

CAN ANY DIVINE PUNISHMENT BE MORALLY JUSTIFIED?

Laurence Carlin

Abstract: A traditional and widespread belief among theists is that God administers punishment for sins and/or immoral actions. In this paper, I argue that there is good reason to believe that the infliction of any suffering on humans by God (i.e., a perfectly just being) is morally unjustified. This is important not only because it conflicts with a deeply entrenched religious belief, but also because, as I show, a number of recent argumentative strategies employed by theistic philosophers require that divine punishment be morally justifiable. I conclude, then, that the arguments put forth by these theistic philosophers do not succeed.

I. INTRODUCTION

Can any divine punishment be morally justified? Recent work in philosophical theology has shown that one form of divine punishment, that of everlasting punishment associated with traditional conceptions of hell, presents particularly perspicuous problems.¹ Since human beings live only finite life times, and so can inflict only finite harm, what could possibly justify *eternal* torment in the afterlife? Even on “an eye for an eye” principle of justice, eternal punishment at the hands of the creator seems morally unjustified. Indeed, the problem of hell (as it has come to be labeled) must stand as one of the more pressing forms of the problem of evil.

Although this point about the problem of hell is generally recognized, it seems to have gone unnoticed that there are formidable challenges when it comes to morally justifying *any* punishment at the hands of the Christian God. At least, I shall argue in this paper that there are such challenges.²

Let me be clear about the question I am asking. I shall not be concerned with the problem of hell specifically, nor with its purported solution in the doctrine of universalism (that is, the doctrine that all creatures will eventu-

ally enjoy blissful communion with God). I am also not interested, in this paper, in raising run-of-the-mill questions about whether a perfectly just being can simultaneously be perfectly merciful. Nor shall I have anything to say about notions such as forgiveness, atonement, etc., that are brought to bear on these issues. While I think these issues raise serious problems for the theist, I shall not have anything to say about them here. The question I want to address is simple, and preliminary to all of these issues: Can *any* infliction of harm—even mild and finite punishment for a morally abhorrent human being—at the hands of the Christian God be morally justified? I shall argue that there is good reason to believe that divine punishment is unjustified.

The plan of this essay is as follows. In the second section of this paper I show that on the basis of recent work in the philosophy of religion (especially work by Swinburne, Adams, MacIntyre, et. al.), a moral justification for divine punishment is *required*. This, I hope, establishes the importance of the question I am asking. In the third section, I argue that so-called “forward-looking” justifications of divine punishment (e.g., utilitarian justifications) will not provide the needed justification. In the fourth section, I argue that “backward-looking” justifications of divine punishment (e.g., retributivist justifications) are equally inadequate to the task. Together these sections also give some credibility to the claim that no “combination” justification, one incorporating both utilitarian and retributivist considerations, will do the necessary work either. Throughout, I argue that the problems for the theist raised herein are peculiar to *divine* punishment, and do not arise in the context of *legal* and *paternal* punishment. That is, I will not simply be raising typical objections launched against well known theories of punitive justification, but I will attempt to show that certain objections apply uniquely, and with force, against traditional theists, such as those theists discussed in the second section. I conclude in section five with an important distinction germane to the issue, and one that further confounds the traditional theist’s belief in divine punishment.

II. WHY MORAL JUSTIFICATION IS REQUIRED

Most of history’s celebrated philosophers of religion have advanced a retributivist theology, one according to which the divine being is *perfectly* just. Such a being treats every creature exactly as he deserves, never inflicting unmerited harm, and never treating a creature better than he deserves to be treated. Of course, this tradition holds that the divine being is also omnipotent, omniscient, and omnibenevolent (among other things), but it is primarily the moral virtue of perfect retributive justice that I will focus on (though not exclusively—other attributes will enter the picture later). The reason I shall focus primarily on the attribute of justice is that it has been drawn upon to do some serious conceptual work by theists lately, as I shall now show.

First, the idea that God would punish immoral creatures has been utilized in recent discussions in an attempt to answer the problem of divine hiddenness. Briefly, the problem of divine hiddenness, and its purported solution,

is this: if the non-believer demands an explanation for why, if there is a loving God, he remains hidden (thus contributing to the spread of disbelief), the answer, the story goes, is that he does so because it is a necessary condition for morally significant behavior, the sort of behavior that John Hick has called “soul making.”³ In particular, if God were not hidden (i.e., if he “opened up the sky” and revealed himself), agents would be coerced to act in certain outwardly moral ways; they would be confronted with a severe *threat* to act in certain ways. Many agents, it is argued, would act out of fear of punishment, or self-interest, and such acts are not morally significant—at least when it comes to character development, which requires more virtuous motives. However, if God is hidden, that fact in many ways diminishes the threat of punishment for following immoral courses of action. In that (actual) case, agents can *freely* choose among good and evil courses of action. Thus, theists argue that hiddenness is a good thing. Consider Richard Swinburne’s employment of a version of this strategy:

[T]he existence of God would be for [creatures] an item of evident common knowledge. Knowing that there was a God, men would know that their most secret thoughts and actions were known to God; and knowing that he was just, they would expect for their bad actions whatever punishment was just. . . . In such a world men would have little temptation to do wrong—it would be the mark of both prudence and reason to do what was virtuous. . . . I conclude that a world in which God gave to men verbal knowledge of the consequences of their actions would not be a world in which men had a significant choice of destiny, of what to make of themselves, and of the world.⁴

Even more vivid is Michael Murray’s recent employment of a similar strategy:

If God revealed his existence in a more perspicuous fashion we would be in a situation very much like the one in the standard robbery [at gunpoint] case, i.e., strong threat strength and strong threat imminence such that the level of wantonness of most, if not all, individuals would not significantly diminish their feeling compelled to act in accordance with the demand of the threatener. However, if God desires that there be individuals with free-will who can use it in morally significant ways, then He must decrease the threat imminence of eternal and temporal punishment and He, in fact, does so by making the existence of the threat epistemically ambiguous.⁵

The essence (though not the details) of these defenses is the same: the explanation of divine hiddenness lies in emphasizing the good of creaturely freedom. But this freedom cannot be exercised if God were to reveal himself, for in that case humans would exist under an incessant threat of punishment.

While there is a lot going on in this theistic strategy, I wish to draw attention to the fact that the success of the sort of approach embodied in the above two quoted passages hinges crucially on whether one can make sense of divine punishment. After all, if one has no reason to think that God would punish a creature, then one has no reason to feel coerced, or threatened, by the revelation of such a being. Thus, theistic strategies of this sort require for their success that there be a morally acceptable justification for divine punishment, for only then would one have reason to believe that a perfectly just and moral being would punish.

Consider next what Alasdair MacIntyre has recently argued. According to MacIntyre, in order for a divine command to be considered morally obligatory (as adherents to divine command theories of ethics believe), one must have rational grounds for believing that the issuer of the command is perfectly just:

The crucial concept that is characteristically missing from divine command theories . . . is that of just authority. . . . Power without justice may give us reasons to obey commands because we fear to do otherwise; beneficence without justice may give us reasons to obey commands either from gratitude or because we have been provided with expectations of future beneficence. So that if we know of some God . . . that he is powerful, or if we know of God that he is beneficent, we may indeed have good reason to obey the relevant set of commands, but not at all the kind of reason we need to treat obedience as obligatory.⁶

In order to regard God's commands as morally obligatory, MacIntyre argues, one must first be confident that God is just, where that implies that he "never inflict[s] unmerited harm in a way incompatible with the justice of desert, and that his only departures from the justice of desert in cases where desert is relevant to actions are actions of mercy."⁷ Thus, in order for a divine command theory of ethics to succeed, we must be confident that the issuer of the relevant commands always gives each his due. Since MacIntyre allows for acts of mercy ("departures from justice"), and acts of mercy are typically understood (in this context) as the foregoing of the infliction of suffering on someone who deserves it, it seems reasonable to suppose that MacIntyre's account implies that the infliction of suffering on sinners—i.e., punishment—is at least part of what it *is* for God to be perfectly just. The practice of inflicting just punishment by God is, therefore, a necessary condition for God's commands to be morally binding. Here too, then, we see that in order for a certain theistic program to get off the ground—in this case a theory of divine command ethics—there must be a morally acceptable justification for divine punishment. Otherwise, God's commands would not be morally binding.

Thus, we have before us two theistic strategies that require a morally acceptable justification for divine punishment. But even if I am wrong about that, it suffices to point out that it is generally believed by theists that God does in fact punish. Sometimes the claim that God punishes is not clearly part of a theistic strategy aimed at addressing some philosophical problem, but is simply asserted to be religious fact. For example, Philip Quinn writes about "the rewards and punishments meted out on the Day of Judgement."⁸ Marilyn McCord Adams, although she rejects the doctrine of hell as incompatible with God's love, nonetheless concedes that a "loving God might subject us to rehabilitative punishment, as a means to the end of developing our characters."⁹ And Swinburne in a different context claims that the totally corrupt human "certainly deserves punishment, and God has a right to punish him . . . [a]nd it is perhaps good that God should exercise that right."¹⁰ In general, unless the theist is a radical universalist, he is

most likely committed to the claim that God inflicts suffering.

The reason why justification is necessary for *any* punishment is well known: punishment is the infliction of suffering on a person, a practice which in ordinary circumstances is utterly immoral. If no moral justification for the divine infliction of suffering is to be found, the assumption of these philosophers is unwarranted. Taking our cue from MacIntyre's understanding of justice, the following seems uncontroversial:

- (1) A perfectly just being never inflicts morally unjustified harm.

It may perhaps be the case that (1) is true by definition. At any rate, taking (1) as our starting point, we may infer

- (2) If there is never moral justification for the infliction of any harm by a perfectly just being, then a perfectly just being does not ever inflict harm.

(2) follows from (1). But from (2) a very simple argument ensues. Substituting "God" for "a perfectly just being" in (2), the argument continues thus:

- (3) If there is never moral justification for the infliction of any harm by God (including punishment for sins), then God does not ever inflict harm.
 (4) There is never moral justification for the infliction of any harm by God (including punishment for sins).
 (5) Hence, God does not ever inflict any harm.

While (3) follows from (2) by substitution, (4) does not follow from any premise. Thus, (4) is to be argued for, which would, in conjunction with (3), establish (5).

It is of course difficult to *prove* a premise of the form of (4); it is a "negative" claim. One would have to run through every possible moral justification and show that it does not work when it comes to the case of divine punishment. Since we could never be sure that we have considered every conceivable moral justification, (4) cannot be proved, and so (5) cannot be established either. Instead, I shall argue that *there is good reason to believe* (4), and thus good reason to believe (5). That is, in the remainder of this paper, I shall argue for (4*) and (5*):

- (4*) There is good reason to believe that there is never moral justification for the infliction of any harm by God (including punishment for sins).
 (5*) Hence, there is good reason to believe that God does not ever inflict any harm.

The importance of this simple argument should be clear: if this argument succeeds, and (4*) can be established, that would suffice to establish (5*), which, as we now know, would not just cast some doubt on a number of theistic strategies, but would cast some doubt on the coherence of a central theistic claim.

Finally, it is important to realize that I am *not* arguing for certain other claims different from (4*). According to (4*), there is good reason to believe that divine punishment is unjustified. But even if (4*) is correct, it does *not* follow that

(RB) It is reasonable to believe that there is never moral justification for the infliction of any harm by God.

After all, (4*) might be true, and yet there might be reasons that make (RB) nonetheless false. Perhaps considerations stemming from the rationality of belief in the Bible, for example, provide defeaters that make (RB) false even if (4*) is true. Thus, it also does not follow from (4*) that one *should* believe that God does not punish, nor that one should believe that there is never moral justification for divine punishment. Although I suspect that (RB) is true and I know of no convincing defeaters of (4*), all that is here being claimed is that there is good reason stemming from considerations about theories of punishment—even if these considerations are not *decisive*—to believe that divine punishment is morally unjustified. The argument for (4*) begins by considering so-called “forward looking” theories of punitive justification, to which we now turn.

III. FORWARD-LOOKING JUSTIFICATIONS

The dominant form of forward-looking justification is consequentialist in nature. According to this approach, the justification for the infliction of punishment lies in the good consequences it promotes. (Hence, such a theory is “forward-looking,” for it looks “forward” to future consequences to locate punitive justification.) Philosophers disagree with respect to which good effects punishment is said to produce. I consider some of the main contenders in this section.

The most popular utilitarian theory of punitive justification is *deterrence*. According to the theory of deterrence, preventing future transgressions is a good thing, and punishment has the effect of deterring future transgressions (either by the offender or by others). Since these consequences of punishing are good, punishment is morally justified by the greater good of its deterrent effects.

It seems clear that justification for divine punishment cannot successfully appeal to a deterrence theory. Theists typically believe that punishment will be administered after one’s earthly life is completed. It follows that punishment in this “afterlife” could not deter the offender, nor others, from committing moral crimes in one’s earthly life. Of course, one might claim that punishment on the “Day of Judgment” is justified by its deterring future transgressions in the afterlife. But short of some knowledge of the causal relations between punishment and its effects in the afterlife—note that we need not assume, theists will remind us, that the familiar laws of nature obtain in such a place—such a claim is thoroughly unwarranted. Deterrence theory, then, cannot plausibly provide the needed moral justification.¹¹

One might respond thus: the threat in this life of punishment in the afterlife deters people from moral transgressions in this life, and so, punishment is justified by its deterrent effects. But notice this deterrent effect will serve to justify only the *threat*, and not the actual infliction of suffering in the afterlife. Of course, one might respond that God would be a deceiver if he did not follow through on his threats. But notice that if God punishes *because he would otherwise be a deceiver*, then we are no longer appealing to deterrence, or indeed to any forward-looking considerations. Rather, the justification for divine punishment would be retrospective; it would appeal to the fact that a threat had been issued, and ignored, and now consistent divine honesty requires punishment. I address the potential for such retributivist justifications in the next section.

And here we find the first instance of an objection to divine punitive justification that does not apply to legal punitive justification. Although many agree that deterrence theory is not without its faults, the objection launched above does not apply to it in the case of legal punishment, for there is at least some reason to believe that legal punishment will deter criminals in that one can see *how* it might do so. The same cannot be said for divine punishment.

An initially more promising utilitarian approach to divine punitive justification might point to *rehabilitation* theory, or punishment's alleged rehabilitative effects. The idea here is that punishment rehabilitates the offender on whom it is inflicted. Punishment has the effect of changing a person's character by getting him to adopt the right values, to see that his behavior is wrong, which in turn would have the effect of his refraining from similar transgressions. Although the effects on his behavior may be the same as if he was merely deterred, the justification is different than that provided by deterrence theory. Under the present proposal, what justifies punishing an offender is the good effect it has on his character, his moral outlook. This is not the justification involved in deterrence theory, which justifies punishment simply by appealing to the fact (if it is a fact) *that* it deters. Whether it does so because it changes people's moral outlook, or because it invokes fear, or whatever, is irrelevant to the deterrence theory's moral justification of punishment.

Can rehabilitation theory provide a moral justification for divine punishment (as Adams maintains)? I think not. The clearest way of seeing this is by considering rehabilitation theory in the context of legal punishment. Let us suppose for the sake of argument (what is surely not the case) that punishment always succeeds in rehabilitating offenders. Granting this, we might, with at least some plausibility, claim that this morally justifies legal punishment. Whatever the merits of this claim, however, it seems that the same cannot be said for divine punishment. Theists typically assert that the Christian God, aside from being perfectly just, is also omnipotent, omniscient, and perfectly benevolent. This surely suggests that God has at his disposal more effective, and less painful means for achieving the goal of rehabilitation. He might, for example, simply decree an instantaneous character change in the offender, or perhaps limit their temptations to do evil. Moreover, all of this could happen instantaneously, and it thus seems

morally preferable to the gradual transformation which, by hypothesis, accompanies punishment. But if this is correct—any theist will maintain it is—it implies that punishment at the hands of God for purposes of rehabilitation is morally unjustified, for the same goal at which punishment is aimed can be achieved via more felicitous means.

To this last argument there will undoubtedly be objections. One might claim for example, that an instantaneous character change at the hands of God is incompatible with human freedom. The idea here is that if God were, by fiat, to change a person's character in such a way that she always made morally acceptable choices, those choices would be completely determined by God, and would not issue from the creature herself. And there are compelling reasons to believe that God would want our actions to be freely chosen, where that is understood as issuing from oneself in such a way that no other person or thing is a sufficient cause of those choices. Theists often tell us that God desires to be in a loving relationship with us, one that involves voluntary give and take. But this sort of relationship is impossible if God wills a complete character transformation in a person. Adams likens it to creating a robot, which, when the appropriate buttons are pushed, begins to tell its creator, "What a wonderful person you are; I really love you," etc.¹² Such "admiration" really has no value precisely because of the way it is produced, and can in no way be part of a genuinely loving relationship. Only when such comments are voluntarily and freely offered from a creature can there exist the sort of loving relationship that is so desired by the Christian God. Hence, according to this objection, it is impossible for God, on the one hand, to will a creature's complete character transformation, and on the other, to engage in a mutually voluntary loving relationship with that creature.

The first thing to note about this response is that it inherits all the problems associated with libertarian conceptions of free will; it presupposes what many a compatibilist will not concede, viz., that a creature's choices are not free and voluntary if there is a sufficient cause of them. It also requires that we make good sense of the idea of libertarian free will, one according to which free choices are such that they are not caused, directly or indirectly, by anything other than the choosing agent. Obviously, a detailed analysis of that issue is a book-length project. Instead of writing a book, let us grant this theistic response most of its central claims. Let us grant that God's willing a complete character transformation in a creature is incompatible with that creature's free will. Does it now follow that divine punishment is morally justified?

It does not follow if there are means other than the infliction of punishment to achieving the relevant goal. The goal here is the creature's coming to enjoy, voluntarily, morally upstanding character traits of the sort that would lead to freely chosen loving relationships. And it seems to me there are more felicitous means than punishment to the achievement of that goal. God could, for example, will only a *partial* character change in the creature, perhaps in a way that the creature would *most likely* choose the morally praiseworthy option.¹³ Perhaps God could also place the creature in an envi-

ronment that is extremely conducive to morally positive character changes, even in the face of immoral temptations. In such an environment, it might be the case that moral actions carry with them a pleasure that cannot be had by the transient pleasures of immorality. Both of these scenarios would still grant the creature a significant range of options over which to exercise her free will, a significant choice of whether to engage in loving relationships.

It might be objected that such scenarios, even though they offer some opportunity for free will, nonetheless limit free will in that the creature is being caused to act in a way that she might not otherwise prefer. In other words, it might be replied that such activity by God—partial character changes and morally conducive environments—would be *coercive*. But the reply to this objection is simple: the alternative, inflicting punitive suffering, is itself even more coercive, and surely the less appealing form of coercion here. The infliction of suffering at the hands of an omnipotent being is surely enough to cause one to act otherwise; it is surely enough to coerce. Hence, the issue comes down to this: given that God wishes to preserve free will, and given that he also desires to engage in a voluntary loving relationship with a creature, and given that he will take action to satisfy that desire, God has two choices. He can either inflict punitive suffering, or He can actualize circumstances (character and environmental changes) which would make it likely that a creature would choose morally praiseworthy courses of action that lead to positive character changes. The latter clearly involves more value and less suffering for all involved. Hence, the latter is preferable, and so divine punishment, under the rubric of rehabilitation, is morally unjustified.

Notice again that the difficulty here does not arise for the legal rehabilitation theorist, for humans simply do not have the alternatives to punishment that the Christian God has. A human cannot, for example, will sudden character changes, or create the sort of morally conducive environments that God can. Legal rehabilitative punishment, if it is unjustified, is so for different reasons.

Finally, there is another forward-looking model of punitive justification worth considering. It is clear that according to theistic tradition, God bears a parental relationship to creatures. Perhaps, then, the justification for divine punishment is similar to that which justifies parents punishing their children (i.e., a *paternalistic* theory of punishment). In one respect, however, this cannot be the case. The parent's justification for punishing the child has to do with helping the child become a morally autonomous and responsible human being. At least part of the justification for the parent's inflicting punishment is to teach the child right from wrong, to teach the child that some offences are more serious than others and that punishment will reflect that fact. Other considerations may be adduced here. The point is that the justification for punishment that parents inflict on their children seems vastly different from the justification for punishment inflicted on fully mature adults. We do not, for example, generally punish adults with the aim of teaching them right from wrong and the various degrees of seriousness of

offences. The adult offender, if he is fully sane, typically knows right from wrong even prior to committing the offence. So in one respect the parent-child justification model cannot be analogous to that of divine punitive justification (if there is such a thing), for the child acts with a certain degree of ignorance that renders it blameless; the adult acts voluntarily, with knowledge that his acts are wrong, and is morally responsible. Punishment of the adult offender allegedly justified by the aim of teaching right from wrong sounds more like a poor excuse for revenge than a legitimate moral justification for retribution.

Even if one should claim that paternalistic justification—that which takes into consideration the education of the offender for her own good—is morally sound in the case of legal punishment, my arguments above suggest that it would be unjustified in the case of divine punishment. This is because an omnipotent being could simply will the needed moral education via instantaneous (complete or partial) character change. There is, however, more to be said for a paternalistic theory of punishment. Herbert Morris has argued for a paternalistic theory of punishment, one whose “principal justification for punishment and a principal justification for restrictions upon it are that the system furthers the good of potential and actual wrongdoers.”¹⁴ The theory differs from rehabilitation theories by addressing the specific moral goods promoted by punishment, specifically those that are in the offender’s interest. It rules out certain kinds of punishments not ruled out by rehabilitation theories. “[U]nacceptable to this theory would be any response that sought the good of a wrongdoer in a manner that bypassed the human capacity for reflection, understanding, and revision of attitude that may result from such efforts.”¹⁵ Any sort of dramatic character change, then, would be ruled out on this theory, for there is value, according to Morris, in the offender’s *gradual* realization, accompanied by gradual suffering, of the significance of his wrongful conduct; it helps to establish his moral identity as a person.

Again, while there is perhaps something to be said for this theory at the earthly level, I cannot see that it will do the necessary work for divine punitive justification. It seems reasonable to suppose that if there were such a thing as divine punishment at the hands of a Christian God, it would be paternalistic in the sense that it is done for the good of the offending creature. But there is a simple argument for the conclusion that the sort of punishment envisioned by Morris at the earthly level will not work at the divine level. Consider: either an offender’s gradual suffering (e.g., periods of intense sorrow, shame, etc.) is *intrinsically* valuable (i.e., valuable independently of any consequences it may produce), or it is not intrinsically valuable. It is surely difficult to see how it could be intrinsically valuable from the perspective of the Christian God (insofar as such a perspective is available). To maintain such a view, one would have to admit that an omnibenevolent being finds intrinsic value in the gradual torment of one of his creatures. But even if such a creature committed a heinous moral crime, it is difficult to see what intrinsic value God would find in his gradual torment.

(Nevertheless, I shall further consider the claim that suffering of the guilty is of intrinsic value in the next section.) Thus, if there is value attached to the gradual torment of a creature, it is surely more plausible to regard it as stemming from the beneficial consequences which may result from such torment. In the scenario we are considering, the beneficial consequences involve the promotion of the moral character of the offender. Thus, divine punishment justified paternalistically must have as its justifying ground the consequence of good character development in the punished.

But in order to maintain this justification the theist will have to maintain that it is logically impossible to promote the moral character of the offender in any way other than gradual torment. If it is logically possible to further the good of the wrongdoer (to provide for the “understanding and revision of attitude”) in ways other than suffering, God would not be justified in inflicting suffering. I have been arguing that there *are* ways for God to obtain the good of the offender in ways other than infliction of suffering. Again, God could will gradual partial character changes in such a way that the creature eventually forgives himself, appreciates his past wrongdoing, makes better choices in the future, etc. None of this, I have argued, is obviously inconsistent with the creature’s free will. I conclude, then, that while the paternalistic theory may be plausible in the context of legal punishment—because there very well may be no way other than gradual torment for finite humans to achieve the paternalistic goal—it is not a plausible theory of justification in the context of divine punishment.

There is, it seems, a lesson to be learned from consideration of forward-looking justifications. All such justifications draw our attention to some beneficial consequences of punishment. But in the hands of an omnipotent being, either no sense can be made of the idea that suffering does in fact have those consequences in the afterlife, or those same good consequences can be attained by more efficient, and less painful means than the infliction of suffering. In either case, the claim that divine punishment is morally justified is unwarranted.

IV. BACKWARD-LOOKING JUSTIFICATIONS

Many theists have endorsed a retributivist theology according to which punishment is justified by the offender’s moral desert, and not with an eye to some future consequences. Retributivism has been variously characterized: it is the view that moral desert is a necessary and sufficient condition for just punishment; punishment is justified in that it serves the cause of justice by balancing the scales of justice; it is justified because it is “intrinsically fitting” that moral transgressions are punished. Despite the various characterizations, one can see the general tone of the retributivist: punishment is justified by looking “backward” to the relevant actions of the offender. Any good consequences which result from punishing offenders are, as it were, icing on the cake, but not part of the moral justification.

There are, broadly speaking, two types of retributivism.¹⁶ Let us call the

view that punishment of a person is justified solely by what she has done *non-comparative retributivism*. Let us call the view that punishment is justified through a consideration of the offender's actions in comparison with the interests of others *comparative retributivism*. Further differences between these two types of retributivism should become clear in what follows. I consider each of these types of punitive justification to see if they lend moral support to the idea of divine punishment.

(a) *Non-Comparative Retributivism*. The central claim of this approach is that those who commit moral crimes *deserve* to suffer proportionately, and *that* is what justifies punishment. In other words, the claim that wrongdoers deserve to suffer is, on this version of retributivism, a basic self-evident moral claim.

While at first glance, it may seem as though this claim is self-evident, and that this strategy will work for the theist, there are considerations which may easily change one's mind. First, notice that even if one accepts the idea that *wrongdoers deserve to suffer* is self-evident, there is still further argument needed for the claim that *God* is the one justified in inflicting the suffering. I shall have more to say about this crucial point in the next section.

Second, and more importantly, even if this challenge can be met, there is good reason to believe, as many philosophers these days will agree, that the relevant claim is *not* self-evident. Given that the infliction of suffering is, in ordinary circumstances, a bad thing, we are surely entitled to ask why it is that when person X inflicts suffering on person Y in ordinary circumstances, person X should suffer at the hands of God. In other words, why is it that the second instance of inflicted suffering would be morally acceptable, while the first is morally unacceptable? If the claim "wrongdoers deserve to suffer" is self-evident, then this question does not warrant an answer, or at least the answer is self-evident. But surely it *does* seem to warrant an answer, and the framing of the question makes it seem as though the answer is *not* self-evident, *for both instances involve suffering*.¹⁷

In response to this challenge, Lawrence Davis has defended:

(R) There is some intrinsic value in the suffering of the guilty.¹⁸

The idea here is that (R) may provide the needed justification for the infliction of punishment on the guilty. Suffering of the guilty has an intrinsic value that suffering of the innocent lacks. But whatever the merits of (R), it seems that the theist who seeks to ground divine punitive justification in (R) will run into difficulties, and these difficulties arise when we consider other attributes of the Christian God. First, it is difficult to understand that a loving being—a being, we are told, who loves unconditionally—would punish on the grounds that he derives or creates some kind of value from the inflicted suffering. On an ordinary understanding of what it is to love someone, inflicting suffering on a person one loves *solely* on the grounds that there is intrinsic value to it (and not on the grounds of any benefit that might be a consequence of it) would not seem to be something a loving being would do. The parent who punishes his child because there is "intrin-

sic value” to it, and not because it would teach the child a lesson (or whatever), seems not so loving, but deranged.

Second, Davis himself provides reasons why one who accepted (R) would not necessarily be justified in inflicting punishment:

[One’s] other beliefs might easily be such that this reason [i.e. (R)] is *always outweighed* by other considerations, at least in all cases normally encountered. At an extreme, he might believe that there is always great value in showing mercy, or that there is great *disvalue* in *voluntarily causing* suffering to a sentient being, guilty or innocent.¹⁹

But the Christian God, we are told, has all of these “other beliefs,” or at least beliefs very much like them, and we know many humans who endorse legal punishment do not. Thus, the difficulties here are peculiar to divine punishment. Moreover, the Christian God must also know that, since punishment occurs in the afterlife, the intrinsic value allegedly attached to it would not be appreciated by earthly denizens. Once again, divine punishment finds no clear justifying ground, for the claim that the wrongdoer deserves to suffer cannot be morally justified solely by appeal to what she has done, nor by appeal to any value intrinsic to such suffering. It is simply not clear that God would be justified.²⁰

Of course, it does not follow from any of this that a God who ignored all sin would be just or loving. Perhaps God should, or would, address moral crimes in a way that does not involve inflicting suffering. But it is not part of my aim here to describe what the Christian God would do with a morally abhorrent creature. Rather, my purpose, again, is simply to point out that there may be problems justifying the infliction of suffering on those creatures.

(b) *Comparative Retributivism*. This type of retributivism is more widely endorsed nowadays than non-comparative retributivism. It is frequently regarded as having originated with Herbert Morris, and in any event the view is clearly articulated in his celebrated “Persons and Punishment.”²¹ According to the latter, societal laws confer benefits on all persons in that society. A major benefit is the obtaining of a “sphere” of non-interference from others (i.e., protection from theft, murder, etc.). But this mutual benefit is only possible if each person assumes a burden of self-restraint; if each, that is, refrains from indulging inclinations that would, if satisfied, interfere with others. Here we have, then, a *fair* system of benefits and burdens. Punishment enters the picture thus:

A person who violates the rules has something others have—the benefits of the system—but by renouncing what others have assumed, the burdens of self-restraint, he has acquired an unfair advantage. Matters are not even until this advantage is in some way erased. Another way of putting it is that he owes something to others, for he has something that does not rightfully belong to him. Justice—that is punishing such individuals—restores the equilibrium of benefits and burdens by taking from the individual what he owes, that is, exacting the debt.²²

Morris argues that punishment is justified by principles of *fairness*: it restores a fair equilibrium of benefits and burdens by removing an advan-

tage that the offender has, but others lack.

Although Morris's account deals exclusively with the legal realm, we might wonder whether a similar "burdens and benefits" account can form the basis of divine punitive justification. We might, for example, view the moral offender as taking an unfair advantage in a system of morality. Thus, one can deserve punishment by unfairly refraining from moral restraint, unfairly engaging in conduct from which one gains an extra measure of freedom from restraint.²³ The offender receives the benefits of the system of morality—no person, let's say, infringes upon the offender's sphere of non-interference—but fails, unlike others, to exercise moral self-restraint when it comes to infringing on others' sphere of non-interference. Thus, divine punishment, one might argue, is justified on the grounds that it restores moral equilibrium: God punishes the offender in order to remove an unfair advantage taken by that offender. And fair distributions are something one ought to promote.

There are many versions of this type of retributivism, each with its own details. We need not consider the many variants, however. Any account of punitive justification rooted in a "burdens and benefits" theory will encounter peculiar difficulties when it comes to divine punitive justification. There is an important difference between the punishment envisioned by a Morris-like theory, and divine punishment envisioned by the theist. The difference is that the latter sort of punishment is to take place after one's earthly life—and this makes *all* the difference for our purposes.

Suppose Jones has committed moral crimes during his earthly existence. Would God's punishing Jones restore fairness in the moral community? It is difficult to see how. Rather, it appears Jones has left the earthly moral community, the very community to which fairness is to be restored. If Jones acts horribly toward Smith, and Jones subsequently dies, how could it be any fairer to Smith that God punish Jones? Indeed, advantages and disadvantages with respect to spheres of moral non-interference are irrelevant in such a scenario. To say that the divine punishment of Jones could restore fairness in the moral community sounds akin to saying that calling a foul on a basketball player the day after the relevant game restores fairness to the game.²⁴

The problem here is that there is no good sense attached to the claim that Jones, upon his death, is still a member of the moral community. I do not claim to know the necessary and sufficient conditions for two persons to be members of the same moral community. Despite this, one thing seems clear: upon Jones' death, Smith has no conceivable way of acting (consistent with laws of nature) either morally or immorally toward Jones, nor Jones toward Smith. But it seems reasonable to suppose that if there is no conceivable way in which two persons could act in morally significant ways toward one another, there is no clear way of seeing that they are members of the same moral community. If this is so, then there is no way of seeing how divine punishment in an afterlife could restore fairness and equilibrium in the moral community. And so it follows that such divine punishment would be morally unjustified according to comparative retributivism.

Nevertheless, let us suppose for the sake of argument that Jones and Smith are co-members of the same moral community despite that Jones has died.²⁵ According to the theistic comparative retributivist, divine punishment of Jones is then justified on the grounds that it restores fairness and equilibrium to the moral community. But what does it mean to say that punishment restores *fairness* and *equilibrium* in this scenario? It seems this can only mean that upon divine punishment of Jones, both persons have now received an *equal* amount of suffering, and it is this fact that makes things *fair*. But this alleged justification of divine punishment fails. Clearly, if the goal here is fairness and equilibrium, God could accomplish this goal *without* inflicting suffering on Jones. God could, for example, give Smith extra benefits (say, more happiness, knowledge, or whatever) upon his death in order to make up for the damage done to Smith during his earthly life, or in order to “match” the benefits Jones received from his own moral transgressions against Smith. And given that this option is available to God, punishment of Jones is not morally justified.

Furthermore, it should be noted that there are conceptual difficulties involved in this type of strategy. It seems to entail that God (an all-loving being), for the sake of fairness, would prefer two occurrences of harm (one which Jones originally inflicted on Smith, and one which God inflicts on Jones) over merely one occurrence (the original one which Jones inflicted on Smith). It is not obvious that a perfectly good-natured being would prefer this, for fairness is but one of many values and an all-loving being might not aim to maximize it at the cost of multiplying suffering. Finally, it is not at all obvious that punishing Jones *does* restore fairness, for it is still wrong, bad, and *unfair* that Smith was violated. It is difficult to see that punishing Jones changes that fact at all. In this connection, it seems that the option of giving future benefits to Smith fares better with respect to restoration of fairness, for unlike the punishment of Jones, the latter *directly gives to Smith* extra goods.

Finally, notice that these problems with theistic comparative retributivism do not arise for legal comparative retributivism. Aside from the fact that the enforcers of legal punishment are not all-loving, it may be practically impossible to confer benefits on all victims of legal crimes. If that is so, then legal retributive justification is not unjustified in the way that divine punishment is, for God does have other, less harmful options when it comes to restoring fairness.

V. CONCLUSION

In the previous two sections, I have argued that neither forward-looking considerations nor backward-looking considerations seem to justify the Christian God in inflicting suffering on human creatures. In concluding, I would like to point out that the difficulties for the theist may be even graver than I have hitherto suggested. Consider the fact that the existence of *justifiable grounds for punishment* is one thing, but that *being the one justified in inflicting punishment* is something more. Thus far, I have only dealt with the

former. But it is good to make this distinction no matter whether we are considering forward or backward looking justifications. As mentioned earlier, even if we grant that a given account provides a plausible explanation of why an immoral person deserves punishment, there is still additional argument needed for the claim that *God* is the one justified in inflicting it. We don't normally think that just anyone has the right to inflict punishment on someone who deserves it. We don't think, for example, that President Bush has a right—a moral or legal right—to inflict punishment on one who breaks the law in Australia. Similarly, we don't normally think that if a child is acting wrongly, and I am not the parent of that child, that I have the right to punish him. Is there anything to prohibit us from thinking that *God's* punishing a creature would be akin to Bush's punishing an Australian citizen, or akin to my punishing your child? If there is not, then divine punishment is morally unjustified.

I raise this question primarily for the purpose of presenting it as a challenge, for I haven't the space to explore many potential answers here, and even if this challenge could be met, the original burden of finding justifying grounds for punishment would still need discharging. However, the burden of the challenge should be clear: most plausible theories about what justifies a coercive institution in the practice of punishment involve a consent, tacit or otherwise, on the part of the governed to be punished for certain violations. But it is not at all obvious that such an agreement exists between *God* and the non-believer—and yet, it is the non-believer who, we are told, is most susceptible to punishment. What, then, makes it the case that *God* is the one justified in inflicting (deserved or undeserved) suffering?²⁶

One might ask the very simple question: Doesn't *God* have the right to punish us simply because he created us? The idea here is that he can do whatever he wishes to us, just as I can do whatever I wish to do to things that I create.

Although one occasionally hears this sort of thing from theists, it is clearly implausible. We can do whatever we wish to things we create because the things that we create are not members of the moral community. When I create a table, and then decide to smash it, I have not done anything immoral. But now suppose that I could create, *ex nihilo*, actual human beings that are rational, autonomous members of the moral community. Am I justified, simply because I created them, in doing whatever I wish to them, including torture, annihilation, etc? The answer, clearly, is that I am not. So much for this attempted justification. The question, then, presents itself again: What makes it the case that *God* is the one justified in inflicting (deserved or undeserved) suffering? Again, I don't propose to answer that question here.

Nothing I have said in this paper implies that people do not deserve punishment during or after their death, nor that there are no authorities morally justified in inflicting that punishment. Most importantly, nothing I have said implies that there is no such thing as divine punishment, nor that such punishment is, or would be, morally unjustified. And so, I am also not arguing for universalism, the doctrine that *God* will eventually reconcile all people to

himself. My aim in this paper was to show that there are severe enough challenges associated with divine punishment to warrant the claim that

- (4*) There is good reason to believe that there is never moral justification for the infliction of any harm by God (including punishment for sins).

The “good reason” is the fact that many of our best theories of punitive justification do not seem to support divine punishment. And if (4*) is correct, then many recent claims and strategies put forth by theists may require further bolstering, or even complete reevaluation.²⁷

University of Wisconsin–Oshkosh

NOTES

1. See Marilyn McCord Adams, “Divine Justice, Divine Love, and the Life to Come,” *Crux* 13 (1977), 12–28; “Hell and the God of Justice,” *Religious Studies* 11 (1975): 433–47; and “The Problem of Hell: A Problem of Evil for Christians,” in *Reasoned Faith*, Eleonore Stump, ed., (Ithaca: Cornell University Press, 1993); Thomas Talbott, “The Doctrine of Everlasting Punishment,” *Faith and Philosophy* 7 (1990): 19–42; “Punishment, Forgiveness, and Divine Justice,” *Religious Studies* 29 (1993), 151–168. Talbott and Adams argue that the problem of hell is essentially unsolvable and recommend that the theist embrace universalism—the doctrine that God will eventually reconcile all persons to himself. Jonathan Kvanvig, in his *The Problem of Hell* (New York: Oxford University Press, 1993) takes a more optimistic view of the problem, ultimately embracing the idea that consignment to hell results from a human’s choice. For other arguments against universalism, and/or in defense of the traditional doctrine of hell, see Michael Murray’s “Three Versions of Universalism,” *Faith and Philosophy* 16 (1999): 55–68; and “Heaven and Hell,” in *Reason for the Hope Within*, Michael Murray, ed., (Grand Rapids: Wm. B. Eerdmans, 1998): 287–317; Stephen Davis, “Universalism, Hell, and the Fate of the Ignorant,” *Modern Theology* 6 (1990): 173–186; Richard Swinburne, “A Theodicy of Heaven and Hell,” in *The Existence and Nature of God* (Notre Dame, Ind.: Notre Dame University Press, 1983): 37–54; William Lane Craig, “‘No Other Name’: A Middle Knowledge Perspective on the Exclusivity of Salvation Through Christ,” *Faith and Philosophy* 6 (1989): 297–308.

2. And so, I shall bypass the issue of whether or not the Christian God even exists. My argument is best understood as taking the form of a conditional: *even if* such a being were to exist, there are formidable challenges facing traditional beliefs about this being, viz., beliefs about divine punishment.

3. See John Hick’s *Evil and the God of Love* (New York: Harper & Row, 1977), 318–36.

4. Richard Swinburne, *The Existence of God* (New York: Oxford University Press, 1991), 211f. See also his “Knowledge from Experience, and the Problem of Evil” in *The Rationality of Religious Belief*, William Abraham and Steven Holtzer, eds. (New York: Oxford University Press, 1987): 141–167.

5. Michael Murray, “Coercion and the Hiddenness of God,” *American Philosophical Quarterly* 30 (1993), 27–38. See also his “Deus Absconditus,” in *The Hiddenness of God*, Daniel Howard-Snyder and Paul Moser, eds. (Cambridge University Press, 2001).

6. Alasdair MacIntyre, “Which God Ought We to Obey and Why?” *Faith and Philosophy* 3 (1986): 364.

7. *Ibid.*, 360. Robert Adams adopts MacIntyre’s strategy here in his *Finite and*

Infinite Goods: A Framework for Ethics (New York: Oxford University Press, 1999), 254.

8. Philip L. Quinn, *Divine Commands and Moral Requirements* (Oxford: Oxford University Press, 1978), 147.

9. "Divine Justice, Divine Love, and the Life to Come," 21. I discuss Adams' suggestion in this passage in the next section.

10. Richard Swinburne, *Responsibility and Atonement* (New York: Oxford University Press, 1989), 181.

11. As Quinn notes, "the torments of Hell, or the milder discomforts of Purgatory, are not believed by theists to deter the denizens of those regions from future transgressions." (*Divine Commands and Moral Requirements*, 147.)

12. "Divine Justice, Divine Love, and the Life to Come," 23f.

13. Consider this objection: God's willing a character change in a creature would constitute a change in that creature's personal identity, such that if one knew ahead of time that such a transformation would take place, there would seem no reason to prefer it over death or annihilation, for that person after God wills the change is not the *same* creature. This objection is not particularly forceful in this context (pace "Divine Justice, Divine Love, and the Life to Come," 25). The change could be gradual, and partial, and the creature could retain memories of his former self. Even if one knew ahead of time that such a transformation would take place, there still seems no reason not to prefer it over death or annihilation. It seems to me the burden is on the objector, for consciousness, person stages, memories—all the things that philosophers claim are the ingredients of personal identity—are intact here.

14. "A Paternalistic Theory of Punishment," *American Philosophical Quarterly* 18 (1981): 263–71. The quotation is from 264.

15. *Ibid*, 265.

16. I am loosely following a distinction made by C. L. Ten, *Crime, Guilt, and Punishment* (Oxford: Oxford University Press, 1989), 47, and Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press, 1970), 217. More specific distinctions between versions of retributivism are discussed in John Cottingham's "Varieties of Retribution," *The Philosophical Quarterly* 29 (1979): 238–46.

17. Also, if it were self-evident, it should be self-evidently false that lack of suffering is better than suffering for a guilty person. But this, it seems, is not self-evidently false.

18. Lawrence Davis, "They Deserve to Suffer," *Analysis* 32 (1972): 136–140. Notice this claim cannot be true *tout court*. It is difficult to see any value, for example, in the excessive torture of one who is guilty of telling a "little white lie."

19. *Ibid*, 138.

20. In the last section, I promised to say something about the following line: God is justified in punishing because he has issued a threat (via inspired writings, for example), the threat was ignored, and consistent divine honesty requires that he follow through on that threat. But clearly, he ought to follow through on it *only if* this consideration overrides the disvalue of inflicting suffering. It is difficult to see that God's desire that he follow through on (an ambiguous) threat should outweigh any considerations about inflicting harm on his creatures, especially when divine love is brought into the picture.

21. Herbert Morris, "Persons and Punishment," *The Monist* 52 (1968): 476–79.

22. *Ibid*, 477.

23. In *Desert* (Princeton: Princeton University Press, 1987), George Sher cleverly articulates how a "burdens and benefits" account can be "pre-institutional." That is, it can serve as the basis of an account of how someone can deserve punishment independently of any legal codes. See *Desert*, chap. 5.

24. Thomas Talbott argues for the related point that divine retribution cannot be intrinsically fitting precisely because it cannot "make up for," or "cancel out," the previous misdeed, and so cannot restore fairness. See his "Punishment, Forgiveness, and Divine Justice," 160f.

25. The theist may maintain, after all, that a moral community should be defined in terms of *all* humans, whether they exist in the universe or in some supernatural realm. Or indeed the theist may plausibly maintain that Jones and Smith are timelessly members of the same moral community given that there once was moral interaction between them. My thanks to Quentin Smith for pointing this out.

26. Richard Hudelson has suggested to me that God derives the moral right to punish through his omniscience. That is, any rational person would want an omniscient being to be the judge for the reason that such a judge would never go wrong, i.e., would be in a position to judge and punish infallibly. And since this is the case, God is morally justified in assuming the role of punisher. While I think this line holds some promise, it seems to me to require more work. For example, it clearly presupposes that a perfectly rational being may inflict its will on a less than perfectly rational being, even when the latter does not consent to being judged by the perfectly rational being. The idea that superior intelligence somehow gives rise to the moral right to inflict suffering is one that needs unpacking (or so it seems to me).

27. I wish to thank Milton Goldinger, Marshall Missner, Michael Murray, and Quentin Smith for helpful comments on earlier drafts of this essay.