

Is the Problem of Evil a Deontological Problem?

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Over the centuries, the problem of evil has splintered into an extensive family of arguments that vary in kind, strength, and influence, but all versions of the problem maintain that there is some kind of tension between facts about evil on the one hand, and the thesis that there exists an omnipotent, omniscient, perfectly good being (God) on the other hand. A working assumption of the contemporary literature is that there are two ways for God to be justified in permitting a particular evil, *E*. Either:

- (i) Permitting *E* (or some other evil equally bad or worse) is necessary to achieve an outweighing good; or
- (ii) Permitting *E* is necessary to prevent another evil equally bad or worse.

While a number of authors, such as van Inwagen (2007) and Swinburne (1998), add certain qualifications, something closely approximating this

picture is ubiquitous in the literature. Rowe (1979) sets up his influential inductive argument from evil this way, and the subsequent discussion has largely followed his lead. Reitan (2000 and 2014) observes that this way of framing the discussion is very consequentialist in flavor, and he argues that the project of theodicy would benefit from a more deontological turn. As it turns out, Reitan may be right for a deeper reason than he himself suggests. For, in what follows, I argue that the problem of evil may be a fundamentally deontological problem.

The road to this conclusion begins with a version of the problem of evil that has been drawing increased attention in the recent literature: the so-called ‘commonsense problem of evil.’¹ Though anticipated by others (Draper 1991, Gellman 1992 and 2013, Plantinga 2000: 481 and following), much recent discussion of this problem can be traced back to Dougherty 2008, where the core idea is this: experiences of especially poignant evils (call them ‘horrors’²) provide non-inferential evidence against theism, given a suitable ‘commonsense’ epistemological framework. The experiences in question have certain representational content, e.g., a proposition like ‘This evil is unjustifiable,’ and, assuming a commonsense epistemology such as phenomenal conservatism,³ on which its seeming to be the case that p provides some justification for believing that p , these experiences or ‘seemings’ confer non-inferential support to the proposition that the evil in question is, in fact, unjustifiable. Although the support is defeasible, it is arguably very strong—maybe even ‘overwhelming’ in some cases (Dougherty 2008:175). For ease of reference, let’s call these horror-triggered experiences *E-seemings*.

Though current discussion has focused on the non-inferential nature of the support that *E-seemings* afford crucial premisses in arguments from evil (Coffman 2014, Dougherty 2011 and 2014a, Matheson 2011 and 2014,

¹ The term was coined by Dougherty (2008).

² A term that originates with Adams (1990) and (1999).

³ For a recent, helpful review of the literature on phenomenal conservatism, see Moretti (2015).

Tucker 2014 and Tweedt 2015), their modal content deserves attention too. According to Dougherty, the evils in question do not merely seem unjustified. Rather, they seem unjustifiable, or perhaps ‘intrinsically impermissible’⁴:

...[I]t is not just that there are some evils such that it is not the case that any suggested justification seems viable. Rather, what many people claim to experience is that it seems to them that it is not the case that, possibly, there is a justification for this evil. It is a distinctively *modal* intuition. (2008: 174)

On a straightforward reading, Dougherty’s claim here is that some evils strike people as not possibly justified. But it turns out that this account of the content of E-seemings has a startling consequence, namely, that E-seemings are almost certainly systematically misleading. This is because it is almost certainly false that the horrors in the actual world are not possibly justified.

To see this, consider symmetric moral dilemmas.⁵ These are dilemmas where an agent must choose between two prima facie impermissible acts of the same kind. To take a stock example, we might imagine an agent who is the only person in a position to save two drowning children, and although she can save either child, she does not have time to save both. Normally it is not permissible to let an innocent child drown, but clearly things are (morally) very different when the only alternative is to let another innocent child drown. And this is just the tip of the iceberg. With sufficient philosophical creativity, we could construct hypothetical situations in which an agent must choose between preventing a horror intrinsically just like any given horror in this world, on the one hand, and preventing another horror equally bad or worse, on the other hand. But surely there is *some sense* in which that agent would be morally justified in

⁴ Dougherty used this locution in an interview. See Dougherty (2015).

⁵ The term comes from Sinnott-Armstrong (1988) pp. 54-58.

permitting one of those horrors, for she simply can't prevent them both. And in cases where one horror is significantly worse than the other, the agent's obligation not to permit the lesser horror may even be overridden by her obligation not to permit the greater horror. If you can construct a hypothetical situation like this for virtually any horror you like, then it seems that actual horrors *are* at least possibly justified (it is possible that an agent be justified in permitting them⁶), even if they are not justified in fact.⁷

So if Dougherty is right about the content of E-seemings, then it turns out they are systematically misleading. Therefore, we must either disregard E-seemings wholesale, or reject Dougherty's account of their content. Consider the former option first. Bergmann (2012) develops an error theory of E-seemings, speculating that we are misled by our inability to grasp the greater goods and evils that might outweigh extant horrors. The abstract

⁶ Perhaps the seemings Dougherty has in mind are more accurately construed as having the content 'it is impossible that God is justified in permitting this evil.' By building God into the content, the objection in the main text can be circumvented, for God need not ever face a choice between two horrors, since, e.g., God could refrain from creating a world at all. (Thanks to a referee for this objection.) However, there is some reason to think that Dougherty deliberately omitted God in his 2008 account of the content of E-seemings, because elsewhere he lists a variety of contents that might feature in seemings which support the commonsense problem of evil, and while some of the contents he lists make specific reference to God (e.g. 'God would never allow that'), others do not, including one that more or less repeats his (2008) proposal ('That evil is unjustifiable') (Dougherty 2014b). The explicit mention of God in some cases suggests that the omission of God in cases like the latter is intentional. Moreover, Dougherty aside, it just seems true that people sometimes have seemings about the impermissibility of evils that are not also specifically about God or any other particular agents. If that is right, then we still have to face the issues raised in this paper: Are these seemings systematically misleading for the reasons given in the main text? Or can they be given a more suitable—and perhaps deontological—interpretation (as I will suggest below)?

⁷ Bergmann (2012) argues for the similar conclusion that we do not know of any actual evils whether they are unjustifiable. He argues that there are surely possible evils worse than any actual evils, and possible goods that outweigh any actual evils, and, for all we know, they may be connected in the right way to actual evils to justify God in permitting actual evils.

possibility of an outweighing good or evil just can't compete psychologically with a vivid presentation of an actual horror, and the horrors which trigger E-seemings may be at or near the apex of our capacity to 'take in' disvalue, giving us the false impression that nothing could be worse.

But it is hard to believe that we mistake the horrors in our experience for the worst possible evils, since, for any such horror, it is always possible to imagine a more severe version of that very horror by simply increasing the amount of pain involved, how long the pain lasts, the number of victims, etc. Indeed, as Dougherty (2014b) points out, even some of the evils within our own experience are worse than other evils in our experience that are sufficiently horrendous to trigger E-seemings. So it is doubtful that all E-seemings involve false impressions that nothing could be worse. Moreover, while Bergmann does not subscribe to the sort of commonsense epistemological framework presupposed by the commonsense problem of evil, it seems that, for those who do endorse the framework, a full-blown error theory should be a last resort. Before conceding that E-seemings are systematically mistaken, we should consider whether there might be some other phenomenologically plausible content that could reasonably be mistaken for, or loosely glossed as, the content that Dougherty attributes to them.

In that spirit, I offer the following (tentative) suggestion, which builds on an independently motivated idea in contemporary moral theory. Maybe the modal content of E-seemings is a kind of deontological insensitivity to consequences. We are all familiar with cases where it is at best unclear that one should act so as to bring about the best consequences, measured in terms of 'raw utility.' (For example, should you punish an innocent person if that is the only way to prevent a riot?⁸). Deontological ethical theories account for these cases by denying or downplaying the moral relevance of the consequences. I suggest applying this line of thought

⁸ Mawson (2011: 27–30) has a nice version of this thought experiment.

to E-seemings by hypothesizing that horrors strike us as impermissible *independently of their consequences*.

Since insensitivity to consequences can come in degrees, this thesis about horrors (like deontology itself) can take stronger or weaker forms. But the stronger we make it – the more consequence-insensitive the ban on permitting horrors is – the more modally ‘stable’ or ‘robust’ the impermissibility of horrors will be, and the more closely it will resemble the thesis that permitting a horror is not possibly justified. How close can we get to that thesis without inheriting its problems?

There are at least two ways we could develop the thought that the impermissibility of horrors is insensitive to *all* consequences. First, we could say that permitting a horror is impermissible in virtue of that action’s intrinsic moral character,⁹ and, since that character is intrinsic, it cannot be overturned by the action’s consequences, no matter how good. Then the action of permitting a horror is technically impermissible even in cases where it comes into conflict with a similar duty, but presumably when conflicts like these occur, the negative moral status of the action does not come to characterize or taint the agent herself in the way it normally would. That might be one way to go. An alternative approach is to say that the impermissibility of a horror, though not intrinsic, is sensitive only to conflicts with other sufficiently important duties, and not to mere consequences. When one is faced with a choice between two horrors, the impermissibility of permitting one or both is removed. But it is not removed by *mere* consequences—consequences that involve no such deontological conflicts.

And if insensitivity to *all* consequences seems too strong, perhaps insensitivity to *most* consequences would adequately capture the modal aspect of E-seemings. How we flesh out the details is not nearly so important as the point that the deontological notion of consequence-insensitivity opens doors to accounting for the robust, modally stable

⁹ I borrow the talk of an action’s ‘intrinsic moral character’ from Reitan 2000.

impermissibility of horrors suggested by E-seemings, but without going as far as the problematic claim that horrors are not possibly justified.

So that's my tentative suggestion. Now let's suppose that one of the stronger incarnations of that suggestion is correct: suppose that horrors cannot be justified by any (mere) consequences. What are the implications for theodicy? Recall the standard view that there are two ways for God to be justified in permitting a particular evil, *E*. Either:

- (i) Permitting *E* (or some other evil equally bad or worse) is necessary to achieve an outweighing good; or
- (ii) Permitting *E* is necessary to prevent another evil equally bad or worse.

If horrors cannot be justified by mere consequences, then this standard, consequentialist picture is mistaken. While (ii) is strictly speaking correct, this is not because permitting *E* wards off bad *consequences*, for horrors simply cannot be justified in that way. Rather, the reason (ii) is correct has to do with the fact that duties can override other duties, as when my duty to protect people from great harm overrides my duty to tell the truth, or when my duty to take a stand for justice overrides my duty to obey the law. Likewise, (ii) is true because the duty to prevent a horror worse than *E* overrides the duty to prevent *E*.

While this tweak may be of little consequence, (i) is another story. On present assumptions, horrors are *immune in principle* to justification by associated outweighing goods, and this threatens theodicies on which evil is supposed to be justified by goods such as free will, moral responsibility, a law-governed physical universe, improved moral character, improved psychological wholeness and deeper union with God. Provided that the impoverishment of these goods that might attend the prevention of all horrible evil is not itself a horror, these theodicies rely on the false (i) rather than the technically accurate (ii). Maybe this is why theodicies are often criticized as being 'shallow, tepid, and ultimately frivolous' (Plantinga 1996: 70), or in some other way deeply unsatisfying.

It might therefore seem like bad news for the theist if it turns out that horrors cannot be justified by their consequences. But I think that conclusion would be hasty. There is reason to think that, rather than hindering the project of theodicy, this conclusion may push theists toward inadequately explored deontological alternatives to the worn-out approaches to theodicy currently in vogue. For example, (i) has a deontological counterpart if we entertain the possibility that God's permission of evil for the sake of some good is duty-based rather than consequence-based:

(i*) Permitting E (or some evil equally bad or worse) is necessary to achieve a good end that God has an overriding duty to actualize.¹⁰

This opens opportunities for theists that (i) and (ii) did not, for – as Reitan (2014) argues – God might have a duty to permit evil even if the result is a net loss of good in the world. Since deontological duties do not always track consequences in a utilitarian way, God might be obligated to actualize or permit a state of affairs that does not outweigh an attendant evil in terms of raw utility. Reitan gives us a concrete example of what this might look like by developing a deontological modification of Swinburne's (1998) theodicy, where he replaces the idea that God tolerates evil for the sake of the outweighing value of significant human moral responsibility with the idea that God has an obligation to respect human nature, and therefore human freedom, even if that freedom is abused.

If I am right about the deontological character of horrors, this also opens the door to the following deontological approach to theodicy. Consider: could there be violations of duty that are *constitutive* of morally good acts? For example, some might think that there is a deontological duty to obey the law, and that acts of civil disobedience, some of which are plausibly supererogatory, are the morally good acts that they are partly because they involve a violation of a deontological duty. In violating the

¹⁰ Cf. Reitan's premiss (2**) in his (2014).

duty to obey the law, the protester stands by, illustrates and asserts the importance of some higher duty that the law in question fails to respect. Even if one takes issue with this particular example, the more general idea is at least conceivable. So maybe a horror *E* is permissible if

(iii) Permitting *E* is (at least partly) constitutive of a morally good act.

To get an idea of what this might look like in God's case, consider Hugh J. McCann's (2009 & 2012 chs. 6 & 7) theodicy. McCann proposes that one of God's aims in creation is to defeat evil in Chisholm's (1969) sense – to bring about actual states of affairs wherein evil is an intrinsic, contributing component of a great good, as when Beethoven triumphed over his deafness by succeeding as a composer in spite of his disability (McCann 2009: 166). McCann extends this idea to the whole project of theodicy by proposing not merely that God aims to defeat *evils*, but also to defeat *evil itself* in some sense: a task which requires facing and defeating an appropriately representative onslaught of evil.¹¹ On McCann's view it is open to us to postulate that the intrinsic impermissibility of horrors is precisely their *point*; a true, fitting, satisfying, final defeat of evil defeats even the impermissibly horrible. This satisfies (iii), for permitting horrors is (partly) constitutive of what is arguably a morally good act – defeating evil itself.

¹¹ Cf. McCann (2012): 'Such a theodicy [of evil's defeat] requires that the amount of suffering in the world be appropriate...to...its being actually defeated. What that amount may be is surely impossible for us to judge, but it must be borne in mind that a trivial challenge can occasion only a trivial victory. If the defeat of evil is part of the point of creation, it would not do for God to create what Richard Swinburne has called a toy world, a world in which suffering and the goods that it can call forth matter—but just don't matter very much... Were [there no suffering that appeared gratuitous], one of the most troublesome dimensions of evil would be lost, and its defeat could never be complete. What is more, there must be enough in the way of such suffering to present a real challenge: not just to annoy but to outrage us, not just to call forth redoubled efforts to better things, but to confound and dismay, to taunt and humiliate, to threaten our every hope, worldly or otherwise, with falsity and ruin' (149-151).

So, in the end, if what I have tentatively suggested about the moral status of permitting a horror turns out to be right, it is not clear that this is bad news for theists. But it does clearly change the rules; we cannot go on thinking merely in terms of weighing goods and evils against each other. Rather, we need to acknowledge the deontological character of moral prohibitions on permitting horrors, and the implications this has for theodicy. It is in that sense that the problem of evil may turn out to be a fundamentally deontological problem.¹²

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