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A Deontological Solution to the Problem of Evil

The 'Informed Consent' Theodicy

Abstract

This paper introduces the 'informed consent' theodicy. God desires that all created persons should not only be free, but should also possess essential perfect goodness, and hence by nature be incapable of evil. However, before causing created free agents to take on a nature rendering them essentially perfectly good, God has a moral obligation to obtain their informed consent. This necessitates that every moral agent which God creates must initially be permitted a temporary probationary period, during which their moral character is unfixed and malleable, in order that they may gain knowledge by acquaintance of both good and evil. This knowledge is a necessary precondition to enable them to make a genuinely informed decision regarding their ultimate moral destiny.

1 Introduction

[1] A variety of theories have been proposed to explain the existence of suffering and evil from a theistic perspective. Approaches to the problem have included Irenaean 'soul making' theodicies,¹ and process theodicies which have revised the classical doctrines of omnipotence and *creatio ex nihilo*.² However, probably the most widely accepted solution to the problem of evil for classical theists has been the 'free will' defence, as articulated (in slightly different forms) by scholars such as Swinburne³ and Plantinga.⁴ At the core of the free will theodicy is the claim that God cannot create creatures who are both genuinely free in some highly desirable sense, but who are also incapable of choosing to do evil. It is then argued that the good which comes from creating such genuinely free creatures outweighs the cost of the various evils which will also result.

[2] The purpose of this paper is to present an alternative theodicy, which will be called the 'informed consent' theory, because the central component in its logic is the bioethical principle of informed consent. This theodicy seeks to remain consistent with a reasonably traditional theism, and hence does not involve the kind of radical modifications to classical theism that are entailed, for instance, by process theories. It will be argued that God desires that all the moral agents

1. John Hick, 'Soul-making theodicy', in: William Rowe (ed.), *God and the Problem of Evil* (Blackwell, 2001), 265–281.

2. David Griffin, 'Creation out of nothing, creation out of chaos, and the problem of evil', in: Stephen Davis (ed.), *Encountering Evil: Live Options in Theodicy* (Westminster John Knox, 2001), 108–125.

3. Richard Swinburne, *Providence and the Problem of Evil* (Oxford, 1998).

4. Alvin Plantinga, 'Suffering and evil', in *Warranted Christian Belief* (Oxford, 2000), 458–499.

he creates possess essential perfect goodness, and hence by nature be incapable of evil. Being omnipotent, he also has the power to create moral agents in this condition, and also to cause moral agents which already exist but lack essential perfect goodness, to be so transformed in nature as to take it on. However, there is a crucial ethical restriction on God's actions in this regard, which plays the central role in the proposed theodicy. God cannot ethically create any creature in a permanent and unalterable moral state, such as perfect goodness, without first obtaining their informed consent. Furthermore, in order for such consent to be adequately informed, the creature must have knowledge by acquaintance concerning both good and evil. Our present existence on earth is argued to be merely a probationary period during which we as a community of humans experience both good and evil in all their fullness, in order that we might make an informed decision about our ultimate fate. It will be argued that evil exists because the moral principle of informed consent requires God to give each free creature that he creates knowledge by acquaintance of evil and what it entails.

[3] In order to provide a background for the informed consent theodicy, it is necessary to briefly consider two difficulties with the most popular alternative theory, the free will theodicy. The informed consent theodicy arises out of a discontent with certain aspects of the free will theory. However, it also bears some relationship to Irenaean theodicies, which will be noted later. The first problem with the free will theory, which has to do with the nature of freedom, is reasonably well known. The second problem, an ethical objection which arises from within a deontological moral perspective, has received little attention.

2 The problem of the nature of freedom for free will theodicies

[4] The first problem for traditional free will theodicies has to do with the nature of freedom. Specifically, is it possible for a being to be free in a libertarian or incompatibilist sense, and yet also to be completely incapable of doing evil? Classical theists are caught in a difficult position here, because they maintain that God is perfectly free, and yet at the same time hold that he is also essentially perfectly good, and therefore incapable of doing evil. While God's essential moral goodness has on occasions been denied by theists,⁵ the classical idea that God is incapable of evil remains the dominant view. Yet the free will theodicy depends crucially on the concept of 'moral freedom', which means that a being has the actual capacity to do either good or evil. Although classical theists maintain that God is perfectly free, they do not mean by this that he is morally free, because they also claim that God is incapable of doing evil. So it seems that it is possible, on the classical view, for a being to be both free (indeed, perfectly free), but also incapable of evil.⁶

5. Stephen Layman, 'Moral evil: the comparative response', *International Journal for Philosophy of Religion* 53 (2003), 1–23. Layman holds that God is only contingently perfectly good, and that if he chose to sin, he would no longer be divine (see note 12, 22). While this avoids the problem outlined here, it does so only by exchanging this problem for others of similar magnitude.

6. Wes Morriston, 'What is so good about moral freedom?', *The Philosophical Quarterly* 50 (2000), 344–358.

[5] A possible recourse for the theist at this point would be to argue that God is a special case, so that because of one or more attributes which he uniquely possesses, it is possible for him to be free but incapable of evil, whilst all created beings, if they are free, must be capable of evil. Even if such a strategy could be successful, however (which seems unlikely,⁷) the problem would remain for mainstream theistic religions, because the difficulty in question is not limited merely to God. The idea that humans (or angels) may exist in a state of perfect freedom in which they are incapable of doing evil is inherent to a number of major orthodox theistic traditions. For example, most forms of Christianity hold that there will be a future resurrection in which believers will be brought back to life, and live forever free from evil, pain, suffering or death. In this future state, believers will be incapable of doing evil, or rebelling against God again.⁸ Yet those who hold to this belief would also want to say that believers continue to be free in this future state. After all, if freedom is as valuable as those who defend the free will theodicy generally maintain, then it would be disappointing indeed to have to give it up in order to enjoy eternal bliss.

[6] The fact that theistic religions imply that a being can be free (and indeed, 'perfectly free'), whilst at the same time not being morally free, threatens the whole free will theodicy in its conventional form. After all, why could God not create all other beings in this state of perfection, in which they would enjoy all the benefits of perfect freedom, without there being any possibility of evil? Indeed, the production of such a community of perfectly free beings who are incapable of evil seems to be the end towards which God is working, according to religions such as orthodox Christianity. The present order of suffering and evil is only a transient, not a permanent or eternal, state of affairs.⁹ If, motivated by a theodicy, it is necessary to argue that moral freedom itself has value over and above mere 'perfect freedom', one is placed in the difficult position of attributing great value to something which God lacks, and which believers are promised they will have purged from them in the afterlife. This represents the first defect of the conventional free will theodicy.

[7] The theodicy presented in this paper avoids this problem. It does not presuppose any particular theory of freedom, and indeed, while the author is in fact an incompatibilist, the theodicy presented here could also be maintained by a soft determinist. The informed consent theodicy allows that it is possible to be both free and morally responsible, whilst also being incapable of doing evil. It therefore does not depend upon the concept of 'moral freedom' which is so central to the traditional free will defence.

7. Morrision ('Moral freedom', 358) concludes that 'Our best attempt to reconcile the doctrine of essential goodness with the requirements of the free will defence must therefore be deemed a failure'.

8. A representative example is Millard Erickson, *Christian Theology* 2nd ed. (Baker, 1998), 1236.

9. Gijsbert van den Brink, 'Natural evil and eschatology', in: Gijsbert van den Brink, Luco J. van den Brom & Marcel Sarot (eds.), *Christian Faith and Philosophical Theology* (Kampen, 1992), 39-55.

3 The ethical problem for free will theodicies

[8] The second potential problem with the free will theodicy in its conventional form is its implied teleological ethic. Free will theodicians argue that the existence of evil is justified as a necessary prerequisite for the existence of certain great goods, which are so inherently valuable that the goodness of their existence outweighs the badness of the existence of evil and suffering. In other words, evil exists only as a means to an end, and the end (the existence of valuable goods) justifies the means (which involve the existence of evil). Free will theodicians find themselves engaged in an almost utilitarian 'calculus of goods and evils', in which one adds in the value of the good things that will result from God's acting a certain way, and subtracts away the value of the bad things that will result, and if the result is sufficiently positive, then all is well. Indeed, the final chapter of Swinburne's major work on theodicy is entitled, 'weighing good against bad'.¹⁰ The rightness of God's actions is calculated on the basis of outcome: will the good that ensues from moral freedom outweigh the bad that might come about as well? One free will theodician writes: 'What the free-will defender must insist upon is, first, that the amount of evil that in the end will exist will be outweighed by the good that will exist, and, second, that this favorable balance of good over evil was obtainable by God in no other way'.¹¹

[9] Whether God foreknows the actions of free agents (as Plantinga¹² and historic Christian orthodoxy have maintained), or whether he does not presently know the future choices of free agents (as Swinburne¹³ and advocates of 'open theism'¹⁴ believe), the basic ethical assumptions involved in the traditional defence are the same. In the former case, all the goods and evils that will result from a given course of divine action can be calculated with certainty in advance. In the latter case, God has to operate on the basis of probabilities, and whatever course of action he chooses will involve some risk: he may aim to maximize good over evil in the outcome, but the possibility will always remain that things may not turn out as he planned.¹⁵ However, in either case, the ethical principles by which God's actions are justified are essentially the same. God's acts are justified because they achieve certain good outcomes, even though these may be accompanied by other undesirable outcomes such as evil and suffering. It is the consequences of God's actions, in terms of the good and bad states of affairs which result, that determine their ethical goodness. Furthermore, in judging that the suffering of innocent humans which will result from God's actions is nonetheless outweighed by other good consequences, such individual humans come to be treated in the calculus as a means to an end, rather than as ends in themselves.

[10] Of course, whether the teleological ethic implied by standard free will

10. Swinburne, *Providence*, 237.

11. Stephen Davis, 'Free will and evil', in: Stephen Davis (ed.), *Encountering Evil: Live Options in Theodicy* (Westminster John Knox, 2001), 76.

12. Plantinga, 'Suffering and evil', note 4, 461.

13. Swinburne, *Providence*, 133–134.

14. Gregory Boyd, *God of the Possible* (Baker, 2000).

15. Gregory Boyd, *Satan and the Problem of Evil* (IVP, 2001), 86.

theodicies is considered to be a problem will depend upon whether one finds teleological ethical theories in general convincing. If one holds on independent grounds to a teleological ethic, then this aspect of the free will theodicy can perhaps be passed over as constituting no important objection to the theory. However, those who hold to deontological, and in particular, Kantian forms of ethical theory, should find the ethical implications of the standard free will theodicy to be objectionable. For Kantians, nothing is good in itself except a good will.¹⁶ There can be no calculus of goods and evils; states of affairs can only be said to be good in a secondary and derivative sense, if the means to produce them were fully in accordance with the moral law. It is the means which justify the end, and never the other way around. If God exists and evil also exists, then for a Kantian there must be a moral law which accounts for why God does not eliminate all evil. These considerations would seem to be relevant, not only for Kantians, but for anyone who holds to a strictly deontological ethical theory.

^[11] This raises the question, of course, of what moral law might so restrict God's ability to eliminate evil entirely. The answer proposed in this paper is that the ethical principle in question is just the principle of informed consent, so familiar to bioethicists. It will be argued that there is a moral law requiring that, if God is to cause a being to have any particular permanent and unchangeable moral character, even if that moral character is one of perfect goodness, then he must first obtain that being's informed consent. No being can be ethically created by God with an irreversibly fixed moral character. Rather, all beings must be created with a malleable moral character, and God must allow them a probationary period during which they are fully informed about the nature of both good and evil. Only after each being has been fully informed about the nature of good and evil, may God then proceed, with their consent, to cause them to take on permanent and unchanging moral goodness. It will then be claimed that our present existence on earth constitutes just such a probationary period, during which we are fully informed concerning the nature of good and evil, in order that we may then make an informed decision as to which we will become. The rest of this paper will be devoted to elaborating this theory in more detail.

^[12] Before proceeding, it is worth making explicit a central contrast between the informed consent theory presented here, and free-will theodicies. For free-will theories, the fundamental constraint on God's action which necessitates (or at least renders likely) the existence of evil is a *metaphysical* constraint; namely, the impossibility of creating truly free agents whilst also ensuring that they never do any evil. This constraint is imposed on God because of the nature of freedom, which is a metaphysical issue. However, for the informed consent theodicy, the fundamental constraint on God's action which results in the existence of evil is an *ethical* constraint; namely, the moral principle of informed consent. This constraint is imposed on God because his essential perfect goodness entails that he must always do what is morally right.

16. Immanuel Kant, *Grounding for the Metaphysics of Morals* 3rd ed. trans. James Ellington (Hackett, 1993), 7–8.

4 The relevance of the ethical principle of informed consent to God

^[13] A basic, perhaps the most basic, principle of bioethics is that of informed consent. No medical procedure may be undertaken on a mentally competent adult patient, no matter how potentially beneficial or life-saving, without first obtaining their informed consent.¹⁷ A mentally competent adult patient may refuse the best medical treatment and choose to suffer and die in pain, if they so decide. Of course, the principle of informed consent may itself be challenged on various grounds. An attempt to prove that this principle represents a valid, Kantian universal ethical law lies beyond the scope of this paper. Nonetheless, few ethical principles could claim to have such widespread acceptance and support. Intuitively, the idea of forcing a mentally competent adult to undergo some procedure against their will seems repugnant.

^[14] It is worth asking the question, therefore, whether the principle of informed consent as it underpins medical ethics represents a manifestation of a moral law with wider ramifications than merely the practice of medicine. It seems reasonable to claim that before performing any momentous alteration to the body, mind or soul of any given free agent, especially if that change is irreversible, then we ought to obtain their informed consent for the procedure. Such an ethical principle would be even more relevant to God, if he existed, than it would be to doctors, since the capability of God to perform such changes on his creatures would be profound. The principle of informed consent as it applies in relation to medical ethics follows from a more general principle of respect for the autonomy of persons. This general principle of respect for autonomy is not limited to a medical context and there does not seem to be any reason that God would be exempt from its scope of application, given that his actions must be ethically good.

^[15] A question might be raised concerning whether creating a being in a certain state from the outset would require informed consent in the same way as taking an already existent being and causing them to take on that same state. Careful consideration would lead to the conclusion that, if it is possible for God to obtain the informed consent of the creature in question, that he ought to do so, rather than merely creating that creature in an irreversible state from the outset. Perhaps the closest analogy that can be derived from the sphere of medicine involves awakening a patient who is unconscious. Actual medical practice provides us with an appropriate example. Sometimes it happens that when a patient is anaesthetized in order to undergo surgery, during the course of that surgery an unrelated medical condition is discovered which also requires immediate surgical intervention. For example, a patient might be undergoing an appendectomy, but during the procedure the surgeon discovers an unrelated bowel cancer. In such circumstances, standard Western medical practice requires that, if possible, the

17. 'Every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient's consent commits an assault, for which he shall be liable in damages'. From Benjamin Cardozo, 'Schloendorff v. New York Hospital', in: Helga Kuhse & Peter Singer (eds.) *Bioethics: An Anthology* (Blackwell, 1999), 517.

patient should be briefly brought back to consciousness out of anesthesia, and their consent sought to perform surgery on the bowel cancer. It would generally be regarded as ethically unacceptable for the surgeon to simply go ahead and perform surgery on the unrelated condition while the patient was still anaesthetized, because no consent had been given by the patient for that procedure. Hence, a patient who is unconscious must (if possible) be brought back to consciousness in order to seek their consent for a procedure which they did not previously contemplate. Following this analogy, we might conclude that if God has the capacity to create a being first and then allow it to make an informed decision regarding the permanent formation of its character, then he ought to do so, rather than simply creating the being with it already possessing that permanent character. This applies regardless of how good the permanent character is, for the principle of informed consent does not depend on the benefits of the treatment.¹⁸

5 The irreversible nature of essential moral goodness

^[16] It might be objected that God has, as a matter of fact, created each of us with apparently permanent characteristics, ranging from height and colour of our eyes, to psychological characteristics such as whether we are introverts or extroverts. None of us had an informed choice about what our eye colour would be, or how impulsive we are. However, this objection overlooks the fact that none of these attributes is intrinsically irreversible. Unlike most other attributes, once a creature has been made essentially morally good, they will from then on be incapable of ever seeking or choosing to be otherwise. If God creates a creature with blue eyes, or an introverted personality, that creature could conceivably decide that they disliked these attributes, and could request God that he change them (in the afterlife) into, say, a brown eyed extrovert. It is not so, however, with perfect goodness. Once a being had been made perfectly good, they would thereby be forever after incapable of choosing to change this characteristic and become ethically mutable. This is because it would be evil for a perfectly good being to choose to become less than perfectly good, and hence, being perfectly good, such a being would never be able to make this choice. Thus if God creates a being in a condition of perfect goodness, he creates that being in a completely irreversible and unalterable condition that the being will by nature be forever unable to choose to undo. It seems reasonable that before creating a being in such an irreversible state, God must obtain that being's informed consent.

^[17] It seems, then, that God would be ethically obliged to create every free agent in a temporary and malleable moral state during which they learned about the available possibilities, in order that they might make an informed decision about their future. The state of the agent in this temporary probationary state would not be particularly important, provided that it gave them the opportunity to learn fully the available options concerning their future.

18. Alasdair Maclean, 'Now you see it, now you don't: Consent and the legal protection of autonomy', *Journal of Applied Philosophy* 17 (2000), 277–288.

6 Knowledge by acquaintance necessary for consent to be genuinely informed

[18] Some further examination of the principle of informed consent is required, especially since it is being wrested from its conventional earthly medical context, and applied to a divine Creator. An important question in the ethics of informed consent concerns the nature and extent of the knowledge required in order for a decision to be genuinely informed.¹⁹ The same problem arises in this context. We might start by observing that in epistemology a distinction is often made between propositional knowledge on the one hand, and knowledge by acquaintance or direct apprehension on the other.²⁰ It will be argued here that the knowledge which a subject must possess in order for their consent to some procedure to be adequately informed, must include more than just propositional or theoretical knowledge. It must include sufficient knowledge by acquaintance or direct apprehension of the consequences of the various alternative courses of action which are being presented. The more momentous, serious and irreversible the consequences of the decision being made, the greater the need for thorough knowledge by acquaintance with respect to the alternatives.

[19] The necessity of knowledge by acquaintance may not seem obvious at first sight, since most medical procedures require only a detailed explanation of the procedure and its risks. But such explanations only suffice because it may be assumed that most, if not all, humans bring with them sufficient background knowledge by acquaintance for the written explanation to be meaningfully translated into the concrete realm of experience. For example, all humans have experienced pain to some extent or other. Therefore, when informed by the doctor that a particular treatment option will cause ten days of severe pain, we are mostly able to form a reasonable idea of what that option entails. However, suppose that this option was presented to someone who had never experienced any pain of any kind whatsoever. In that case, it might well be necessary to cause a brief and limited amount of pain to the person, in order that they might understand by acquaintance what pain involves. Otherwise, should they choose the treatment option with ten days of pain, they might complain with some justification that they did not really know what they were getting themselves in for.

[20] Suppose that a doctor is trying to persuade a patient to stop smoking. After listening carefully to the doctor's explanations, this patient acknowledges the theoretical risk that they might get lung cancer if they continue to smoke. Despite this acknowledgment, however, the doctor obtains the impression that this patient really has no concrete understanding of what lung cancer involves. This is despite the fact that, when questioned, the patient is able to recite textbook knowledge about the various kinds of carcinoma and the pathophysiological mechanisms which underlie them. The problem is that the patient does not seem

19. For example, T. Wilkinson, 'Research, informed consent, and the limits of disclosure', *Bioethics* 15 (2001), 341–363.

20. Bertrand Russell, 'Knowledge by acquaintance and knowledge by description', in: David Cooper (ed.), *Epistemology: The Classic Readings* (Blackwell, 1998), 232–241.

to have grasped the terrible experience of lung cancer for the sufferer. Under such circumstances, a wise doctor may well simply invite this patient on a tour of an oncology ward, and introduce them to various people with terminal lung cancer. Such a direct experience of the consequences of smoking is likely to inform this patient in a far more pertinent manner in relation to their decision as to whether or not to stop smoking, than all the theoretical knowledge about the risks and consequences of smoking that textbooks may provide.

^[21] This illustration helps to make another point. In order to inform this patient who refuses to give up smoking, it was not necessary for the doctor to actually give them lung cancer themselves, so that they might learn what it is like. All that was necessary was to introduce the patient to other people who were suffering from lung cancer. There is something about observing another human being suffering which makes such suffering real and concrete in a way that simply learning abstract propositions about suffering cannot. Although being sufficiently informed about the nature of good and evil to choose between them does require knowledge by acquaintance of both, this does not mean that every individual free agent has to endure every specific evil and its consequences themselves. Indeed, that may not be logically possible. However, if the free agents to be created lived in and shared a common community, then what happened to one creature would be vividly apparent to all the others in the community. By having free creatures share in a community, the nature of evil could be manifested fully to all of them, but in a distributed manner, shared amongst all the people in the community, rather than having to condemn every individual to suffer every ill. In this way far less manifestation of evil would be required.

^[22] On this hypothesis, what kind of probationary world would we expect? There would be a community of free agents, none of whom have been made incapable of evil and all of whom are therefore morally malleable, amongst whom should be seen a wide manifestation of evils and suffering, as well as a wide manifestation of goodness and kindness. Furthermore, each inhabitant would only inhabit this world for a temporary period of time. This description seems to match the world as it is quite accurately. Our world contains much that is horrible, but also much which is admirable. Virtually everybody experiences in their own lives, and observes in the lives of others, both pain and happiness. They experience cruelty and kindness at the hands of others. In our world, we truly come to understand both good and evil in all their multifaceted dimensions. Furthermore, none of us inhabits this world on a permanent basis.

7 Conclusion

^[23] It has been argued here that before God can make any free agent essentially perfectly good, he must obtain their informed consent. Furthermore, given the momentous and irreversible nature of the transformation involved, such consent must involve thorough knowledge by acquaintance with the nature and consequences of the alternatives. It has further been suggested that our present condition during this life on earth may represent merely an essential

probationary period, during which we are to gain knowledge by acquaintance sufficient for us to make an informed decision regarding our ultimate moral destiny. The informed consent theodicy argues that the pain, suffering, and death that we endure in this life constitute a necessary process of education in order for us to understand adequately the alternatives from which we must choose for eternity. In this regard, it has some similarities to the Irenaean approach to theodicy. Both theories emphasize that evil and suffering are justified by virtue of the fact that they have an educative effect upon those who experience them. Those who endure in a world of evil and suffering thereby experience moral growth and development, which they would be unable to obtain in any other manner. However, the informed consent theory departs from the Irenaean view in that the education and moral growth that evil and suffering produce in each free agent is not regarded as being an end in itself, but as a necessary means to enable the agent to be able to make an informed decision about their ultimate moral fate.

^[24] The broad features of life as we know it fit the picture that the informed consent theodicy would predict. We have exposure to a comprehensive range of both evil and good. Life has terrible horrors, but also great goodness. And each of us only continues in this life for a temporary period. Our present condition is not permanent. It might be objected that the informed consent theodicy requires us to believe in metaphysical concepts such as life after death, and that these beliefs are themselves implausible enough to render the theodicy itself improbable. Whether such beliefs are indeed implausible is a contentious matter. Nonetheless, it must be remembered that a theodicy, by its nature, involves the hypothesis that God exists. If God exists, then the additional metaphysical beliefs required for the informed consent theodicy to be valid, such as life after death, are rendered sufficiently plausible that this objection carries little weight. Typically, belief in God goes together with such additional metaphysical beliefs.

^[25] In this regard, the informed consent theodicy fits well with the theological claims of orthodox Christianity. Christians believe that our present existence represents a temporary state during which we must choose our ultimate eternal destiny. The informed consent theodicy affirms this. Christianity teaches that the ultimate fate of the righteous involves moral perfection and essential goodness, and that God possesses such goodness. The informed consent theodicy also makes such a claim. The informed consent theodicy seems to sit more comfortably in many ways with Christian orthodoxy than does the free will theodicy. Our suffering in this life is temporary and necessary for our education: every free creature must eat of the tree of the knowledge of good and evil, before it can choose its eternal destiny. It is the price of existence.