efficacious freedom far beyond the issue of horror perpetration, it seems God would need to intervene by, so to speak, hovering over us at every moment, systematically prepared to thwart us should we use our capacities in certain horrific ways (ways that the laws of nature make possible).

It is one thing to envision doing something like this to convicted murderers. But as soon as we start to imagine a dystopian police state in which the government has eliminated murder from society by making sure no one can carry it out, we begin to see why something like that could reasonably be viewed as a violation of our humanity. Even for those not inclined to stray outside the established boundaries, the choice to stay within the boundaries is paternalistically taken out of their hands, such that it is no longer by their choice that they avoid such egregious crimes. That removal of choice may strike many of us as an affront to their dignity as persons. It is one thing to have laws against murder, and punishment for murder, and finite resources devoted to murder prevention of the sort that obtain in ordinary civil societies. It is something else to have in place

certain mechanisms for preventing murder that loom over each of us at every moment of our lives, ever ready to kick in and stop us if we ever stray in the wrong direction. What we have here is the difference between setting up certain finite impediments to directing one's freedom in certain undesirable ways, and removing altogether the freedom to act in those ways. The latter, we might think, is incompatible with respect for human dignity and so is ruled out regardless of utilitarian considerations.

The PEF, in short, demands a respect for humanity which is inconsistent with completely eliminating efficacious freedom for any act-types that fall within the scope of human capacities and the possibilities afforded by physical laws. Stated explicitly, the principle might run as follows:

PEF: It is strictly morally impermissible to act towards human agents in such a way that they come to exist in a state in which they possess no efficacious freedom with respect to a range of human activity in which their capacities and the limitations of physical law would otherwise afford some measure of efficacious freedom.

The resemblance to Kant's "formula of humanity" should be obvious here, although Kant's explication of the requirement is made in terms of respect for *rational autonomy* rather than for efficacious freedom. While the two concepts are related, it would be too quick to suppose they are coextensive. Even so, the attractiveness of Kant's formula of humanity extends, I think, to the PEF, which we might think of as a variant on the former in which at least one measure by which our success at treating humans as ends and not merely as means is identified in terms of respect for efficacious freedom. In effect, to be systematically deprived of the opportunity to pursue activity in a field of action *in which one's human nature otherwise affords one the opportunity to act* is to fail to have one's human nature fully respected.

From the standpoint of the PEF thus formulated, the above-mentioned Policy (2) for how God might intervene in human choice—divine intervention to remove expansive efficacious freedom so as to eliminate all horrors from the world—would be ruled out, not because efficacious freedom is so great a good that it outweighs the costs of allowing it, but because the policy violates a principle of respect for humanity. As such, if plausible, the PEF offers a basis for challenging the Truncated Freedom Objection.

But what about the Selective Intervention Objection, or SIO? The PEF does not by itself rule out Policy (3)—a policy of selective intervention in attempted horror-perpetrations. The PEF explains why God cannot, morally, pursue a policy of doing *everything in His power* to prevent the harmful effects of wicked choices. While finite persons could pursue this policy without eliminating humanity's efficacious freedom, an omnipotent being pursuing such a policy would do precisely that. Hence, the PEF implies that God morally must do less than all He can do.

But does "something less than all He can do" imply permitting the Holocaust? Here, again, we face the specter of Fischer and Tognazzino. The

PEF requires of God that, if He is to intervene in human affairs to mitigate the horrors, He must limit these interventions so that efficacious freedom to commit horrors is not fundamentally compromised. As van Inwagen would note, such selective intervention would necessarily draw an arbitrary line. But Fischer and Tognazzino can reasonably insist that, however arbitrary the line must be *within* a reasonable range, some patterns of intervention fall outside that range. A pattern that permits an enormous *set* of evils to unfold (e.g., the Holocaust) is a pattern that falls outside the reasonable range.

Here is where I suggest that a second deontological principle, again drawn from Kant, may help to silence the Fischer/Tognazzino-style objection. Specifically, I want to consider the first formulation of Kant's Categorical Imperative—the formula of universal law—which holds that the maxim of our act must be universalizeable. The essential idea is that we must act in law-like ways, treating like cases alike. *Prima facie*, this principle appears to preclude making arbitrary distinctions in how we treat people. In other words, we cannot legitimately draw arbitrary lines such that cases on one side are treated differently from relevantly identical cases on the other. If it is wrong for me to intervene to prevent the rape and murder of little Joey, it is by virtue of a maxim which would imply that it is wrong for me to intervene to prevent the rape and murder of little Sarah, assuming the cases are relevantly similar.²⁸ Likewise, if it is required of me to intervene in the first case, it is required in the second.

Let's call this the Non-Arbitrariness Principle, or NAP. I suspect a critic here would immediately challenge its plausibility from a Kantian standpoint by invoking Kant's notion of imperfect duties. Consider, for example, Kant's Duty of Beneficence. Recognizing that, as finite beings, we cannot endlessly promote the good of others in the world, Kant nevertheless wants to acknowledge some duty to others of this sort. What he suggests is an imperfect duty—a duty to do a certain fitting amount of beneficent aid. And this means we will not always treat similarly situated persons alike: some in dire poverty will receive our beneficent aid while others will not. Why not say that God has similar imperfect duties justifying essentially arbitrary differential treatment?

While it is clearly correct that obedience to Kant's Duty of Beneficence implies that we will treat similarly-situated people differently, it is not clear that we will be treating relevantly similar cases differently—which is what NAP precludes. Imperfect duties are a concession to limitations in power. Put simply, I cannot be equally beneficent to all, because of limits

²⁸An adequate explication of the concept of "relevant similarity" would exceed this essay's scope. What I will say is this: A broadly Kantian ethic makes sense only if maxims can be applied to multiple cases by virtue of similarities that have been identified because they *matter* from the standpoint of practical rationality in a way that the differences (and other similarities) don't. The intuition that there is a meaningful distinction of this sort—between similarities/differences that matter for the purposes of rational decision-making and those that don't—is widely shared even if hard to unpack, and it is what I have in mind when I speak of relevant similarity here.

in my abilities. There is a certain optimally sustainable level of beneficence associated with these limits: give more, and I exceed my limits in a manner that reduces my capacity to give in the long run (analogous to overfishing). Give less, and I could have done more. Presumably, the Duty of Beneficence calls us to direct limited resources in accord with some combination of a first-come/first-served principle and a principle of attention to urgency of need and efficacy of one's efforts—a kind of triage principle calling us to attend to where our efforts are most needed and would do the most good. Guided by these principles, we prioritize and continue to give until we reach the optimal sustainable pattern given our limited resources.

Such a strategy of giving seems universalizable. While those who are not recipients of your beneficence may be no different from those who are, *you* are different relative to them, insofar as you would exceed the optimal cutoff were you to give to them. And so there is a relevant difference between the giving in the one case and the giving in the other—a difference located in you, the agent (an agent-centered difference) rather than in the recipient (a recipient-centered difference).

But this strategy of reconciling imperfect duties with NAP, insofar as it depends on limitations in the agent, is not available to an unlimited God. If this line of reasoning works, then God has no imperfect duties. By virtue of God's divine properties, there will be no agent-centered differences between cases. And this means that if there are no recipient centered differences, the specter of illegitimate arbitrariness returns.

But perhaps this is too quick. Perhaps, when it comes to intervening to prevent the evil effects of wickedness, God *does* face an agent-centered difference for the very reasons mentioned above: Too much intervention erases efficacious freedom. So, why not say that God confronts an optimal degree of intervention, beyond which efficacious freedom is impinged in a manner inconsistent with the deontological duty to show respect for such freedom?

The chief problem with this move is that it assumes a parity between limits set by an agent's power and limits set by a moral constraint. In the case of a human duty of beneficence, what justifies differential treatment is the fact that *recipient*-centered arbitrariness cannot be avoided by the agent if the agent is to bestow beneficent aid at all. In the case of a proposed divine duty to intervene in the exercise of efficacious freedom, what is invoked to justify differential treatment is the fact that recipient-centered arbitrariness cannot be avoided by God if God is to abide by the PEF. In other words, human agents, in pursuing the goal of beneficence, cannot universalize beneficence because it is not in their power to do so. But they can universalize a principle of pursuing beneficent aid that takes into account the constraints imposed by limits of capacities. Hence, they can pursue the goal of beneficence without violating the NAP.

Compare this to God's situation. God, in pursuing the goal of preventing the harms of misused efficacious freedom, does have the power

to universalize a principle of prevention—but, in doing so, God would come afoul of a different moral constraint. And so, were God to pursue the prevention of harms caused by misused efficacious freedom at all, God would create a clash between the demands of the PEF and the demands of NAP. God could avoid such a clash only by not pursuing such preventions at all. This is a different situation than what finite creatures find themselves in relative to beneficence.

Put simply, if God acts to prevent the harms of misused efficacious freedom at all, God brings it about that the two proposed deontological principles, PEF and NAP, come into conflict so that God cannot abide by both. But if there is a way for you to act such that you can abide by the demands of all your deontological duties, and there is a way for you to act such that your deontological duties come into conflict, then it seems you ought to act in the former way. So, if we think that both PEF and NAP are deontological moral duties, it follows that God cannot legitimately intervene in the exercise of human freedom at all. When it comes to wicked human choices and their evil results, God's hands are tied. The best He can do, consistent with His moral perfection, is suffer with us while it is going on and then make it better in the end.

Before closing this section, however, I want to consider one further objection to my case for the conclusion that divine intrusions into efficacious freedom would create a conflict between PEF and NAP. The objection is based on the plausible assumption that there are reasons God would have for doing what God does—moral reasons—that are epistemically unavailable to us. And among these reasons, there may be many that would morally justify differential treatment in cases that appear to us to be relevantly similar.²⁹

Suppose this hypothesis is true: in many cases that appear to us similar in morally relevant ways, God's omniscient perspective exposes a morally relevant difference that would justify treating the cases differently. In that case, a God who abided by NAP would confront fewer constraints than it appears to us that He would face. Simply put, the demand to treat like case alike would impose fewer constraints because fewer cases would actually be alike than they appear to us to be. If the demands of NAP become loose enough, God might be able to selectively restrict efficacious freedom rarely enough to abide by PEF while still respecting NAP.

But although I think it is true that, granted this speculative hypothesis, divine selective intervention might not create the conflict of divine duties sketched out above, I do not think that this fact undermines the neo-Kantian theodicy I am sketching. The reason is because the nature of the hypothesis itself serves the task of addressing the problem of evil in such a way that it can be readily incorporated into a broader version of the neo-Kantian theodicy. Specifically, this hypothesis could serve as the

²⁹I am indebted to an anonymous reviewer for *Faith and Philosophy* for noting this objection.

basis for a weak “defense” against the problem of evil. That is, it offers a picture of how things might be such that, were things thus, the evil in the world would not count against the existence of a God as traditionally construed.³⁰ And the neo-Kantian theodicy provides a framework which, if accepted, would raise this speculation beyond a mere weak defense.

In effect, if the hypothesis is correct, then the fact that God does not intervene to prevent moral horrors more than God apparently does is not an insurmountable problem for theism, since there are these mysterious relevant differences between the cases God permits and those that are thwarted. If, however, the speculation is incorrect and there are no mysterious relevant differences we cannot see, then the argument above kicks in: divine intrusions into efficacious freedom would create the sort of clash between PEF and NAP addressed above, explaining why God has not intervened to thwart the perpetrated horrors we observe. A mere speculation to the effect that things might stand in such a way that God’s existence can be reconciled with moral evil becomes, within the neo-Kantian framework, one disjunct of a disjunctive case for the conclusion that God’s existence can be reconciled with moral evil.

VIII: A Final Objection

I have argued that Swinburne’s efficacious freedom theodicy, formulated in largely consequentialist terms (with deontological considerations coming in not to justify God’s allowing moral evil but only as a potential impediment to such justification) faces two related challenges, which I have called the Truncated Freedom Objection (TFO) and the Selective Intervention Objection (SIO). I have further argued that, once we notice Swinburne’s Lapse and explore whether deontological considerations might actually be invoked to explain why God allows moral evil, we open the door to an approach to theodicy that might offer an answer to both TFO and SIO. I have proposed two (hopefully plausible) deontological principles: the Principle of Efficacious Freedom (PEF), and the Non-Arbitrariness Principle (NAP). I have argued that the PEF alone offers an answer to TFO, and that the PEF in conjunction with NAP answers SIO.

Even if PEF and NAP are more controversial than I imagine, my hope is that the exercise of offering a deontological variant of Swinburne’s efficacious freedom theodicy exposes the seriousness of Swinburne’s Lapse

³⁰If appearances of moral similarity between cases are not to be trusted because, from an omniscient perspective, there will routinely be morally relevant differences that serve as reasons for God to treat the cases differently, then we are in an epistemic situation in which we cannot trust our own moral judgments about the propriety of divine (non)interference in human affairs. Put simply, granted the hypothesis of a broad and persistent disparity between appearances and reality when it comes to morally relevant similarities, we are conceding what Wykstra calls a lack of the “reasonable epistemic access” required to justifiably posit, based on appearances, the existence of the pointless evils that motivate the argument from evil. See Stephen J. Wykstra, “The Humean Obstacle to Evidential Arguments from Suffering: On Avoiding the Evils of Appearance,” *International Journal for Philosophy of Religion* 16 (1984), 73–93.

and the importance of taking seriously the possibility that deontological constraints on God might be part of the answer to the problem of evil.

Before concluding, however, I want to consider one more line of response to this deontological variant on the efficacious freedom theodicy. In the argument above, I introduced three policies of intervention that God might follow with respect to the perpetration of horrors: nonintervention, systematic intervention, and selective intervention. In effect, my proposed deontological theodicy rules out systematic intervention based on PEF and selective intervention based on PEF and NAP.

But a staunch critic might attempt to revive the case for systematic intervention in the light of the case *against* selective intervention, along the following lines: The broad version of PEF which protects efficacious freedom even with respect to horror-perpetration makes sense as a *prima facie* moral duty, but not as an absolute one. If preserving expansive efficacious freedom has the cost of allowing for horror run amok—so much horror that its negative value outweighs the positive value of such expansive efficacious freedom—then the *prima facie* force of PEF is overridden, and intervention that truncates the scope of efficacious freedom (which needn't entail its elimination) is justified. PEF is merely a *prima facie* duty, and is not an actual duty for God if abiding by it leads to an amount of horror in the world that is excessive.

In reply, I would like to rehabilitate, within a deontological framework, Swinburne's idea that my capacity to "make it up to" the victims of your bad choices impacts what I may and may not permit you to do with your freedom.

In Swinburne's incarnation of this idea, God's capacity to make it up to the victims of misused freedom means that God can remain a benefactor to these victims even while permitting their victimization—which then purportedly gives God the *right* to permit such victimization for the sake of achieving the greater good of a world with a greater amount of robust efficacious freedom.

The problem here is that the argument rests on supposing that the scope of efficacious freedom afforded by non-intervention is a good of sufficient worth to *outweigh* the evils suffered by the victims of the misuse of this freedom. But at least in some cases, this supposition seems dubious at best. In cases where the value of the perpetrators' freedom to commit horror does not appear to be so great as to outweigh the staggering negative value of the horror itself, God's supposed *right* to let the victims suffer as they do for the sake of permitting a greater good—assuming that God could make it up to them and so be their benefactor on the whole—doesn't even come up. It doesn't come up because there is no *greater good* for the sake of which God would be allowing the victims to suffer.

But that there is no greater good does not mean there is no deontological constraint. It may be that God's capacity to make it up to the victims of abuse, instead of giving God *rights* to pursue the best consequences

despite the costs, actually *truncates* God's right to intrude on efficacious freedom.

The idea, put simply, is this: If *G* has the power to ultimately "neutralize" the negative effects of *P*'s actions were *P* to misuse *P*'s efficacious freedom, this might actually place upon *G* a more expansive duty to respect *P*'s efficacious freedom than *G* might otherwise have.

Suppose we have a general duty to show respect to other human beings. Suppose, furthermore, that we display a culpable shortcoming in such respect when, all else being equal, we are *distinctively situated* to meet the crucial needs of other persons but fail to do so. In short, suppose that, as a corollary of our general duty to show respect for persons, we have a *prima facie* duty to meet the crucial needs of others when we are *distinctively situated* to do so.³¹ Suppose, furthermore, that PEF is *also* a corollary of the general duty to show respect for persons, because it shows respect to allow others the space to have a meaningful impact on the world and, all else being equal, displays a shortcoming in respect when we truncate that space.

In the world in which we live, it may sometimes prove to be the case that I am *distinctively situated* to meet someone's crucial needs but *only* by way of truncating the efficacious freedom of another. In such a case, my overarching duty to show respect to human beings may force me into a kind of tragic choice in which one *prima facie* duty conflicts with another, so that I must either fall short in one measure of respect or the other. In short, we might be able to meet one person's crucial needs only by truncating the efficacious freedom of another. Arguably, in such a case truncating freedom to meet crucial needs might prove to be our all-things-considered duty.

But if God's power to redeem human suffering is unlimited, what this means is that God has the power to bring it about that even the Holocaust victim's crucial human needs are *ultimately* met *despite* having endured the Holocaust. As such, God will never be in a situation where the truncation of efficacious freedom is the *only* way to display the relevant kind of respect for horror's prospective victims. And so the duty to display such respect will never, for God, clash with the duty to show respect for efficacious freedom so as to render the latter duty *merely* *prima facie*. The point is this: If, in the case of human agents, PEF is merely a *prima facie* duty that might be overridden by the urgent human needs that can be met only by truncating efficacious freedom, it doesn't follow that PEF is merely a *prima facie* duty *for God*. God's very omnipotence may render *absolute* a duty that, in the case of humans, is not absolute.

This is a sketch of a possibility, but the point of the sketch is to highlight a (perhaps surprising) implication of God's unique power and position in

³¹When I say that someone, say *S*, is "*distinctively situated*" to meet a need of *P*, I mean that (a) *P*'s need will not be met unless someone other than *P* takes steps to meet it, and (b) *S* is one of a select few situated to meet this need at little or no cost to themselves.

the world. God's power may entail that God does not face tragic dilemmas of a sort routinely faced by finite human beings—and because God does not face such dilemmas, God's moral obligations may prove to have a *wider* and more uncompromising scope than do ours. Because God is less limited in what He can do (in terms of power), He may be subject to more and greater moral constraints than are we. Ironically, the consequence may be that God faces tragic duties we do not face: the duty to allow horrors to be committed (perhaps suffering with the victims), and only when it is over slip in to wipe away the tears. If God's capacity to redeem and make up for human suffering is *unlimited*, it may well follow that his duty with respect to making room for efficacious freedom is far more absolute than any comparable human duty. If so, then even where *our* duty to respect efficacious freedom is only a *prima facie* duty that would be overridden when the costs of allowing misuse become too high, God's comparable duty might remain absolute. God can only weep and wait.

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