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Of Distributive Justice and Hellfire

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Abstract: Defenses of God's permission of evil by appeal to free will are alleged to have a value problem. Laura Ekstrom argues that free will does not obviously have a value which would outweigh or justify the disvalue associated with moral evil and its consequences. I propose that a free will defense of moral evil does not need to conceive of free will as being more valuable than moral evil or its consequences. Rather, free will is a moral transformer in virtue of which created persons can deserve their moral character and those consequences which follow upon it. From this perspective, I show that the alleged 'value problem' rests upon controversial conceptions of distributive justice and that Thomas Aquinas gives us a way to argue plausibly that God's decisions to allow serious consequences to result from free agency, i.e., hell, could be distributively just and compatible with God's love for persons.

Keywords: Distributive justice, Hell, Laura Ekstrom, Anselm, Aquinas

J. L Mackie proposed a logical problem of evil for classical theists, alleging there was an inconsistency between affirming God's omniscience, omnipotence, omnibenevolence, and the existence of evil in the world.[1] In short: if God exists, then there should be no evil, as God should have the desire, the power, and the knowledge sufficient to eliminate all evil. But clearly, there is evil in the world. Mackie concluded that the God of classical theism does not exist.[2] Alvin Plantinga argued that it was questionable whether it follows that, "if God is omniscient and omnipotent, then he can properly eliminate every evil state of affairs."[3] God might have good reason to permit evil because he might be unable to eliminate certain evils without also eliminating great goods. To this end, Plantinga proposes that God

[1] Mackie (1955: 200–212).
[2] Tooley (2021, sec. 1.1).
[3] Plantinga (1977, 21–22).

could not create free creatures without allowing the existence of at least 'morally significant' freedom, that is, freedom which necessarily involves possibility of moral evil.[4] If the value of such free will is significant enough, then it is credible that God possibly has a good reason for allowing moral evil.[5]

Many other prominent theistic philosophers, such as Richard Swinburne[6] and Peter van Inwagen,[7] have followed Plantinga and offered responses to problems of evil by appealing broadly to the value of free will. Laura Ekstrom has proposed that there are serious difficulties with these responses:

> . . . the credibility of each of these theistic responses to the facts of evil turns on a judgment of the worth of free will. . . . In order for a free will response to the argument from the facts about evil to succeed, free will would have to be viewed as of such high value that it is worth the cost: the sum of all the suffering that we both cause and endure as perpetrators and victims, including assault, bigotry, betrayal, sexual violence, child molestation, hatred, brutality, murder, and genocide, as well as a distribution of resources that leaves millions of people starving and in need of safe water and medical care, and medical malpractice that kills some patients and leaves others in permanent pain. There is, too, the suffering of non-human sentient creatures . . . which enters the equation if free will is thought to provide an answer to the problem of natural evils, as well. In order to support a free-will-based response to the problem of evil, free will would need to be enormously valuable either in itself or in virtue of the goods that could not obtain without it.[8]

As Ekstrom sees it, all free will defenses of God's permission of evil depend on an underlying assumption that free will, or those goods that cannot obtain without free will, are sufficiently valuable to compensate for all the evils God thereby permitted in creating beings with free will. However, she argues, nobody so far has yet to *actually* offer a justification on which the value of free is sufficiently great to justify this laundry list of evils. Consequently, in the absence of any good account that free will *has* such overriding value of free will, we therefore ought to conclude that free will would not be worth the cost. Ekstrom poses the problem of hell as a "particularly egregious" form of this general problem on which the existence of evil undermines rationality of belief in God's existence, arguing that the evils of eternal

[4] (*Ibid*., 45–53).

[5] (*Ibid*., 54–55).

[6] Swinburne (1998).

[7] See van Inwagen (1988, 161– 187); and van Inwagen (2006).

[8] Ekstrom (2021, 37–38).

punishment would outweigh any potential goods involved, and that God's permission of such massive evils would make Him morally complicit.[9]

My aim in this paper is to respond to Ekstrom's general objection to free will defenses of evil, particularly focusing on God's permission of hell. My argument will involve a negative and positive step. After clarifying Ekstrom's general objection, I will first delineate two distinct issues implicit in her claim that nobody has so far offered a sufficient defense of free will's value. One issue is whether the goods God achieves from permitting hell are *sufficiently valuable* compared to permitted evils, and another is whether God would *permit a needless evil* even if there were sufficiently compensating goods in allowing hell. My positive proposals involve outlining an account of value where there are both instrumental and intrinsic goods associated with free persons that are sufficient to make God's decision to allow these evils reasonable and then showing that theists have good reasons to reject any principles entailing that God can only allow harms which are metaphysically necessary for the welfare of His creatures. These two proposals give theists the resources to reject Ekstrom's objection in both aspects.

Clarifying Ekstrom's Challenge

Ekstrom argues that nobody has so far proposed an account of free will's value sufficient to justify all moral evil (let alone natural evil) by rejecting a series of proposals regarding that value. She presumes what is roughly an event-causal libertarian construal of free will: "a decision or an act is free just in case it is caused non-deviantly and indeterministically by attitudes of the agent's and so long as other reasonable compatibilist conditions on free action are met."[10] Ekstrom outlines and reviews seven proposals according to which free will of this sort (or something much like it) is supposed to be of significant value: six proposals accord free will as having high extrinsic or instrumental value, deriving value from those results/products/states which it permits or makes possible, whereas only one which aims to justify free will as being of high intrinsic value. Neither way, she alleges, allows us to conclude that free will is sufficiently valuable to justify the evils of both natural and moral varieties listed earlier.

In the following, I review Ekstrom's objections to these proposals, showing that her evaluation of whether free will is sufficiently valuable to justify evils (according to each given proposal) involves two salient assumptions: first, that moral evils

[9] Ekstrom (2021, 131–136).

[10] Ekstrom (2021, 47).

necessarily resulting from free will would only be justified if the goods God achieved (which outweighed or compensated for those evils) were impossible for God to achieve without those same evils; second, that God would have no good reason to allow evils except in view of the welfare of created persons. Given these two assumptions, Ekstrom therefore argues that God permitting a harm to a given person's welfare would be justified if and only if that harm actually results in furthering the well-being of that person and the well-being could not have been achieved without the harm where this overall state of affairs (in which well-being is furthered) is proportionally greater than any other good or valuable state of affairs that God could have been achieved without permitting that harm. My analysis will conclude by showing that a potential line of response by theists, insisting that there are great goods which would suffice to compensate for all the evils in question, fails to engage appropriately with Ekstrom's implicit welfarist principle of distributive justice – this principle of justice requires not only sufficient value to free will, but likewise minimizing the harms strictly necessary for promoting welfare (and welfare alone).

Ekstrom notes that authors have argued that free will is extrinsically valuable in terms of what it enables or permits us to achieve, among which are goods such as genuine love, moral responsibility and desert, a meaningful life, a sense of self, genuinely good actions, or genuine creativity. Ekstrom goes through these alternatives, arguing in many cases that these goods do not plausibly require free will. For instance, genuine love might be possible without libertarian free choice to do otherwise – if parents cannot do otherwise than love their children, she proposes, this does not make their love more genuine.[11] Further, appealing to a line of reasoning deriving from J. L. Schellenberg, Ekstrom argues that theistic Christians ought to hold that personal union with God constitutes the highest or best form of love (along with the other goods on the above list), and that achieving union with God by means of such love does not require moral evil.[12] The dialectical strength of this argument derives from the fact that many Christians would concede that the goods of free will are enjoyable without moral evil, since the kind of free will enjoyed by God, as well as the saints or angels in paradise, does not require moral evil.[13] Therefore Ekstrom concludes that free will is not sufficiently instrumentally valuable to compensate for the evils listed, since it appears that the relevant goods supposedly requiring free will for their achievement (and which might be sufficiently valuable to compensate for evils) look obtainable without free will.

[11] Ekstrom (2021, 53).

[12] Schellenberg (2007).

[13] Ekstrom (2021, 71–72, esp. fn. 60).

Ekstrom likewise considers views on which free will is supposed to be intrinsically valuable. She considers views on which, when we make a free choice, "we exercise a uniquely personal power, which is of great value in itself, apart from anything it might produce," [14] such as that of Richard Swinburne. Ekstrom attacks Swinburne's proposal that this personal power of free will allows us to "express or experience our being made in the image of God" and therefore is intrinsically of such high value as to compensate for any evils that result. Ekstrom proposes two chief difficulties against this view. First, the prospect of free will having intrinsic value does not show us, by itself, that this intrinsic value is relatively greater than "the cost of the evils in the world in which its use results." [15] She proposes that, in a hypothetical situation where God tells us that we will experience the greatest pain humanly possible, but reassures us that this happens so that we can experience libertarian free choice, we would not be comforted that this is a good plan. Second, she notes that this view implies that "a bad act done with free will is more valuable overall than is a wrong act done without free will." [16] Yet Ekstrom persuasively argues that the intuition should be the other way around: "an act that is harmful to a victim that is done of the offender's own free will is *worse* than a harmful act that was committed not of the wrongdoer's free will." [17]

Ekstrom thinks that these claims about free will's intrinsic value lead to counterintuitive or repugnant results. Swinburne argues that even the slave trade was potentially good for its victims, since the suffering involved in the slave trade provided many opportunities for virtue, and thus that the intrinsic value of free action was good for all. Ekstrom rejects Swinburne's view as morally repugnant. Indeed, the value of free will should have no weight in our decision to prevent the suffering and moral evil inflicted on the victims of evils like the slave trade; by analogy, "if you were a threatening person coming after my children with an obvious intent to harm them, your free will would have absolutely zero value in my calculation over what to do." [18] In response to Richard Swinburne's incredulity that anyone would *not* choose to give their children libertarian free will if they had the choice, Ekstrom affirms the contrary: "I would not give that trait [of free will] to them because of the harm they might freely choose do to themselves and others and because of the weight of the guilt they would incur in virtue of freely bringing about

[14] (*Ibid.*, 49).
[15] (*Ibid.*, 49).
[16] (*Ibid.*, 51).
[17] (*Ibid.*, 51).
[18] (*Ibid.*, 50).

harms."[19] Thus, Ekstrom concludes – in effect – that God giving free will to persons would be to wrong them, if free will makes possible all the panoply of evils we see around us.

Notice then that Ekstrom rejects that free will could be in principle be sufficiently valuable for God to permit evils *simply because* if it were true that free will were so associated with evils that it made evils possible, then God creating persons with free will would be to harm them. Specifically, Ekstron seems to be arguing that, even if there were sufficiently compensating goods, the objection seems to be that God would be allowing a needless or pointless evil to occur simply in virtue of allowing free will. Ekstrom, I suggest, implicitly assumes that there is an additional desideratum for the justification of God's permission of evils in addition to God bringing about sufficiently great goods to compensate for the permitted harms. Consider the scenario in which God creating a free creature necessarily makes possible moral evil or sin. Ekstrom seemingly proposes that God then had *no good reason* to permit the situation in which free will contingently involved the possibility of sin, as sin involves *harm* to people God supposedly loves, and God could have prevented this harm from occurring one way or another. If God could have prevented the actual occurrence of sin by grace and could have prevented even its very possibility by refraining from creating free persons, Ekstrom is suggesting that the harm of moral evil therefore appears to be pointless. The harm appears 'pointless' inasmuch as, if something harms the welfare of those whom God loves, and God could have prevented it without sacrificing the welfare of the person/s in question, then God did not *need* to permit the harm to advance the welfare of those whom He loves. And a loving, good person does not permit pointless harm which does not advance the welfare of those whom they love, if they can help it.

Now, it is important to note that Ekstrom's criticisms do not rest on the anti-natalist view that personhood is intrinsically bad. (It is implausible that God does harm to anyone *simply* by creating them. One can do no harm to a non-existent person. As being a person is good, God would do good for a person by creating them, just as a universe with persons is plausibly an inherently better world than one without persons.) Nor is it plausible that God harms anyone simply by letting them form those intentions, attitudes, or desires that they freely want to have. Ekstrom does not argue that God giving people a power to freely form *good desires* would be to harm them. Ekstrom's criticism is instead plausibly construed as arguing that God wrongs those persons He creates in virtue of putting them within a universe in which He permits evils which potentially affect them. Most notably, God permits

[19] (*Ibid.*, 51).

them to form evil desires and to harm others. In such cases, Ekstrom believes that God has *harmed* those persons, or not as *benevolent* as He should have been, in permitting individuals to form evil intentions, desires, or attitudes. Ekstrom indeed tells us the basis for her intuitions in such a case: "God by nature would treat intrinsically valuable persons in ways that include increasing their well-being and preventing pointless setbacks to their well-being."[20] Since God can prevent these harms to persons, and specifically that these harms were not instrumentally necessary for furthering the well-being of those persons, she thinks it follows that God has harmed or is insufficiently loving toward the persons He allows to suffer setbacks to their welfare. Ekstrom's objection to free will defenses of evil thus involves a final assumption – alongside the assumption that God can only allow harm that is metaphysically necessary for the goods it achieves – that God's good reasons to allow harm to befall His creatures should be characterized *solely* in terms of their welfare, such that the welfare of persons thus achieved was greater than other possible goods.

Ekstrom therefore argues on the one hand that evils which are (contingently) ineffective in bringing about goods require appeal to the value of the opportunity for intimacy, and thus in turn fall back on appeal to the value of free will itself.[21] Conversely, on the other hand, she argues that the preventable evils in question *are* pointless if God were able to achieve the same well-being in another way that would not involve any harm at all:

> . . . it is implausible to think that a perfect God would cause or permit suffering as a means to knowing him. Why would such nastiness be preferable to direct divine self- revelation? Imagine a parent who installed no child safety gates or devices in the home, allowing a young toddler to simply tumble down the stairs, so that the child would run to the parent for comfort or would somehow allegedly "understand" the parent's own pain. A parent who behaved in such a way would not be good.[22]

By Ekstrom's standards, the value of free will as being instrumentally necessary for the goods it permits, or the metaphysical necessities of free will in relation to the goods, does not show that God could not have *minimized* the harm in some other way—for instance, by choosing not to create free persons.)

[20] (*Ibid.*, 176).
[21] (*Ibid.*, 90–91).
[22] (*Ibid.*, 86).

Consider the sin of Judas: Imagine that God allowed a world in which sin occurs, and in which Judas sins. God could have prevented Judas from sinning, and God permitting Judas to sin led to a great sin that (it is commonly supposed) ended up with Judas suffering for eternity in hell. Imagine too that God had allowed Judas to sin *in view of* God's desire that Judas should repent of his sin, as did St. Peter, and become a glorious apostle—God allowed the sin on account of great goods which He made possible for Judas. Nevertheless, Judas, unlike Peter, does not actually repent and despairs instead, failing to achieve any such goods. Judas' sin never resulted in Judas' increased well-being, and Peter's intimacy with Christ might have been achieved without his denial of Jesus. Given Ekstrom's claims here, not only Judas' sin, but also that of Peter, would be unjustifiable; the opportunity for sinning was not sufficiently valuable to offset eternal punishment, nor was intimacy with Christ sufficiently valuable to compensate for the harm incurred by Peter, since God could have achieved intimacy with Peter without allowing that harm. By Ekstrom's lights, both instances involve God permitting unjustifiable setbacks to their well-being.

Ekstrom's welfarist standards are well-illustrated by considering a potential response that would seemingly make free will of sufficient value to compensate for all evils: universal salvation. Theists could attempt to respond to Ekstrom's objection by accepting the requirement that free will must be of sufficient value to compensate for all evils consequent upon it and arguing that the harms cannot be achieved without free will, but also argue that God does not allow any harm that is not metaphysically necessary for the achievement of great goods, and that all persons necessarily benefit from such goods. Universalists, like Thomas Talbott, propose that these conditions are met. For Talbott, God only allows sin which is metaphysically necessary for great goods of universal salvation (He cannot achieve salvation without creating free creatures), and all creatures actually end up enjoying those great goods. Nevertheless, free will would not be of sufficient overriding value to compensate for some kinds of harms to welfare that are so great and 'irreparable' that God would never have a reason to allow them. Thus, Talbott argues, if someone were able to freely and knowingly commit those acts that would land them in hell, God would stop them from performing such an act.[23]

While Ekstrom is sympathetic with universalism and its critique of hell,[24] universalism alone would not constitute a sufficient response to Ekstrom's problem. Universalists like Kronen and Reitan accept the requirements that God cannot allow

[23] Talbott (1990, 38).

[24] Ekstrom (2021, esp. 149–153).

setbacks to well-being that are less than optimal. Kronen and Reitan propose that benevolence is an 'essential divine attribute,' entailing that 'God wills what is best for every rational creature.' As salvation is what is best for each individual, God wills that all be saved 'unless it is either impossible for God to bring this about or all the means available to God for bringing this about are morally impermissible ones'—but neither of these conditions hold, and therefore God will save all. [25] Nevertheless, what Ekstrom might point out is that it looks plausible that the best state of creatures—or at least one comparable in moral worth to other good states such as being saved from sin—is the state of *never having sinned*, i.e., to achieve union from the first moment of existence. If it were possible for God to have created free creatures who were confirmed in grace from the first moment of their existence or otherwise allow the great goods of salvation without *precisely the scope of the actual evils we see in the actual world*, and God did not do it, God would fail to be perfectly benevolent.

Now, many universalists hold that the possibility of sin was metaphysically necessary for the goods of salvation,[26] but universalists typically do not say that *each actual sin* (let alone every instance of natural evil) was metaphysically necessary for universal salvation. However, it is plausible that, if God must achieve the best state of affairs for each individual's welfare, then it follows from such a conception of divine benevolence that each sin (and each evil that obtains) would be necessary for the achievement of universal salvation, and that such furthering of welfare could not have been achieved without *precisely* those evils. Theists might find problematic that this picture requires that all actual evils are metaphysically necessary. Nevertheless, the universalist response fails to satisfy another implicit standard of Ekstrom's objection. Even if universalists were successful in maintaining that it is metaphysically necessary for achieving the maximal flourishing of each person that they sin, it does not therefore follow that God had good reason to create such persons who do sin. Sin remains a great harm, if not the greatest harm, for persons. There are of course those who believe that it is better for nobody to exist at all, given the inevitability of suffering, and that it is therefore harmful to bring anyone into existence. [27] Critics might similarly hold that God would act unjustly simply in bringing anyone into the possibility of committing a sin. [28] The possibility that universal salvation requires sin does not address whether God successfully minimizes harm.

[25] Kronen and Reitan (2011, 68).
[26] Cf. Talbott (2001, 104).
[27] E.g., Benatar (2006).
[28] Oppy (2006, 278–281).

Universalism does not have an adequate response to this problem, it seems to me. Universalists like Talbott hold that "free choice and happiness are both goods, and that God attempts to strike the best balance between the two."[29] But Ekstrom seems to assume a welfarist principle of distributive justice, according to which welfare is of primary importance, over and above any other considerations of equality, fairness, desert, or freedom. Plausibly, then, there is a principle at play in Ekstrom's argument relevantly similar to other formulations of the problem of evil: "For any state of affairs, and any person, if the state of affairs is intrinsically bad, and the person has the power to prevent that state of affairs without thereby either allowing an equal or greater evil, or preventing an equal or greater good, but does not do so, then that person is not both omniscient and morally perfect."[30] Consequently, universalists would need to argue not only that the harm was *necessary* for the goods of salvation, and that God will *actually* bring about the goods for all persons, but also that God has also *minimized the harm* required to bring about these or comparable goods.

Universalists are thus faced not so much with the need to show that free will, and goods permitted by it, outweigh all the evils Ekstrom lists, but rather to argue that God was constrained to bring about just the harms He did, to the extent that they occurred, *and* that the world which God created was proportionally more valuable than any world in which God achieved other benefits without permitting these harms. Universalism alone would not constitute a response to Ekstrom's problem. I will propose that the mistake was that universalism's concession to a fundamentally welfarist model of justice has bought into a similar set of standards as those embraced by Ekstrom's objection. Universalists admit the relevant principle that God would be blameworthy for allowing sin to occur if it were not metaphysically necessary for our welfare – this is indeed central to their case that God could not allow anyone to remain in sin forever, i.e., be damned, since such a harm is supposedly not metaphysically necessary. But neither was God's creation of human beings in the first place. And thus, universalism would not suffice for showing us that free will was sufficiently valuable in the sense required to respond to Ekstrom's critique. Instead, *these standards of justice* should be rejected. I will argue that theists have good reason to reject Ekstrom's conditions – in the sense that Ekstrom assumes that they apply – since they constitute implausible principles of distributive justice.

I will propose, first, that theists have good reason to reject Ekstrom's implicit assumption that free will would not be sufficiently valuable to compensate for moral evil if God could achieve union with us *sans* moral evil. Instead, we can coherently

[29] Seymour (1997, 260–262).

[30] Tooley (2021, sec. 1. 4).

affirm that free will is a necessary condition for union with God, and that union with God is of sufficiently high value to compensate for moral evil, even if there is only an accidental or contingent connection between the possibility of sin, free will, and the goods it permits. This will be to show that there are coherent grounds to affirm that free will would be instrumentally valuable in terms of the goods unachievable without it, *even if not everyone achieves those goods*. After providing reasons in favor of the instrumental value of free will in such circumstances, I will likewise propose that we can push back on Ekstrom's reasons for rejecting that the intrinsic value of free will is sufficient to compensate for evils. And, in providing new grounds for that intrinsic value in terms of the dignity of persons, I will then be able to pose fundamental problems for the welfarist principles of justice presumed by Ekstrom.

Compensation versus Respect for Persons

Money retains its value, even if never used to purchase goods and services. Similarly, free will can retain its instrumental value if there are valuable goods unobtainable without free will. Furthermore, even if free will can be misused, and misuses of the capacity have disvalue, this alone would not undermine the instrumental value of free will since it remains a necessary instrumental condition to obtain valuable goods. Money can be misused but does not thereby cease to have instrumental value. Applying these considerations to the case at hand, we can draw a distinction between free will essentially considered (as roughly event-causal libertarian agency) and those accidental circumstances under which free agency involves the possibility of sin or no. Then, it seems open to us to deny these goods of union with God can be achieved without free will essentially considered, and insist that free will rightly retains instrumental value in terms of being a necessary instrumental means to those goods.

Consider that, for classical thinkers such as Thomas Aquinas, Anselm, or Augustine, free will is a characteristic of having a rational nature, i.e., being a substance with an intellect and a will. God has free will exercised in ideal circumstances where sin is not possible, whereas humans have free will in less-than-ideal circumstances. Nevertheless, if we grant that being rational is a necessary and sufficient condition for engaging in libertarian free choices, it is obvious that many goods are impossible absent an intellect and a will. Among those are the greatest goods of personal union with God. Personal union with God is simply union with God *by means of* intellect and will, and cannot occur without these, and therefore also requires free will to occur. If one admits that eternal union with God would be of sufficient value to justify permitting moral evil in one way or another (as the highest

and most profound kind of happiness, a sharing in God's own essential beatitude), then it seems plausible that there can be goods which have free will as a necessary condition for their achievement, even if those goods can be obtained without moral evil. Thus, it is possible for Christians to grant that union with God is not a good that requires anyone to have committed morally evil acts at any time; acts of sin are not instrumentally necessary means for anyone to achieve union with God. In fact, many Christians—including the classical theologians named above – have believed that God's grace preserved Christ and the Blessed Virgin from sin, and thus that there are actual cases where humans achieved union with God without it being possible for those persons to sin, given the graces they had.[31] If we are careful, then, we ought to note that such claims would not by themselves undermine the value of free will where such graces were *not* given and therefore involving the possibility of sin ('morally significant free will').

Intuitively, the instrumental value of free will is not lost simply because free will does not *necessarily* produce good outcomes. If we applied this principle consistently, nothing which does not necessarily produce beneficial outcomes in all cases would have instrumental value. And that seems an overly high bar for considering instrumental value. So too Ekstrom's objection not explicitly set up in such a way as to propose, for example, that free will would be sufficiently valuable if and only if the possibility of sin is valuable. Rather, she conceded the possibility that free will could be extrinsically valuable "in virtue of the goods that could not obtain without it." But the case where some achieve union with God without *morally significant* free will would not show us that union with God can be achieved without *free will*, nor similarly that the goods of union with God which are achieved without the possibility of sin are able to be achieved without free will.

Further, Ekstrom has ruled out that God would be justified in allowing certain harms, even if they were compensated by sufficiently great goods, given her assumption that this justification requires that God allow harm only in furtherance of welfare and that He achieve the outcomes with a minimum of harm. But then we likewise ought to point out that—bracketing Ekstrom's further principle of justice – if it *were* true that the great goods of personal union with God are achievable only in situations involving free will, then there are also ways in which the accidental circumstances which make moral evil possible could be compensated by such goods. Free will would be *essentially* of highly significant value given the way that it is instrumentally necessary for achieving union with God, even if those circumstances

[31] It is typical to note that Mary was not *impeccable* by reason of her nature, as Christ was by reason of His divinity; Mary could sin, but this possibility could never have been actualized.

in which morally significant free will were exercised were not intrinsically or instrumentally valuable on account of union with God. Nevertheless, the value of those goods could still intuitively compensate for or justify God creating us in such circumstances.

Consider, for instance, that God allowing the *mere possibility* of moral evil could be easily compensated by the goods of union with God. In the earlier case of the Blessed Virgin, the assumption made by classical thinkers like Augustine and Aquinas is that *creaturely freedom* is intrinsically such that it makes moral evil possible, such that any creature would require special divine assistance (grace) to avoid the possibility of sin; Aquinas explicitly argues that not even God could create a free creature *naturally* unable to sin.[32] Now, in a world where God creates free creatures, God could ensure that each creature achieves union with Him in such a way that sin would never occur. But not even God could prevent the *intrinsic* or *natural* possibility of sin, and therefore union could not be achieved by anyone without the mere natural possibility of sin. In this case, a kind of 'morally significant freedom' was instrumentally necessary for achieving union with God, but the moral evil was only potential, never actual, and the actual union with God seemed to be much more valuable than the disvalue of potential evil. Every creature achieving perpetual union with God seems to be more than significant enough to compensate for that mere possibility of moral evil. I take these considerations to help undermine Ekstrom's view that God's permission of moral evil is justified if and only if each evil permitted actually results in furthering the well-being of each person in the world harmed by that evil.

Of course, Ekstrom's objection pertains to *actual* evil, not simply its possibility. Nevertheless, a similar set of distinctions should be applied to God's permission of actual evils: there are different considerations concerning the value of free will essentially considered and concerning the circumstances under which sin occurs. Imagine a world where there is widespread moral evil and suffering – not too hard to do, since it is much like our world. Yet each person in this world will eventually not only achieve union with God but will come to see their past sin or suffering as coming to have contingent, extrinsic value for themselves as providing the occasion for greater union with God and others (i.e., the evils are 'defeated'). Now, the fact that each one *could have* achieved union with God without committing sin or suffering does not lessen the value of that contingent history of union which did involve sin and suffering. The fact that God did not *need* the sin to enhance our wellbeing does not undermine the fact that the sin *in fact did* serve as an occasion for

[32] Aquinas, *Quaestiones De Veritate* (1954), q. 24, a. 7.

God to do so. So, similarly, if God were to heal my loved one of a serious illness by a miracle, in response to my prayers for this healing, the fact that God could have healed her without my prayers would not undermine the value of either what God did *or of my prayer*. Imagine that God decided that He would not have brought about that healing without my prayers. The relation that my prayers had to the healing was essentially contingent on God's choice to do things this way, but there was nonetheless a real counterfactual relation between these two events. The fact the relation was contingent would not by itself undermine the instrumental value that my prayers consequently had. In the cases I have described, God has such a purpose in allowing moral evil: He can always 'defeat' evils and turn them to the benefit of those affected by them. Even though evils could have been prevented, evils were only permitted *because* they could be so defeated. In such scenarios where evils come to be appreciated by those who had a role in their defeat, and where the 'defeat' of evil entails that the sufferers come to appreciate the role that evils had in their life, it does not seem intuitive to me that the sufferers (who come to see the evils as worthwhile for them) would agree with Ekstrom's perspective that God was unjustified in allowing these evils – even though it was true such evils could have been prevented and similar goods achieved in another way.

A typical view is that God has good reasons for setting things up this way, since involving our agency in what God does would plausibly enhance the value of the outcome *for us,* in terms of God involving us constitutively in the process. That is, we can imagine that the healing, or my defeat of suffering and sin in my life and that of others, would be in some attributable to me as well as God – these would be 'joint' achievements of God working with me. Nevertheless, the theist need not go this route to avoid the objection. Instead, they can more simply reject the implicit assumption made by Ekstrom's objection that God would have no good reason to permit the evil merely because He could achieve those goods without the evil. That is, sin does not need to be *instrumentally necessary* for the relevant good outcomes, for those outcomes to defeat or compensate for the evils allowed. The connection here can be simply contingent. Consider that the theist could concede that a world in which there was union with God without sin *would* be more valuable than one involving sin, without however conceding that there is any uniquely best world God needs to create, and thus without conceding that the world in which God there was also sin would therefore be a *bad* world. Thus, as concerns worlds in which there is sin might be *less good* than other possible worlds, those worlds are not necessarily worlds which are *bad* for those in them or in which God has harmed anyone. So too God might bring about compensating or justifying goods for sinful persons whereby the achievement of those goods constitutively involves the agency of those persons,

and then those sins will not intuitively count as harms to those persons (since there might be additional value in involving creatures in God's actions). If the world in which sin occurs is a good world in which all is 'for the best' of those in it, and in which all evil that occurs is defeated, the existence of a possible better world is no strike against the good value of the fallen world. It just turns out to be one among many possible good worlds that God could have created, some of which are more valuable than others, but none of which are unjustifiably bad.

At this point, I have offered a few intuitive counterexamples intended to call into question the conditions on justification proposed by Ekstrom, while presuming that free will is merely instrumentally valuable on account of goods which are unachievable without freedom. In these scenarios, there is an intuitive sense in which God allowing harms of this sort to occur can seemingly have a point or a good reason. I take it these considerations to help undermine Ekstrom's view that God's permission of moral evil is justified if and only if that well-being could not have been achieved without the evils, and where the resulting overall state of affairs (in which well-being is furthered) is proportionally greater than any other good or valuable state of affairs that God could have been achieved without permitting that harm.

Yet, as mentioned, in the case of free action, classically conceived, any connection between sin and these good outcomes is necessarily contingent, since Judas need not ever have sinned. The earlier case of God allowing Judas to fail did have a clear purpose or point: to give Judas the opportunity to become a great apostle like Peter. Nevertheless, the question whether God has allowed a pointless setback to Judas' well-being merely in virtue of allowing Judas to form evil desires seems to presume a welfarist standard for what counts as a 'pointless' setback to the well-being of persons. Without presuming a standard of justice on which we justifiably act *only* to promote the well-being of another, it is not obviously the case that God's permission of Judas' sin would lack a point or a purpose for Judas, even though Judas frustrated God's purposes for himself. So, it is not apparent simply because Judas failed to repent that God allowed a pointless setback to Judas' well-being. On such a perspective, God would harm us without justification merely in virtue of allowing us to fail to love Him, since every sin need not have occurred. I therefore want to suggest that Ekstrom seems to have presumed a standard of justice that is problematic when evaluating the situation in question, which involves a relationship of friendship among persons. Friendships are not 'merited' and do not involve the same standards of justice, precisely because we do not deserve—in justice—to be friends of anyone. For that reason, I want to turn more explicitly to a classical perspective that focuses not on free will, an attribute of persons, but on persons themselves.

Free will is an essential characteristic of persons; a feature of the kind of life proper to them. From such a perspective, persons are *essentially* free; there are no persons that lack free will. And the *persons* exercising the power are what count, and the value of free agency is essentially derivative from that of the persons who exercise free will. What I will now argue is that persons are intrinsically valuable in such a way that acting appropriately towards persons involves treating them as *more* than mere containers for well-being. Consequently, it is fundamentally inappropriate to conceive of God's justification for allowing harms to person by considering whether the goods of persons, or their welfare, is more valuable than any other goods God could have achieved in other possible worlds. Rather, we ought to consider whether God has acted justly towards those persons He has created, in light of more plausible principles of distributive justice.

Ekstrom is correct that free choices are not valuable when morally evil; acts such as murder are *worse* the more intentionally or freely that they are performed.[33] This increase in moral blameworthiness is plausibly since a person has intentionally and knowingly performed the act, as opposed to that act happening because of an accident or ignorance. (I therefore agree with Ekstrom that there is a problem with Swinburne's way of conceiving the intrinsic value of free will.) Nevertheless, there is still something intrinsically valuable in people even when they do wrong, since the value of persons and of free will is not reducible to the value of their choices. Being a person involves possession of an inherent *dignity*, regardless of the extent to which one desires and intends what is morally good. 'Dignity' (as I use the term) is *not* supposed to be a species of value. I characterize dignity in terms of its role as a 'moral transformer,' entailing normative duties and making treatment of a person potentially appropriate or inappropriate.[34]

We can understand the transformative normative implications of human dignity in several ways. A criminal's free acts express his intellect and will, and thus express what gives a person dignity. Yet, to say that the criminal retains his human dignity is not to say that his acts are of a higher value than those of a deterministic robot or that human beings have an absolute inner value. Facts about dignity morally transform an act from being simply harmful to others into an *evil* act, and thus help make the criminal's acts worse. To say dignity is morally transformative is not to imbue all intentional acts with additional worth. While I do not agree with

[33] I take it, *pace* Ekstrom, that fully deterministic agents cannot really perform a morally evil act, since freedom is a necessary condition for an act being either morally good or evil. And, on my view, a fully deterministic agent is not even acting intentionally, so their acts would at best only resemble intentional acts.

[34] Cf. Sensen (2011, esp. 143–212).

everything Kant says on the topic, Kant aptly expresses the sense in which dignity has a morally transformative effect: "Humanity itself is a dignity; for a human being cannot be used merely as a means by any human being [. . .] but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself above all other beings in the world that are not human beings and yet can be used, and so over all things."[35]

Kant indirectly calls our attention to a new moral possibility which arises with dignity: the possibility of acts which violate the dignity of others, i.e., failures to treat others as ends in themselves. Dignity transforms and makes possible an order of justice among persons. Facts about dignity thus plausibly entail certain normative obligations or duties. (For Kantians, for example, these facts entail various kinds of rights.[36]) It would be inappropriate, for instance, to punish a rapist by imposing rape itself as a punishment. Or it would be wrong to punish slave traders by making them chattel slaves for life. Or it is wrong to intend to defend oneself (or one's children) against an attacker by employing lethal force if that force is not reasonably necessary for stopping the attacker—to kill the attacker without good reason would be to go beyond what morality permits us to do to fellow human beings. These judgments correspond to the intuition that the dignity of the person is not entirely lost by moral wrongdoing, and that there are certain actions which would offend that dignity.[37]

What Kant and those in his school see as a unique incommensurable species of value alongside welfare, 'dignity,' I personally follow Aristotle as seeing these considerations to point to a distinct aspect of welfare which is not reducible to state-like outcomes, being instead an activity in which agents *intentionally* engage.[38] 'Dignity' points to these possibilities for flourishing which are unique to persons, and thus to the intrinsic value of those persons as essentially having these kinds of activities as their teleological end. Human dignity intuitively carries normative weight in the way that one person acts toward another (commutative justice), and the nature of our duties toward those persons, but also in terms of the way in which burdens and benefits are distributed structurally across members of society (distributive justice). So too these facts about persons therefore imply that God should relate to persons in definite ways.

[35] Kant (1991, 6: 462; similarly, 6: 434 f).

[36] Hill (2014, 220–221).

[37] cf. Declaration of the Dicastery for the Doctrine of the Faith, *Dignitas Infinita* (2024).

[38] I.e., *eudaimonia*. That includes the Beatific Vision or union with God.

Distributing Hellfire

Approaching God's Providential designs towards persons from this broadly 'deontological' lens, classical theologians like Thomas Aquinas proposed that persons – whether human or angelic – are the ends of creation and governed in a special way by Providence.[39] While Aquinas rejects that God has moral obligations *directly* to individuals, in the order of commutative justice, because God receives nothing from creatures and so cannot have obligations regarding business transactions, giving, receiving, and so forth – "He Himself is not the debtor, since He is not directed to other things, but rather other things to Him"[40] – Aquinas nevertheless conceives of God's wisdom and providence as implying an order of just distribution toward His creatures.[41][42] The idea is that, while God does not have obligations *toward* the creatures themselves, God's essentially has reasons for what He creates, and He creates what He does for its own sake (rather than for some ulterior purpose, like His entertainment). Consequently, God necessarily acts for the good of each thing He creates by giving them what is proper to each. Aquinas conceives of these obligations as indirect obligations of God to Himself, rather than being direct obligations to creatures. Yet Aquinas thinks that *persons* exist for their own sake in a radically different way than other creatures:

> the very way in which the intellectual creature was made, according as it is master of its acts, demands providential care whereby this creature may provide for itself, on its own behalf; while the way in which other things were created, things which have no dominion over their acts, shows this fact, that they are cared for, not for their own sake, but as subordinated to others . . . Therefore, intellectual creatures are so controlled by God, as objects of care for their own sakes; while other creatures are subordinated, as it were, to the rational creatures.[43]

Whereas inanimate objects, animals, and plants exist within a wider ecosystem or ordering of goods (e.g., individual animals or plants exist for the good of their species, and so it might be necessary for the good of the species that an individual die; just as plants are necessary for herbivores to survive, etc.), Aquinas claims that "a rational creature exists under divine providence as a being governed and provided for in himself, and not simply for the sake of his species, as is the case with

[39] Thomas Aquinas, *Summa Contra Gentiles* (1956), IIIb.111.1.
[40] Thomas Aquinas, *Summa Theologiae* (1920), I, q. 21, a. 1, ad 3.
[41] ST I, q. 21, a. 1, ad 3.
[42] *Pace* Davies (2006, esp. chs. 4 & 5).
[43] SCG IIIb.112.1.

other corruptible creatures."[44]Aquinas goes so far as to claim claims that the rest of the universe is ruled by God's Providence *by means of* the intellectual creatures, so that the rest of the universe only achieves its end as guided to it by those other intelligent creatures.[45] Persons are the 'priests' of creation, intended to bring the rest of the universe into union with God.

Aquinas deduces from these facts, however, that there is a duality in God's distributive justice toward persons. On the one hand, God can allow or even bring about various kinds of natural evils, if those evils contribute to the good of persons. Aquinas thinks that suffering of various exterior kinds, for instance, might be necessary for some goods. God is not unjust in withdrawing 'external goods as an aid to virtue' from the good man, such as Job, because these external goods are only instrumentally valuable in terms of their promotion of virtue and other spiritual goods. "Since external goods are subordinated to internal goods, and body to soul, external and bodily goods are good for man to the extent that they contribute to the good of reason, but to the extent that they hinder the rational good they turn into evils for man."[46] Since God knows when depriving a virtuous man of exterior goods will contribute to spiritual good, God can dispose of exterior goods such as to aid the interior life of persons, then, without injustice, because He would only act to further their interior life.

Aquinas is aware of the potential issues of distributive justice which pertain to God's permission of evil. Aquinas claims that God indirectly brings about natural evils, as God created animals that eat each other and similar natural processes or ecosystems which involve corruption, suffering, and so forth, and then argues that these natural evils are ultimately good in terms of the good of the universe or the species to which they contribute.[47] By contrast, Aquinas denies that God could bring about sin in any respect, even indirectly. For God to cause someone to sin would be for God to act precisely against that order of Providence on which He intends the good of each individual person.[48] Whereas some have attributed to Aquinas an "'aesthetic' or 'chiaroscuro' theodicy, in which the darkness of evil (natural and moral) serves as the necessary condition for particular goods God wills to bring into this world order (such as knowledge of the evil of pride and the power of grace), thereby beautifying the whole"[49] this sort of theodicy is in fact one that Aquinas

[44] SCG IIIb.113.1.
[45] SCG IIIa.78.
[46] SCG IIIb.141.6.
[47] E.g., SCG IIIa.71.7; ST I, q. 22, a. 2, ad 2.
[48] ST I-II, q. 79, a. 1, resp.
[49] De La Noval (2023, 6, fn. 20).

explicitly rejects: "Evil does not operate towards the perfection and beauty of the universe, except accidentally . . . Therefore, Dionysius in saying that 'evil would conduce to the perfection of the universe,' draws a conclusion by reduction to an absurdity."[50] Aquinas thus denies that sin contributes to the good of the universe, or that God would permit sin because He could not achieve goods without it, even though Aquinas holds that God will bring good out of whatever evils free creatures bring about by their free decisions.[51]

When Aquinas considers hell, it becomes clear that Aquinas treats God's permission of the *effects* of sin separately from God's permission of the *sin itself*. When he treats violations of distributive justice ('respect of persons'), he provides the following examples:

> . . . equality of distributive justice consists in allotting various things to various persons in proportion to their personal dignity. Accordingly, if one considers that personal property by reason of which the thing allotted to a particular person is due to him, this is respect not of the person but of the cause . . . . For instance if you promote a man to a professorship on account of his having sufficient knowledge, you consider the due cause, not the person; but if, in conferring something on someone, you consider in him not the fact that what you give him is proportionate or due to him, but the fact that he is this particular man (e.g. Peter or Martin), then there is respect of the person, since you give him something not for some cause that renders him worthy of it, but simply because he is this person. And any circumstance that does not amount to a reason why this man be worthy of this gift, is to be referred to his person: for instance if a man promote someone to a prelacy or a professorship, because he is rich or because he is a relative of his, it is respect of persons.[52]

In short, Aquinas proposes that persons should be treated as fundamentally equal except where there is good reason for differential consideration relevant to the distribution in question.

Aquinas holds that hell consists essentially in simply persisting in evil desires or intentions forever. God does not need to do anything further to allow anyone to end up in hell than simply to allow individuals to persist in their sins – "The only thing God does concerning them is that he lets them do what they want."[53] As long as people can sin,[54] they can freely and knowingly choose something other than God.

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[50] ST I, q. 19, a. 9, ad 2.

[51] ST I, q. 19, a. 9, resp. & ad 1.

[52] ST II-II, q. 63, a. 1, resp.

[53] Aquinas, *Commentary on Romans* (2023, no. 793).

[54] See Rooney (2024, 2025).

Assuming it is possible that individuals can sin, and *ipso facto* reject relationship with God, it seems plausible to me that God is not harming us by allowing us to have what we want, for the same reason that consent is a moral transformer in other contexts. Aquinas' overall approach to hell in particular mirrors a distinction like that between Rawls' principles of justice: a 'lexical priority' of fair equality of opportunity to all, over a principle that inequalities must be ordered to the benefit of the least advantaged and attached to offices open to all.[55]

So, Aquinas therefore rejects radical or strict egalitarianism as a just principle of distribution, arguing that not all free acts are morally equal and that it would be a violation of distributive justice for God to treat them as such; "there would not be a just compensation by punishments and rewards if all rewards and all punishments were equal."[56] Instead, punishment is intended by God, and is a good, only on account of desert (that is, punishment is only *accidentally* a good).[57] God cannot want anyone to sin or be damned on account of the goods of punishment. If God were to permit anyone to be damned on account of the goods of punishment that would thereby be achieved, for instance, God would need to intend the punishment logically prior to His permission that someone to sin, as constituting the reason that this person should sin. But then this would imply, contrary to Aquinas' principles, that God wants someone to be punished before they sin, that is, prior to desert.

Clearly, however, for human beings to want something other than union with God would be bad for them, even if God did nothing further to punish anyone. As Augustine says, "every disordered soul is its own punishment."[58] God does no harm to anyone by allowing that person *not* to want union with God; they do it to themselves. God does not intend or desire that anyone be damned, but merely permits damnation to occur.[59] God does not need sin to achieve what He wants, and so neither does He intend that anyone be damned: "God does not on His own part wish to damn anyone, but only in accordance with what depends upon us . . . To will one's own damnation absolutely, then, would not be to conform one's will to God's but to conform it to the will of sin."[60] God's Providential decisions to allow someone to be damned is thus characterized by Aquinas as *reprobation* – God does not intend harm of sin for anyone but merely permits them to be 'delivered up' to

[55] See Santori (2023).
[56] SCG IIIb.142.2.
[57] See ST I, q. 48, a. 5 & 6.
[58] Augustine, *Confessions* (1997), I.12.
[59] ST II-II, q. 79, a. 4, ad 1 & ad 2.
[60] *De Veritate,* q. 23, a. 7, ad 2.

the reprobate sense that they themselves freely acquired.[61] For God to will someone's damnation would be contrary to their dignity and the purposes that God had in creating them.

For Aquinas, since God loves a person for their own sake and not on account of the benefits that they bring, God can be maximally benevolent toward each person precisely by intending what is best for that person in terms of their own desires: God's benevolence maximizes the welfare of each individual person, *given the state of their will*. If someone wants less than what they are capable of, God does no injustice by giving more to those who want more. While God can prevent sin from occurring, just as He can prevent someone from persisting in their freely formed sinful desires or attitudes, Aquinas holds this would be an act of liberality or grace, not justice.[62] "In things which are given gratuitously, a person can give more or less, just as he pleases (provided he deprives nobody of his due), without any infringement of justice."[63] What is relevant in distributive contexts when we consider God's choice to *create persons* that it is not contrary to the order of distribution that God failed to make them impeccable. It would not be a failure of benevolence for God to create anyone *capable* of sin, as it is plausibly an essential feature of created persons (as Aquinas argues) that creatures are intrinsically finite, dependent, and so liable to sin without God's extraordinary help.

Approaching God's permission of sin from the lens of distributive justice reveals that some free will defenders implicitly seem to appeal to a principle on which God's distribution of evil in the universe was fair, since God provided help for all to avoid sin, so that God had rendered "everyone's opportunities equal in an appropriate sense, and then [lets] individual choices and their effects dictate further outcomes."[64] The difficulty with this approach is that it seemingly ignores the relevance of welfare. Conversely, welfarist principles of distribution are often accused of treating "people as mere containers for well-being."[65] If God cannot allow sin to be possible, that would constitute a reason that God cannot create persons. Principles of distributive justice alone however should not allow us to conclude that God creating finite persons is metaphysically impossible.[66] Instead, we see that it is implausible for God simply to care about maximizing welfare of persons, or in maximizing the goodness of states of affairs. The existence and nature of *persons* involves, on the one hand,

[61] ST I-II, q. 79, a. 1, ad 1.
[62] ST II-II, q. 63, a. 1, ad 3.
[63] ST I, q. 23, a. 5, ad 3.
[64] Arneson (2015, sec. 7).
[65] Lamont and Favor (2017, sec. 6).
[66] Cf. Pruss (2003, 211–223).

incommensurability such that it is inappropriate to weigh the dignity of persons against other goods or against each other. Persons have an intrinsic dignity which does not depend upon their achievements, which is not commensurable with other goods, and which is not calculated solely in terms of their capacity for welfare. On the other hand, there are demands to treat persons fairly, but these cannot simply be in terms of what is metaphysically necessary considering the *nature or essence* of such persons. Rather, it is *inappropriate* to treat persons equally in *all* respects, since this would be to fail to be attentive to the personal desires and character of each person. Respect for persons demands *not* treating them as simply 'containers for welfare,' but as intelligent agents.

Thus, in sum, Ekstrom's objection to God's permission of evils on account of the insufficient value of free will fails to be persuasive. The necessary conditions which are implicitly imposed by Ekstrom's critiques upon God's action ought to be rejected as unmotivated and implausible. As I have argued, these conditions presume roughly that God could only allow evils if those evils were metaphysically necessary in some way and where the goods are more valuable than any other goods achievable without these evils. These principles of divine action and value are questionable on many fronts. I argued that free will might be instrumentally valuable in light of those *goods involving persons* that seem more valuable than non-personal goods achievable without allowing the evils consequent upon free will. More importantly, focusing on the value of persons as having an intrinsic dignity, I argued that these conditions fail to consider the way that persons *deserve* to be treated with respect, as intelligent agents, not simply in terms of their welfare.

We see this most explicitly in the case of hell. Ekstrom (like Talbott, Kronen, and Reitan) rejects that anyone could knowingly and willingly sin against God such as to remain in sin forever.[67] Such perspectives assume that God would be unfair if He did not act according to what was strictly metaphysically necessary (as Kronen and Reitan implicitly assume in their principle, e.g., of divine benevolence). However, this is an absurd principle of distributive justice regarding God: God operates under no metaphysical necessity to create persons or to raise them to His own life, since creatures are not divine and do not exist necessarily. For this reason, Aquinas calls attention to the fact that being sinless (or forgiving them after their sins) would be *more* than what is natural to human beings. This possibility follows simply from the nature of created persons. It is no part of human welfare, and not required for it, that anyone have God's own knowledge or be metaphysically incapable of sin. Nor is it metaphysically necessary for our welfare that we be without sin, for the same reason

[67] Ekstrom (2021, 149).

that sin was not necessary for human welfare – created persons are *essentially* the sort of thing intrinsically capable of contingently either loving or not loving God. The critic, like the universalist, has misconceived divine love. God loves for their own sake those finite persons who exist, even while sinners (cf. Rom. 5:8),[68] not the hypothetical or possible persons they could become.[69]

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[68] See Stump (2022, 298–305).

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