

## Is God (almost) a consequentialist?

### Swinburne's moral theory

Richard Swinburne's systematic work on the philosophy of religion in general, and on Christian doctrines in particular, is an impressive, indeed a monumental achievement. It is given to few of us to have a clear vision of our life's work at an early age, and to even fewer successfully to carry through a remarkably ambitious plan with such unswerving tenacity. When we add to this the fact that his work bears so directly on that most important of philosophical questions - how should we live? - then his voluminous writings stand as a lasting achievement for which all who are interested in questions about God, whether Christian or not, have cause to be grateful. I am delighted to have this opportunity not only to add my tribute to that of others but also to express my personal gratitude to him for the generosity and scrupulous fairness which characterised his dealings with me and others during the many years in which he was my Head of Department, and thereafter. I have learned much from him. As anyone who has read his work will know, Richard has an encyclopaedic knowledge of an extraordinarily wide range of philosophy. His capacity to summarise clearly and concisely the key positions on any issue, was of enormous value to a young philosopher, and he gave from that resource without stint.

The scope of Swinburne's work, even if we confine ourselves to the tetralogy and leave aside the earlier trilogy and his *Evolution of the Soul*, makes it impossible for any reviewer to do justice to his argumentative strategy as a whole in the space of one article. I shall, therefore, confine myself to his views on ethics and the way

they bear on our relationship with God and, particularly, on the problem of evil - a problem which, as he rightly remarks, all morally sensitive people will at some time find troubling (Swinburne, 1998, p. 23).<sup>1</sup> I shall further restrict that discussion to the issue of whether God has a right to create a world in which his creatures suffer in order that good may come.

Even that task would be impossibly wide-ranging were it not for the fact that I find myself in agreement with much of the moral framework which Swinburne employs. So I shall here briefly list these agreed points under four heads without attempting any further defence. (This is not to say that there are no disagreements of detail underlying some of these broad claims.)

*Metaethics* There are objective moral truths. Fundamental principles are necessarily true and known by reflection (Swinburne takes them to be analytic, whereas I hold them to be synthetic). Truths about what any agent should do on any occasion will depend on the contingent circumstances in which the agent finds herself.

*Normative ethics* The structure of moral theory is deontological rather than consequentialist. People are often under an obligation to do an action even if by doing so they would produce less good overall than they could by acting in some other way. There is room for supererogation: meritorious actions that go beyond duty.

*Euthyphro dilemma* That God has commanded or forbidden some action or kind of action is morally relevant to the moral status of that action. This is not because fundamental principles are dependent on God's will (they cannot be because they are necessary) but because, if there is a God, we are under obligations to him to do

his bidding in virtue of our relation to him - one significant duty being that of gratitude.

*Virtue and well-being* The correct conception of well-being is (to a degree) moralised: the virtuous person's life (and not just the world) is the better for her virtue.

One of the great strengths of Swinburne's work is its systematic structure; the metaphysics, epistemology, philosophy of mind and ethics all mutually support each other. Swinburne's account of ethics is, in some respects however, less systematic than one might wish. Throughout his works he gives examples both of obligations and of what kinds of thing are good or bad (appealing, quite properly, to our moral intuitions for support) but he nowhere gives a complete list of fundamental principles or a full account of what things are intrinsically valuable and why. It is thus sometimes difficult to see how these various principles and values are supposed to hang together, and what conception of moral agents and their relations to each other underlies them. There is also a tendency to let the single example, or a swift appeal to analogy, carry more argumentative weight than they can really bear. Getting these matters right, however, is vitally important for theodicy, since we need to be clear about what obligations we have to God and, crucially, what obligations he has to us.

Swinburne's theodicy essentially appeals to various versions of the greater goods argument, especially the good of having the opportunity to make serious moral choices and to take responsibility for each other, and the goods of character (such as courage and compassion) that are exhibited when we respond correctly to moral demands. Consequentialists have no problem with the moral structure of greater goods arguments. If an agent can bring about a greater good by introducing a bad then he morally may (and, for all except satisficing versions of the theory,

must) do the bad that the good may come. So the only issue for the consequentialist theodicy would be whether there is indeed a balance of good over bad.

Deontologists, however, hold that there are circumstances in which it would be wrong to bring about the greatest good. In deploying the greater goods theodicy they thus have a double barrier to jump. They must show not only that the world is, on balance, better for the existence of the bad things, but also that God has the right to put creatures in a world in which there are so many bad things. Swinburne has always seen that he needs to show both, but in the last volume of the tetralogy, *Providence and the Problem of Evil*, he gives us his fullest statement yet of the case for each. In this paper I shall concentrate on his defence of the claim that God has a right to create us in a world in which we are liable to great evils. I shall draw on an earlier paper (McNaughton 1994) in which I raised difficulties for his earlier and less developed defence of this claim in *The Existence of God*. I begin by looking more closely at deontology in general and the duty not to harm in particular.

No doubt partly because of the problem for deontology of the double barrier, it has sometimes been suggested (e.g. by Butler 1914, 199-200, Sermon XII) that while we should embrace deontological principles, God is a consequentialist. He has a general duty of care for the whole of creation, while we have more limited responsibilities. But consequentialism is generally held to produce very counter-intuitive results when tested against our moral intuitions. In particular, it seems to license harming one person to produce good for others. Consequentialists try to mitigate this by various well-known ruses which suggest that consequentialist agents will behave, and perhaps even think, much more like us than might at first appear. Since these stratagems all depend on the agents in question being imperfectly

informed and motivationally limited in some way, it is doubtful if they would apply to God. A consequentialist God would thus appear to be a morally unattractive figure. Swinburne does not, of course, portray God as a consequentialist, since he holds a deontological view. As we shall see, however, it turns out that on Swinburne's picture God is not under the same constraints as we are. It is true that he is under *some* constraints, so the picture is not quite a consequentialist one. But I shall show that, in effect, these constraints put virtually no limits on God's freedom of action. To all intents and purposes God is morally free to act to promote the general good, even at terrible cost. In my view, Swinburne does not succeed in showing that God does have a right to act in this way. And even if Swinburne's argument is successful, the result is a God whose relation to us is very unlike that of a parent to his children.

I begin by sketching in the main features of a deontological system. It will standardly have the following four broad categories of duty.

- 1 Duties of beneficence
- 2 Duties not to harm (non-maleficence)
- 3 Duties of justice or fairness
- 4 Duties arising from one's relationship with particular people - family, friends, benefactors etc. (positional duties).

In addition, many deontological systems, including Swinburne's, hold that the duty of beneficence is limited, which leaves plenty of room for supererogatory goodness.

Note that the last three duties place restrictions on our right to bring about good results; it may sometimes be wrong to bring about some good (e.g. when we have to break a promise to do so).

Swinburne rightly stresses the importance of positional duties (1989, 70); we enter into a wide variety of relationships in the course of our lives and each brings with it a number of duties or obligations. Just what obligations we have depends on the nature of the relationship. Relationships characteristically involve indebtedness of various kinds. *Prima facie*, some obligations are ones the agent voluntarily imposes on herself (the institution of promising being the prime method for doing this) and some are not (such as the duty of gratitude for benefits received). Swinburne sometimes writes as if promise-keeping and gratitude were the only kinds of duty (1989, 20; 1989, 70; 1993, 185; 1994, 65; 1998, 10). But at various points he states or implies that there are duties both of beneficence and non-maleficence. These two duties do not depend on any prior special relationship and are thus sometimes called general duties. If I have duties to the needy it is in virtue of their needs and my ability to help. And the duty of non-maleficence seems to be owed by all moral agents to all sentient beings just in virtue of their having interests.

With respect to obligations to help the needy, Swinburne writes, perhaps rather cagily, that it is 'perfectly plausible' to recognize that there is a 'general principle of benevolence; what he wishes to insist on is that any such principles are sufficiently limited in scope to leave room for the supererogatory (1989, 22). Does Swinburne hold that there is a general obligation not to harm as such? Of course, as Swinburne points out, whenever we wrong someone we harm them just in virtue of wronging them. If we violate one of our positional obligations, say by breaking a promise, we harm them in virtue of wronging them by breaking our word. But for there to be a general duty not to harm which is independent of our other, positional, duties, it must be the case that we can wrong people in virtue of harming them, e.g.

by depriving them of some good or causing them to suffer.<sup>2</sup> That is, a general duty not to harm appears to be a duty not to damage people's interests. Swinburne's position on this question is complicated by the fact that he holds that there is an asymmetry between God's duties and ours in this respect.

Swinburne certainly takes the view that humans have a variety of duties not to harm other humans and (to a more limited extent) animals. We have 'negative obligations not to harm others in various ways' (1998, 225). He mentions, at various places, that it is wrong for us to wound, (1998, 5) maim, or kill, (1998, 142) torture children, or commit genocide (1993, 210). But, he suggests, only some of these obligations apply to God. In some of his earlier writings (1993, 185; 1994, 203) he expresses this by saying that God is under a more limited set of obligations than we are.<sup>3</sup> In particular, Swinburne claims, God has the right to end our lives and the right, within limits, to impose very serious harms, not only for our own good, but for the good of others. Since he has these rights he can, by extension, authorise another agent, such as a human, to kill or to steal, even though it would otherwise be wrong for a human to do this. But there are certain things that it would be wrong for God to do. These include lying, breaking a promise, and systematically misleading his creatures. He has no right to order genocide, or the torture of children. (He also mentions doing bad things without a good purpose but we can leave those on one side since consequentialism, and indeed any decent moral theory, imposes those minimal limitations.)

What is the difference between us and God that grounds this distinction? In brief, it is that carers have rights, in virtue of fulfilling their duties of care, to inflict bad things on their charges for the good of others. But God has a much greater duty of

care than us and so much greater rights to arrange things so that humans suffer in order that such important goods as responsible freedom and the possibility of character development come about. God's rights in this area are limited only in that the lives of each of his creatures must contain more good than bad: '[h]e must remain on balance a benefactor' (1998, 231). In addition that there are some limits to the length and intensity of the bad states and to how much bad you may be subject to before getting something good (1998, 232).

We have seen that deontology places limits on what agents may do to promote the good. But it turns out that, for Swinburne, God is, in practice, under no real constraints, as far as this world goes, in his pursuit of the good. The limitation that God 'remain on balance a benefactor' would impose some limitation if it were not for the fact that there is an after-life. Swinburne recognises that there may be people whose lives on earth are not good overall. To fulfil his duty to them, however, God can and will compensate them in an after-life. He is thus not restricted by having to arrange things so as to ensure that no-one's *earthly* life is not worth living. The limitations about extent and intensity of suffering don't appear to pose restrictions either. The former can be met by making life finite. And the intensity of suffering would in any case be limited by the requirement that there be no more suffering than is needed for freedom and the development of moral character. The only other constraints on God, according to Swinburne, are the duties of fidelity and gratitude.<sup>4</sup> Swinburne himself claims that, in the case of God, these obligations are voluntarily assumed (1998, 10) and so God can avoid placing himself under them if that would frustrate his plan. So, despite the deontological framework in which Swinburne's moral philosophy is placed, God is under virtually no more constraints in imposing



the bad for the sake of the good than he would be on a fully blown act-consequentialist account.

Before examining in detail Swinburne's argument to show that God has a much greater right to inflict bad things on people than we do, I need to say more about the duty not to harm and how it bears on the problem of evil. I start with an intuitive conception of harm. To harm someone is to damage their interests by doing things like hurting them, damaging their physical or psychological health, depriving them of liberty and so on. Sometimes harming someone is morally acceptable. For example, to save them from worse harm, or when inflicting a justified punishment, or when the person harmed is a willing volunteer seeking to achieve some considerable good. But it is generally accepted that it is wrong seriously to harm innocent people, without their consent, even when it is done for the general good.

But what exactly is meant by saying that acts that harm in this way are wrong? In my view, the best way to think of it is that moral agents have what Ross (1930, 19-20) called a *prima facie* obligation not to harm others and that this obligation is underivative in the sense that it does not rest on a more basic duty. To say that harming others is *prima facie* (or, as I would prefer to put it, *pro tanto*) wrong is to say that the fact that an action harms others is a wrong-making feature. In so far as an act is one of harming, it ought not to be done.<sup>5</sup> But that fact does not settle whether an act of harming is actually, or all things considered, wrong since there is the possibility that there will be some moral consideration on the other side which will make the act overall right. Thus, to use an example Swinburne employs on several occasions it might be right to send your child to the local state school rather than to a private one, even though they may suffer a little, because of your obligations to your

community to improve social harmony and support communal provision of education (1989, 128; 1991, 218; 1994, 220).

Is there really a duty of non-maleficence *distinct* from the duty of beneficence? Might it not be the case that any obligation I may have not to harm is derivative from the general obligation of beneficence? If it were, then so long as the balance of well-being produced by my action was positive, my act would be right. Ross, to my mind convincingly, argues that this is not so, by asking us to reflect on cases in which we could, by harming B, produce a slightly greater benefit to A (Ross 1930, 22). Almost everyone has the intuition that it would be wrong to do so, as even consequentialists concede.

If that were all there were to the harm principle then theodicy along Swinburne's lines would be difficult but not impossible. For an act of harming might still be justified if there were a sufficient weight of moral reasons on the other side. But I believe our intuitions go further. As we have seen, there has to be quite a lot on the other side to justify the infliction of even a comparatively small harm. So, if the harm is sufficiently serious, if it is a horrendous evil, it seems that nothing on the other side could be sufficiently important to outweigh the moral reasons we have not to commit such terrible harm. (I hope no-one will say that the difference between a lesser harm and a horrendous harm is *merely* a matter of degree, if that is taken to imply that the dispute between the greater goods defender and his opponent at this point is about where exactly to draw a boundary within a grey area in which the judgements of morally sensitive people might reasonably differ. There is a grey area where we might reasonably disagree as to whether a harm is too great to inflict even

for a considerable gain, but horrendous evils fall well outside any reasonable conception of where that area is.)

I think that the intuition that nothing could justify the infliction of a horrendous evil is correct, with one possible amendment. Some have argued that it might be overall right to commit a horrendous evil to prevent a catastrophe in which a large number of people would be made much worse off. The standard example is that it might be right to torture an innocent to prevent nuclear war. Perhaps. It might also be argued that, if our condition were already desperate, and would continue to be so, unless some great harm were done to an innocent, we might be justified in so doing, in order to save many from their wretched fate.<sup>6</sup> But what, on reflection, does seem clear is that it would be wrong to torture the innocent to make an already good situation even better. This moral belief is one which, I think, prevents many who are otherwise sympathetic to a greater goods theodicy from accepting it. For, as Swinburne rightly insists, God could have created a world of free agents who found it much less hard than we do to be morally good, and who lived in a world with many good things and few bad ones. So God's situation is not that of choosing between harming the innocent and being unable to prevent much further general suffering. It is between choosing a good world, with no very great evils, and creating a world with those evils and some great goods. The intuition is that one ought not to bring about the suffering of the innocent to make a good state even better.

I started with an intuitive conception of harm. Getting clearer about its precise nature is notoriously tricky. There are two relevant conceptions of harm here. On the first, someone is harmed by your action if and only if they are worse off than they would have been had you not intervened. The second is a moralised or *normative*

conception of harm. To harm someone in this sense is to make them worse off than they ought to be, relative to some reasonable or acceptable standard. Application of these two criteria will often yield the same results, but sometimes they will come apart. The first criterion sometimes produces counter-intuitive results whichever comparator class one takes, either the state of play before the agent intervened or what would have happened in the closest possible world in which the agent had not intervened. That is, there are cases where we would wish to say that someone is harmed even though, by the first criterion, they are not worse off than they would have been. For that reason, many writers prefer the second, normative, account. The normative account of harm cannot, however, cover all the things we wish to say about harm, so we cannot do without the first conception. Not surprisingly, it fails to cover cases where we wish to say that someone has been justifiably harmed. An example would be the infliction of harm in *just* punishment. We must here be using 'harm' in its non-normative sense. The offender would have been better off had the state not intervened to inflict the penalty, but he is not worse off than he ought to be.<sup>7</sup>

We might note in passing that appeal to the normative conception of harm fits in with our intuitions in the non-identity cases, made famous by Parfit (1984, part four). I discussed in McNaughton 1994 an argument of Robert Adams to show that they are relevant to the problem of evil. Suppose some agent, individual or corporate, follows a policy which affects who is born. That policy also brings it about that some people will have very bad things in their lives. The classic example is depleting the world's resources at a high rate, but God's strategy for introducing evils to bring about greater goods would be another. Then the following may be true of some person who suffers under that policy. Had the agent followed some other

policy, which would have prevented anyone's life from falling below an acceptable level of hardship, then the person who currently suffers under the policy would never have been born. Suppose that person's life, though pretty wretched, is just worth living. Then, on the first criterion, he has not been harmed, since had the policy not been followed he would not have been born, and he has a life worth living. But our intuition seems to be that those who suffer under that policy do have a complaint. And the complaint seems to be that they have been harmed, because they have been exposed to very bad things. The second, normative, criterion of harm might make that complaint intelligible. The complaint would be that they are worse off, not than they would have been, but than they ought to be.

If we hold that it is *pro tanto* wrong to harm, then it looks as if we must be employing the normative conception since, as we have seen, one can act in a way that will adversely affect the interests of another, according to the first criterion, without doing something that counts in the least against doing it, as when one honestly wins a fair competition. If we adopt the normative conception then we need to determine what standard of treatment is appropriate, suitable or required. In many cases, standards are determined by social role. There are things we all have a right to expect from doctors, teachers and carers - not that they give us the best education or care (though we hope they do) - but that they give us a decent standard of education or care. If they fall below that standard and we end up being worse off than we can reasonably expect, then we have been harmed. There are, however, reciprocal rights and duties which are held to be independent of social role. Classically, we have certain natural rights not to be treated in certain ways. These rights stem from our natures (hence 'natural'). Each agent is worthy of individual

respect, and the duty to respect those rights is incumbent on all moral agents, irrespective of their social role. On this view, if God creates agents then, as a moral agent himself, he must respect the natural rights of his creatures. I do not have a fully worked out theory of natural rights, still less of rights as a whole, nor do I have a complete list of natural rights, but they standardly include rights not to be physically and psychologically damaged in serious ways. That the person abusing our rights is acting in a good cause is not sufficient to justify the abuse.

Some philosophers, following Bentham, think that talk of rights is nonsense and talk of natural rights nonsense on stilts. But Swinburne is not one of these. He is happy to talk the language of rights, and even of absolute human rights (1998, 228). How then can God have the right to act in ways that, were a human being to act thus, would constitute abuse of human rights? Swinburne's reply appears to be that all rights not to be harmed (except the right to be given a life that is overall good) are contingent on the social roles occupied by the respective parties, especially on whether they stand in the relation of dependent to carer. Carers have rights over dependants that non-carers lack. The more they play that role, the more they have the right to do things to dependants that it would be wrong for others to do. God, as the total carer, has the right to subject us to many things that no human carer has. The right not to be seriously damaged turns out to be one that does, after all, depend on social role. I have that right against all other agents, except against a total carer on whom I am totally dependant for everything I have, including my life. Since no human could occupy the role of total carer, we might think this is a right I have against all agents, irrespective of social role, but that would be an (understandable) error.

Before looking at Swinburne's argument in detail, we might note that this approach looks implausible. For carers, as Swinburne acknowledges, have duties to their dependants, as well as rights over them. They have responsibilities to do *more* for their dependants than do others who have no duty of care. We would expect them therefore to be obliged to treat their dependants at least as well as a non-carer ought to treat them, in terms of respecting their natural rights. Indeed, carers typically have the duty not only not to harm their dependants themselves but to protect them from being harmed by others.

This last point enables me briefly to address an issue I have so far omitted to mention. There are two kinds of evil: natural and moral. Is the complaint that God has no right to inflict horrendous harms on us directed at one or both of these evils? God merely *allows* moral evil, whereas he *inflicts* natural evil. Two arguments might be adduced to show that God is not violating our natural rights by allowing moral evil. The first, which Swinburne mentions, is 'that while *A* may have a right to *x*, and so everyone including *B* has a duty not to deprive *A* of *x*, it does not follow that everyone has a duty to interfere to stop *B* depriving *A* of *x*' (1998, 229). One may not only have no duty to interfere, but in some cases no right to, because you would be interfering in an area for which someone else has primary responsibility. I agree. But it is not clear that Swinburne can appeal to this argument to show that God may have no duty to interfere. For it is crucial to Swinburne's defence that God is a carer. And carers characteristically have positive duties to their charges, including the duty to prevent their being wronged. Since God cares for all, then nothing is outside the area for which he has responsibility.

The second argument, which Swinburne does not mention, appeals to the Doctrine of Double Effect. It does matter, it seems, in considering the moral quality of my action whether or not I bring about the harm as part of my plan. (It surely matters, in considering whether I am justified in sending my children to a public rather than to a private school, that any deprivation or suffering they incur is no part of my plan; it is intended neither as a means nor as an end.) I have suggested (in McNaughton 1994, 336-340) that a proponent of the greater goods defence *might* be able to use it to justify God allowing moral evil since it is no part of his plan that people do wrong. Since Swinburne does not appeal to it I shall not discuss this defence further. I don't think that appeal to this doctrine would in any case meet the deontologist's complaint. For Swinburne claims that there are natural evils that God puts in the world as part of his plan. And some natural evils, such as diseases which cause prolonged agonising pain and disability, are horrendous evils. Thus the issue of God's right deliberately to inflict these evils on his creatures would remain. To put it more bluntly, creating a world in which children suffer long, painful and crippling diseases *is* to torture children. We will need powerful arguments to show that God has the right to do that.

We can now turn, finally, to examining Swinburne's argument to show that God has the right to inflict these evils for the greater good, provided that he ensures no one has a life that is not worth living. In what follows I shall consider only harm that happens during earthly life. Swinburne has another argument to show that God has the right to end our lives, which depends on a giver having the right to withdraw his gift, but I have not space to consider that claim here.



Swinburne's argument appeals to the parent-child analogy. We don't generally have the right to interfere in the life of another person for either their own good or for the good of another. But things are different for parents in particular, and carers in general. As the child's 'source of being' (1998, 224) parents have duties to the child, to give her a good life, but also certain rights: rights to decide 'how she shall flourish' and also limited rights to expect obedience while the child is dependent. But God is much more our 'source of being' than any human parent, since he supplies everything that supports and nourishes us. Correspondingly, both his rights and his duties are much larger than that of any human parent. 'The greater the duty to care, the greater (if the duty is fulfilled) the consequent rights' (1998, 224).

I confess to finding this argument hard to follow. I attempt to sort out various strands in it below. However, and this is the crucial point, even if sound, this argument does not show the *extent* of God's enhanced rights. Human carers have very limited rights to inflict bad things on their charges. All this argument would show, unless supplemented, is that God has rather more rights of that kind, not that he has rights limited only by the duty to ensure that someone's total life is overall worth living. Swinburne does not, so far as I can see, supply the needed supplement. But is the argument sound? I shall look in turn at the duties of carers, the rights of carers, and the connection between them.

I begin with the duties of carers. Note that people can be dependant on others in two ways. First, they can lack the competence to make decisions for themselves. Second, they can be dependant on others for assistance of various kinds. Both kinds of dependance play a role in Swinburne's argument. Following Buchanan and Brock, he considers three models for the duties of carers in charge of those not competent

to make decisions: advance directives, substituted judgement and best interest. The first two make sense only where the person was formerly competent and had some views on these matters. Given that the crucial issue, from the perspective of the problem of evil, is what kind of world with what sorts of creatures God should create, the first two criteria drop out as irrelevant, since God is in no position to consult us prior to creation. That leaves only the best interest criterion to guide carers, i.e. what 'promotes best what is objectively in the individual's own well being' (1998, 227).

However, in the very next paragraph, Swinburne, puts a gloss on the 'best interest' criterion in which he substitutes a quite different criterion. He writes: 'I need to stress that the duty to benefit, to promote what is objectively in the individual's best interest, is a duty to benefit on balance, overall' (1998, 227). But these are just different duties. The first requires me to do the best I can for you; the second (which we might call the overall interest criterion) requires me only to ensure that you come out ahead. If the financial trustee of a minor has a duty to act in the best financial interests of that minor then his duty is to make as much money on behalf of the minor as he reasonably can. A complaint that he has not done enough could not be fully met by pointing out that the minor was a net beneficiary of his action (in the non-normative sense).

Swinburne claims that the overall interest criterion is what should govern God's actions in his relation to each of us. Apart from his failure to derive it from his starting point, the overall interest criterion is, I contend, a most implausible account of the duties of carers. Let me illustrate with the duties of parents. People who occupy the parental role, whether natural parents or not, have, I suggest, a number of distinct duties to their child, some of which depend on the peculiar needs and

frailties of children. They have duties to see that the child is provided with adequate food, warmth, shelter, comfort and affection, a decent education, good medical care and so on. They also have duties to ensure that the child gains a sense of right and wrong, develops a concern for others. And they have a duty, which they share with all other people, not to violate the child's human rights - a duty that is especially incumbent on them as carers. They also have a duty, as carers, to protect the child and to ensure that others do not violate the child's human rights. These duties are not best summed up under the heading 'acting so as to benefit on balance overall'. First, I have *no clear idea* whether I have 'benefitted my child overall', and neither, I suspect, does anyone else. But I do have a pretty clear idea of my parental responsibilities.<sup>8</sup> Second, if I chose not to carry out one of these duties, say the duty to educate, I could not escape criticism by claiming (supposing we could evaluate the claim) that the package I had given the child benefitted her overall. If resources are scarce, I may be forced to choose which duties to my child to fulfill. I may still give much to my child and might even be said to have benefitted him overall, but I will still not have carried out all my responsibilities, and that will be a matter of regret, though not, if I am rational, of remorse.

While these objections appear decisive against Swinburne's account of the duties of human carers, he might reply that the first one applies merely in virtue of our epistemological limitations. God will know whether or not someone has been benefitted overall. But that is to assume, as I have been allowing the consequentialist to assume for the purposes of debate, that any difficulty we have with determining whether someone has been overall benefitted is merely a result of our limited cognitive capacities. I am not sure we can even make sense of this idea but I will not

press the point here. It is the second objection that I wish to press. If the duties of ordinary carers are best understood as fulfilling a number of obligations to their charges, rather than as securing an overall balance of benefit, then the analogy between human carers and God which Swinburne is pressing suggests that God's duties to us are best understood in the former way and not the latter.

The preceding discussion suggests that the best interest criterion is also not the appropriate way to capture the duties of carers. If we accept the best interest criterion, however, there is an argument elsewhere in Swinburne's work for suggesting that, in the special case of God, this entails only a sufficient interest criterion. This might explain his otherwise apparently unmotivated slide from one to the other. The argument concerns cases where 'for each of an infinite number of incompatible best actions open to him, there is a better, but there is never a best' (1994, 69). Here a rational agent, since he cannot choose the best, will choose a good one. It looks as if promoting the best interests of a human being are of this kind. However good a life God gave a human he could always give them some more. So reason requires him to give each person a good life, but there is no overriding reason to give them one amount of goodness rather than another. So the best interest criterion collapses into the sufficient interest criterion. Swinburne and I agree, however, that if it were wrong to make some kinds of world, then God would have overriding reason not to make such worlds, however much good they contained. The difference between us is, it seems, whether or not creating a world with horrendous harms does violate our human rights.

I turn now to the rights of carers. Swinburne does have a perfectly valid point in saying that the duties the carer has to the dependant are associated with certain

rights which may limit how much the carer ought to, or even may, do for the dependant. Which of these rights apply to God? First, as Swinburne points out, there are limits to the amount of trouble and inconvenience to which the carer can reasonably be put to provide for the dependant. So the carer has the right to pursue, to some degree, her own interests and to arrange things so that the care-giving is not excessively onerous. This right, however, is irrelevant in the case of God (leaving to one side the Atonement) since the idea of God being inconvenienced or finding supplying good things onerous is absurd. Second, there is the right to expect obedience. In particular, there is the limited right to require any dependant to work for the good of others, especially others who are in the carer's charge. Third, the duties of carers to their dependants are limited by their other duties. In the case of human carers these will be not only to other dependants they may have, but to friends, employer, community and state. So they have the right, indeed the duty, to give less to one dependant if giving more would conflict with their duties to others. So 'I have the right to force an elder child to help a younger child cope with some difficulty when I cannot help her myself directly, in view of my duty to help the younger child' (1998, 228). And I have the right to foster the responsibility of the older child by giving him responsibility for the younger one. It may be good that I don't constantly check up on the older child. But there are clear limits to the delegation of responsibility. If I knew that the older child was seriously abusing the younger and did not intervene I would be a very bad parent. Fourth, provided I have fulfilled my duties to all my dependants I have the right, to some degree, to decide how much I shall give to each out of generosity. Fifth, I have the right to expose my child to some dangers and difficulties for his own good. I may allow and even

encourage her to take some risks so that she can learn courage. Once again, this right is limited by my duty not to abuse the child. It would be monstrous, as Swinburne agrees, for me to handicap the child so as to give her the chance to learn fortitude.

As Swinburne has persuasively argued, there are goods, such as exercising compassion, that God can only give to some people if others suffer. But the right that anyone, including God, has to impose that suffering for the general good is, of course, limited by whatever general duties carers have. Nothing in our examination of the rights of carers so far suggests that any carer, including God, has the right to say, to subject anyone to a terrible handicap even if that would make possible the goods of fortitude and compassion.

The success of Swinburne's argument hinges then, on his rather obscure claim that 'the greater the duty to care, the greater (if the duty is fulfilled) the consequent rights' (1998, 224). I consider three possible interpretations, under none of which does it turn out that God has a right to impose harms limited only by his duty to ensure that each of us is a net beneficiary.

Firstly, we can recognise that *A* may have a greater duty to care for some *C* than does *B*, in the sense that *A* is more responsible for ensuring *C*'s well-being than is *B*. So parents have more responsibility (at least in our society) than do grandparents for the welfare of children. Grandparents are allowed, to a degree, to pick and choose how much and when they will help. And Swinburne's principle, thus interpreted, seems plausible. The parents have more rights than grandparents about how the children shall be brought up. But now does God have even more of a duty to all of us than parents do to their children? On Swinburne's own view it would seem

not. For parents and God have the same duty on his view: 'the duty is a duty to benefit, overall'. On my view also, it is not clear that God has more of a duty to care for us than parents have to their children. He is, of course, in a better position because of his power to carry out his duty, but that is another matter.

The second and third interpretations require us to pay attention to a further strand in Swinburne's argument. God is held to have greater rights over us in virtue of providing more for us than any human possibly could. This he is able to do in virtue of his limitless power. 'Since God is so much more the source of our being than our human parents (who can only give us what they give us because God keeps them in existence and keeps operative the laws of nature which enable them to benefit us), he must, by analogy, have far greater duties and rights than they do' (1998, 224). Note that we have now moved to talking about people being dependent on God in the second sense; dependent for their existence and material welfare.

One way of reading this claim does not advance us much beyond the point just made, that God is in a better position to provide us with good things than are our parents because he is in control of everything. On this second interpretation, God has (in a stretched sense) a greater duty, not because he has a duty to care for us more than our parents do, but because he is able to give us things that our parents are in no position to give, because they lack the power. I don't think this is the correct interpretation of Swinburne's argument, and in any case, his principle seems false here. Rich parents may be able to give their children more than poor ones, but they don't seem to have more rights over their children thereby.

On the third interpretation, God's greater rights stem from the greater scope or range of his responsibilities. He is responsible for the upkeep and running of the

whole universe from moment to moment. As the ultimate sustainer and guardian of the world he has greater rights than does anyone else to determine what will happen in it. An analogy here would be with the state. The state has much wider ranging responsibilities than does any individual. It organises defence, policing, health care, education, transport and so on. The state appears, in consequence, to have considerable rights over us; rights which might plausibly be held to be greater than the rights individual carers have over their charges, e.g. the right to conscript and, in time of war, to send people to their deaths. These are considerable rights, but I do not think they will help Swinburne's case. The state has these rights over us because it protects us against aggression, and thus needs considerable power to defend us. That it can demand much of us when the integrity of the community is under unjust threat does not show that it can violate human rights when no threat exists, simply to make available goods that would not otherwise be possible. Since the justification of the rights of the state lies, in great part, in its being the guarantor of our rights, its rights over us are limited by our basic human rights. The state may have greater rights than any individual in view of its wide responsibilities, but the justification and structure of those rights remains deontological in character.<sup>9</sup>

This has been a long and even tortuous discussion. We are now in a position to pinpoint the precise issue between my view and Swinburne's, but before doing that, I need to deal with one more argument he offers to show that God's rights are only limited by the principle of sufficient interest. We have seen that, though we have no right to harm people seriously even for the general good, they may have the right to sacrifice their welfare for the general good. So one way of putting the complaint against God is that he is, as it were, pre-empting any self-sacrificial decision by



creating us in a world where we have no choice but to suffer in order that greater good may come about. Swinburne points out that this appears to violate a principle against enforcing unselfishness without consent which Swinburne himself endorsed when discussing the duties of carers. The principle is that 'carers cannot take on behalf of a dependant unselfish decisions, in the sense of ones which lessen a dependant's well-being from what it would otherwise be' (1998, 231). Swinburne argues, in rebuttal, that God is not in breach of this principle, because "what it would otherwise be" means what it would have been in virtue of acts of other agents (animate or inanimate)'. But before God has created a world there is no fact of the matter about how agents would act.

I have two objections to Swinburne's response. He is, of course, employing the non-normative conception of harm in defining unselfishness. First, we might doubt whether, given that definition, his choice of comparison class is correct. If God can create us in more than one world, then we might think the appropriate comparison was with how our life would have been in other worlds in which God could have created us. Second, a non-normative account of unselfishness is unsatisfactory; it has to be given a normative construal. Roughly, someone is unselfish if, to benefit others, they make themselves worse off than they are required to be. I am obliged to walk one mile, but may unselfishly walk a second. Swinburne is surely correct to say that carers don't have the right to enforce unselfishness on their charges. Given this normative understanding of selfishness, however, it would seem that God does impose sacrifices which could not be *morally required* of people, though it might be supererogatorily good for them voluntarily to undertake them.

Finally, I return to the point at issue between Swinburne and myself. Recall that the starting point for Swinburne's argument was that I don't generally have the right to interfere in someone else's life either for their own good or for the good of another. Why? Where other person is an independent adult the answer seems to be that I don't have the *authority* to intervene. What I may be proposing to do might be quite unobjectionable if done by someone in authority, but I am not in that position. Carers do have authority, to varying degrees, to run their charges' lives, in virtue of being given responsibility for their welfare. Some carers have more authority than others. The state has responsibility for running more things than a carer in an old people's home, for example. And the state has more right to interfere in our lives than such a carer. Now, and this is the crucial point, if the only objection to any interference in people's lives for their own or other people's good were that the person interfering lacked sufficient authority, then it is reasonable to assume that God would have virtually unfettered rights to interfere because he has unlimited authority. It is here that the remark about God being responsible for sustaining the whole universe is relevant. For who could have greater authority than the creator and sustainer of everything? I am entirely happy to concede God's authority. What I think Swinburne believes, and what I certainly deny, is that the *only* moral impediment to unfettered interference is lack of sufficient authority. Our human rights limit what even those in authority over us may legitimately do. Some interferences are wrong because the interferer lacks the authority to interfere at all or to interfere in that way, but not all. Some actions are wrong because they treat people in ways that it is unacceptable that anyone should be treated, irrespective of issues of authority. This interpretation of Swinburne explains what might seem otherwise puzzling. If it is

wrong for us to harm others for good ends, how could God make it permissible and even obligatory by his commands? The answer is that for Swinburne the only reason why we may not do these things for good ends is that we lack the authority. Since God has that authority, he can authorise us. So the underlying structure of Swinburne's moral theory is much less deontological than might at first appear. This is made clear in his proposed amendment to Kant's famous second formulation of the Categorical Imperative: 'It is ... permissible to use someone for the good of others if on balance you are their benefactor, and if they were in no position to make the choice for themselves' (1998, 233).

I conclude that Swinburne has not shown that God has the right to impose serious harms to bring about the good for, while he has addressed the argument from authority, he has not addressed the argument from human rights. I want to conclude by drawing attention to the distance we have travelled from the favourite Christian analogy of parents and children with which Swinburne started his discussion. The model of parent and child is central to the Christian understanding of our relation to God, and for good reason. But God does not appear to treat us like a parent treats a child. No loving parent would treat their children according to Swinburne's 'modified' Kantian dictum, and deliberately inflict serious harm on her child for the good of others. The model to which Swinburne's argument from authority drives us is that of government and citizen. Or, better, a remote governor who has to a considerable extent left the governed to get on with running things, but will one day resume direct control himself.<sup>10</sup> God, as the governor of the universe, is unfettered in what he may do to us provided we are net beneficiaries. This is not a relationship which seems aptly characterised as that which exists between a *loving*

parent and child. Yet the great message of Christianity is that God is love. Any solution to the problem of evil has to leave that central pillar intact.<sup>11</sup>

## Notes

<sup>1</sup> To save space, all future references to Swinburne's writings will just give year of publication and page number.

<sup>2</sup> If we can sometimes wrong people by harming them, then they will also be harmed in being wronged. They will have two complaints, as I think Swinburne would agree (see 1998, 104).

<sup>3</sup> As we shall see, Swinburne now claims (1998, 224) that God has a greater duty to care for us than anyone else. However, I don't think this represents a substantive change of position, as I try to explain in the text. God's obligation not to harm us is very limited.

<sup>4</sup> The duty not to lie stems from an implicit promise (1998, 104).

<sup>5</sup> I doubt that this is Swinburne's understanding of a moral principle of the form 'A-ing is wrong'. I think that he understands a moral principle to state that acts of a certain kind are generally forbidden.

<sup>6</sup> I am grateful to Eve Garrard for pointing this out to me.

<sup>7</sup> I am very grateful to Stephen Wilkinson for letting me draw on material from chapter four of his forthcoming book.

<sup>8</sup> These points were forcibly made to me by Piers Rawling.

<sup>9</sup> I am grateful to Peter Byrne for pressing me to be clearer on the limits of the rights of the state over its citizens.

<sup>10</sup> This model also has its place in the tradition, see e.g. Matthew ch 21, vv. 33-40; ch 22, vv.2-7; ch 25, vv. 14-30. My point is that the models are not only very different but appear incompatible.

<sup>11</sup> I am grateful to Peter Byrne, Eve Garrard, Piers Rawling, and Stephen Wilkinson for helpful comments on an earlier draft of this paper.

- ADAMS, R.M. (1987) 'Existence, self-interest and the problem of evil' in his *The Virtue of Faith* (Oxford: Oxford University Press), 65-76.
- BUTLER, J. (1914) *Fifteen Sermons Preached at the Rolls Chapel*, ed. W.R. Matthews (London: G.Bell & Sons)
- MCNAUGHTON, D. (1994) 'The problem of evil: a deontological perspective' in Alan Padgett (ed.) *Reason and the Christian Religion* (Oxford: Clarendon Press), 329-351.
- PARFIT, D. (1984) *Reasons and Persons* (Oxford: Clarendon Press).
- ROSS, W.D. (1930) *The Right and the Good* (Oxford: Clarendon Press).
- SWINBURNE, R. (1989) *Responsibility and Atonement* (Oxford: Clarendon Press).
- SWINBURNE, R. (1991) *The Existence of God* (Oxford: Clarendon Press, Revised Edition).
- SWINBURNE, R. (1993) *The Coherence of Theism* (Oxford: Clarendon Press, Revised Edition).
- SWINBURNE, R. (1994) *The Christian God* (Oxford: Clarendon Press).
- SWINBURNE, R. (1998) *Providence and the Problem of Evil* (Oxford: Clarendon Press).
- WILKINSON, S. (2002) *Bodies for Sale: The Commercial Exploitation and Commodification of the Human Body* (London: Routledge).