**“The Fairness of Hell”**

**I. Introduction**

Defenders of a traditional Christian conception of Hell as everlasting, harmful punishment for past sins will have to confront, at least, two charges of unfairness.[[1]](#footnote-1) The first has to do with the inequity of an eternal punishment. The never-ending punishment seems disproportionate to the finite sin (Kershnar: 2005, 2010; D. Lewis; M. Adams). A second and related problem is that boundary between sins that send one for all eternity to Hell and those sins that are just slightly less bad that are compatible with an eternity in Heaven is arbitrary and thus it is unfair that sinners so alike are treated so differently (Sider).[[2]](#footnote-2) Hell, as conceived by the tradition, is then claimed to be incompatible with God’s traditional attributes such as his commitment to justice, omniscience about what justice involves, and omnipotence to bring it about. Thus there can’t be such a Hell. I’ll argue that the two charges of unfairness can be avoided by appealing to a debt/atonement theory of punishment. This will allow the defense of the compatibility of God’s goodness with a Christian conception of Hell.[[3]](#footnote-3)

I’ll be merely sketching rather than providing a full defense here of the view that punishment should involve a debt payment, atonement, and reconciliation.[[4]](#footnote-4) The basic idea is that the wrongdoer has a debt that must be paid to his victim(s) to restore their relationship with the wronged. Doing so willingly can be evidence of one’s contrition and reform and thereby warrant the restoration of the relationship sundered by the wrong. A criminal is paroled when he has paid his debt, is contrite, reformed, and ready to be restored to society; but he can be kept incarcerated when he refuses to make restitution, is unrepentant, and defiant. Keeping the unapologetic criminal in jail needn’t be based upon less defensible goals of incapacitation, pre-punishment, or deterrence, but his failure to complete his punishment. The refusal of parole is not excessive if punishment’s goals are restitution, atonement, and reconciliation. He owes the wronged restitution, respect, and an apology. Someone else who committed the same crime, or one nearly as bad, will be released more quickly if he is penitent. In a world where God’s foreknowledge is compatible with our freedom and responsibility, God can know that a wrongdoer will never repent. If a wrongdoer is diabolically defiant, then he can never be released from Hell for he neither has been reformed nor reconciled with the wronged, even though his initial sin was a finite wrong not deserving infinite punishment on retributivist grounds. Differences between wrongdoers in their post-crime obstinacy can answer vagueness-based concerns (Sider) about the arbitrariness and injustice of a threshold where one sin is hardly worse than another. It isn’t arbitrary or unjust if only the unrepentant perpetrator suffers eternal damnation.

**II. The Debt/Atonement Theory of Punishment**

Why punish? The most common response is that the criminal deserves it. But what good does it do to make him suffer? Well, perhaps it satisfies the public’s sense of justice. But that just pushes back the question to what good does justice deliver when giving the criminal what he deserves? The retributivist seems to cut off explanation prematurely when the justification for punishment is just left at the wrongdoer deserving harm.[[5]](#footnote-5) Rival theories like deterrence do some good for society as a whole, while reform can do the criminal some good. Yet the immediate victim benefits little.

The debt/atonement model of punishment seeks to reconcile the criminal with his direct victim, as well as the larger community, through restorative mechanisms of restitution and atonement. As a result, it has certain advantages over better known rivals. Unlike retribution, reform and deterrence, the approach does some good, first and foremost, for the victim of the crime.[[6]](#footnote-6) Punishment can also benefit the victimizer as it alleviates his guilt as his paying of a debt it satisfies the wronged. His willingness to pay it is evidence of his contrition and his newfound recognition of the worth of his victim prepares the stage for his restoration to society. This debt is a literal benefit, not just that the wrongdoer “pays” for his crimes and suffers. The hardships of his suffering should do the wronged some good.[[7]](#footnote-7) It is a repayment, compensation for what was taken. Obviously in cases of theft the wrongdoer must compensate the victim. But all crimes will means that the wrongdoer *owes* the victim. He may owe him not only the money he stole or payment for property he illicitly used or destroyed, but compensation for his suffering. Any wrongdoer will *owe* the wronged an apology, contrition and even transformation to where he no longer harbors the contempt or indifference that made possible the initial transgression. It may be painful to honestly take stock of one’s character and change it. So the debt that is a sincere apology and the transformation of character that makes the contrition genuine may be painful for the wrongdoer. The wrongdoer’s character may also be transformed or facilitated by the experience of suffering as that can enable him to can learn to appreciate and sympathize with those whose suffering he caused by. The suffering can also be humbling and it can be beneficial to be humbled. And, of course, society will benefit from apologetic and reformed wrongdoer restored to society.

So a debt/atonement theory will benefit the society-at-large, the wrongdoer, and, most importantly, the wronged. Competing theories will typically profit but one of the three.[[8]](#footnote-8) My favored approach aims to restore the criminal and victim to their status as equal citizens where they were before (or should have been.) Of course, where the wronged party is God, restoration is not towards equality as it is with our fellow man. The wronged is brought as close as he can be to his appropriate status through some form of restitution and atonement. In fact, the wrongdoer’s contrition and belated recognition of the worth of the wronged can play a role in the latter ’s restoration. And a remorseful criminal or sinner who accepts his debt payment and the accompanying suffering as a form of penance will both be able to alleviate his guilt and prove to himself, God, and others that he has learned his lesson and thus ought to be restored to society as an equal or in the appropriate relationship to God.

My approach understands restitution as punishment, not as something that occurs after punishment. Punishment is not one thing, restitution is another.[[9]](#footnote-9) One benefit of viewing punishment as a debt is that it can explain why we should punish attempted crimes less severely than successful crimes. Those criminals who fail rather than succeed due to just luck would seem to just as much in need of moral instruction and character change as those who are successful so appeals to reform can’t distinguish punishments for successes from failed attempts. They would also appear to have characters, motives, and intentions just as bad and deserving of punishment so retribution can’t distinguish punishments of successes from attempts. And since no one attempts to fail, i.e., not no one attempt attempted murder, considerations of deterrence would seem to demand punishments just as severe for attempts.[[10]](#footnote-10) However, the focus on a debt explains why those who succeed in harming are punished more severely than those who fail as they have harmed their victims to a greater extent.[[11]](#footnote-11)

A debt theory can also resolve the tension between justice and mercy. Many claim that justice should be tempered with mercy but this might suggest that they are at odds. They should be compatible rather than operating at the expense of each other. This is especially a requirement for theological ethics with its emphasis on God’s mercy as manifestation of his loving nature and his loving and just nature being one and the same.[[12]](#footnote-12) Admittedly, there appears to be considerable tension between justice and mercy. If justice is a virtue, and mercy means not bestowing justice, then it would seem that mercy is a vice. Such an unwelcome conclusion usually assumes as a premise a retributivist account of justice where the criminal deserves a certain level of punishment, and anything less is a miscarriage of justice. Or if the purpose of punishment is taken to be deterrence, then it seems the possibility of mercy will reduce the deterrent effect.

However, if punitive justice is determined by what restitution requires, then the forgiving victim is free to mercifully accept less compensation as a means to restoration and reconciliation than that typically demanded by the law. He can claim the apologetic and remorseful criminal owes him nothing else, his debt either paid or forgiven, and can thus be restored to society as an equal. Justice as restitution and reconciliation allows both x amount of compensation and x minus n compensation. Justice doesn’t demand either, though it sets a higher limit. Justice depends upon what the wronged requires to be restored and reconciled to the “release” of the wrongdoer.[[13]](#footnote-13) Perhaps this involves his moral worth recognized if divine or human, though only the latter need their peace of mind regained and material wealth recovered. What brings about the first two may legitimately vary with the behavior of the wrongdoer and the character of the wronged, while the material debt can be forgiven without rendering the reconciliation corrupt. So the higher restitution might be the norm enacted in law but mercifully accepting the lower is not incompatible with justice. Therefore mercy in a restitutionist account is not internally at odds with justice. There is no need to invoke a value external to justice in order to reduce the debt the unjust owe. Nor will it necessarily be unjust if two identical crimes committed by psychologically identical criminals are punished differently when one receives a more lenient sentence than the other because of the mercy of the former’s victim. The victim has considerable discretion to determine what satisfies the debt. And where the wronged is God, his mercy doesn’t infringe justice but is compatible with justice as justice only requires that the debt be erased and restoration and reconciliation. So God could allow everyone to enter Heaven without being unjust. On the other hand, we shall see later that if God’s mercy is restricted to the contrite, or those who will be someday contrite, it is not incompatible with an infinite punishment of those who initially committed a finite wrong.

**Some readers might object that God lacks the standing to punish or be merciful for he was neither the wronged party. A quick and partial answer is that the human victims of the wrongdoer exist posthumously and would typically want the wrongdoer’s apology, respect and reconciliation, and would authorize or recognize God as the agent of this process. Secondly, God stands in an intimate, relationship to his creations that make the same acts that wrong them be wrongs to Him. Kvanvig offers as an analogy the intimacy, immediacy, and connectedness of parents to their newborn. God’s relationship to us is even closer than that of the parents to their newborn whom they created and sustained. A wrong to that child is arguably a wrong to the parents, at least when that child is young and being nurtured by them. God not only created everything in the universe but according to the doctrine of divine conservation, sustains all of it at every moment of its existence (Kvanvig: 1993, 36-37).**

**III. The Unfairness of Hell: Disproportionate Punishment**

I don’t want to consider all of the standard objections to Hell as forms of unfairness even though one might claim any unwarranted treatment is unfair. I want to limit unfairness to the degree of punishment being undeserved. (This talk of an excessive degree of punishment will include as the limiting case punishing those who don’t deserve any punishment.) If we assume that our crimes aren’t infinite, even if they are also crimes against an *infinite* being, then it is hard to justify an eternity in Hell (D. Lewis; Adams; Kershnar: 2005, 2010).[[14]](#footnote-14) I am keeping with the tradition that Hell is unpleasant, even torment – though without involving the physical torture of the hellfire and brimstone sort. The mere absence of God causes suffering for those in the *know* while before they may have shared David Lewis’s view that “Contented atheist that I am, my state of alienation from the deity is *not* one for which torment is an apt metaphor” (234).[[15]](#footnote-15)

Surely no harm that one can do to do can to other human beings is infinite in degree so it seems that no one deserves an eternity in Hell even if the wrongdoer deserves a mortal lifetime in prison. If God is just and merciful and loving, then he wouldn’t so punish people. Hell should be empty as the universalists claim (Talbot), or at least a place that sinners can leave after an appropriate but finite punishment (Bukharoff and Plug, 2005) as they eventually seek reconciliation with God.[[16]](#footnote-16)

I have suggested that we should view punishment having a purpose which is more than the crude retributive notion of giving someone a harm he deserves for having committed a wrong. Punishment should do some good to the victim, the society at large, and even the victimizer. Ideally that means paying a debt to the wronged so one can reconcile with the wronged. The wrongdoer’s willingness to pay debt shows that one’s remorse is genuine. But some criminals don’t show remorse. They don’t apologize and they don’t seek reconciliation. It doesn’t seem to be morally troubling to fail to forgive those who don’t ask for forgiveness or show no contrition. Parole boards may keep two criminals in jail for different times despite their having conspired to commit the same crime and for the same motive. One is repentant and the other is not. The former goes free because he is apologetic, willing to make amends, and seeks to be forgiven and reconcile with those he wronged.

I will just assume God’s foreknowledge and pass over controversies to reconcile classical conceptions of Hell with classical conceptions of Gods attributes. He can tell who will not be repentant on Judgment day and every day afterwards. He is aware of those who either do not want to admit they are wrong, nor do anything about it. He foresees how they will respond to every mortal or divine “probation board” hearing. He thus could keep the eternally unrepentant forever in Hell.[[17]](#footnote-17)

They are in Hell because they didn’t complete or perhaps even start their punishment. But it is punishment. It is not just that they don’t want to reconcile with God for it may be that they don’t want to apologize and recognize the worth of their human victims. (Of course, they couldn’t reconcile with God if they didn’t recognize the worth of their human victims.) And assuming that the earthly victims survive death, there is a need for reconciliation with those he disrespected or failed to love appropriately. They will be forever punished because they forever refuse to complete their punishment that would serve to make amends for their sins. It is not that their earthly sin of say rape or assault was infinitely bad, but they forever refused to makes amends for a finite wrong. Their refusal becomes an infinite wrong met with infinite punishment. This is not retribution for failing to pay a debt of apology, contrition, and reconciliation, but their infinite refusal to do what it takes to complete their punishment and be paroled. They are in Hell for they are not completing their punishment. Punishment involves a debt and atonement as the wrongdoer owes the wronged an apology and contrition and the personal transformation necessary for such a request for forgiveness, demonstration of contrition, and a readiness to assume their rightful relationship is genuine. Their punishment is completed when that occurs. To put it somewhat paradoxically, Hell is place of permanent punishment for an uncompleted of incomplete punishment. To state it less paradoxically but more metaphorically, Hell is the prison from which wrongdoers refuse to be paroled.

**Readers might protest that I am mix up restitution with punishment.[[18]](#footnote-18) Since I already defended in the paper why I think punishment should be construed as restitution, I will not repeat or develop those points other than to say a debt/atonement theory fits the central role in Christian thought played by sin, atonement, and forgiveness. What I will add is that it probably doesn’t matter that much whether restitution can be considered punishment or is an external addition to it or, as Boonin and Barnett argue, a replacement for punishment. As long as it is considered *just* to demand restitution that can take the form of the wrongdoer owing the wronged an apology, contrition, and transformation, then Hell can be considered a debtor’s prison even if it is not considered punishment. [[19]](#footnote-19)**

Defenders of a traditional conception of Hell can then appeal to their own version of the free will defense to explain why God doesn’t change the character of the wrongdoer, causing him to reform. Free will is valuable enough to allow some to be eternally harmed rather than paternalistically transformed.[[20]](#footnote-20) So the unrepentant wrongdoer, diabolically defiant, could deserve an eternity in Hell even if his initial sin was not worse than many of the sins of those in Heaven. God wants to reconcile with the wrongdoer, He is not motivated by eternal punishment for a person’s sin.

My view sketched above differs from the one endorsed by Seymour (1997, 1998). He advocates the eternal punishment because sinners will wreak havoc in the afterlife (Seymour 1998: 78-79) That might sound like preventive detention and not punishment. But it is more likely that Seymour meant ongoing punishment for ongoing sins.[[21]](#footnote-21) Seymour writes “Hell does not arise because a particular sin deserves everlasting punishment, but because the damned keep on sinning and so continue to earn finite periods of sin” (1989, 82). So Seymour’s God will have to make many judgements, no final one. Escape from Hell also seems plausible. Seymour responds that for many, but not all, Hell would not be unstable for the power of bad habits would explain why they choose to stay in Hell.[[22]](#footnote-22) On Seymour’s account, but not mine, there is the loss of the traditional conception of an eschatological account of Christianity with a final judgment if future sins could lead to a later departure from Hell or perhaps even a cycle of leaving Heaven and Hell (Kvanig, 73).

Now it is true that my account is not keeping people in Hell solely because of what they did when alive. Part of their fate is due to their never posthumously atoning. But it is still a fundamentally backward looking account because they haven’t atoned for what they did when alive. They likely could have paid their debt (for most sins) when alive but didn’t. Furthermore, they aren’t condemned to Hell for what they *do* or would do posthumously. They are in Hell forever after their deaths for *omitting* in their posthumous future to make amends for the past. If omissions are not actions, then it isn’t future actions playing a role in their eternal punishment. If omissions are actions, then they are in Hell forever for they did not act in the future to make amends for their ante-mortem wrongs.

My conception of Hell has it not preventing future mischief in the afterlife but serving as the location for the never completed punishment for the original sin(s) on earth. Since it isn’t a retributive theory, it doesn’t require that the wrongdoers commit an infinite harm to their fellow man or God that Adams (1975), Talbot, and Kershnar (2005: 115-117, 2010) criticize. Nor need the punishment in Hell involve unbearable suffering for that may not be compatible with God’s loving character. But His loving nature is not separate from His just nature, so punishment is not neglected. However, the gap between justice and love and mercy isn’t the wide one commonly supposed since God seeks a loving reconciliation with the unjust and mercy is always an option for the contrite. Human nature being what it is, the full contrition and reconciliation may not come until long after death, hence the need for Purgatory.[[23]](#footnote-23) People may work through their sins in Purgatory, transforming their character in a way that involves their suffering. Purgatory can do the work that precludes the moral need for an escape from Hell.

God’s foreknowledge of his determined creatures allows him to mercifully bestow upon his children as many chances to atone and be forgiven in Purgatory thus avoiding the need for an escape from Hell or an abandonment of the doctrine of a Final Judgement. Prohibiting escape by appealing to the fact that one already have had too many chances still doesn’t cohere well with the severity and disproportionate aspects of the eternal punishment and God’s loving nature being such that he would give his children countless chances (Buckareff and Plug: 2005, 46; McDonald) This is compatible with God’s demand for seemingly endless opportunities of forgiveness as we see in Mathew 18: 21-22.

Then Peter came and said to Him, “Lord, how often shall my brother sin against me and I forgive him? Up to seven times?” 22Jesus \*said to him, “I do not say to you, up to seven times, but up to seventy times seven.

**IV. The Unfairness of Arbitrary Cutoffs**

The atonement approach to punishment will help with Sider’s objection to Hell (2002). Since the alternatives are just two, Hell and Heaven, Sider maintains vagueness brings a problem incompatible with God’s justice. “Any just criterion must judge created beings according to a standard that comes in degrees, or admits of borderline cases; but no criterion can remain simultaneously just - or at least be non-arbitrary - and consistent with the nature of a (dichotomous) afterlife...” (Sider: 2002, 59). So any cutoff line between eternity in Heaven and eternity in Hell would be arbitrary and unjust. To illustrate, consider Sider’s simplified claim of someone deserving Hell if he curses at least N times. Of course, Sider says “No one would seriously propose obscenity as the divine criterion, but the argument generalizes to apply to more realistic proposals. “So let’s say that N is 1499 and someone who curses 1500 or more times deserves Hell. But could someone who uses profanity only one more time than the person in Heaven who uttered 1499 swear words really deserve an eternity in Hell for the single additional expletive? However, if one user of profanity is repentant, and the other is not, the arbitrariness and unfairness and injustice of disparate punishments goes away. One clearly wants to be forgiven, the other doesn’t. The threshold will not be 1500 curse words but the distinction between atoning and refusing to do so.

Sider might reply that vagueness will infect the acts of contrition and reconciliation.[[24]](#footnote-24) So the arbitrariness of a cutoff will return as there are all sorts of degrees of contrition, reconciliation, and reform. But I am envisioning God demanding a *determinate* sufficient debt payment, an *unequivocal* apology and *definite* reconciliation. Anyone whose character and choices are such that they would *never* engage in robust guilt, atonement and restoration but remain in an indeterminate gray area with borderline contrition and reconciliation for eternity could be condemned without arbitrariness. Heaven requires purity and love - and to *determinately* possess such traits seems not to be an arbitrary demand. Someone who would spend eternity not clearly and fully reconciled to those they wronged doesn’t deserve Heaven. The moral difference between borderline and determinate guilt and atonement may seem not to be much but it is amplified by being one’s stance for all of eternity and thus becomes a morally significant difference. If someone with an eternity of chances would not fully and determinately repent, they aren’t deserving of Heaven. This claim doesn’t involve deciding where along a spectrum one has had sufficient opportunities to reform or show remorse to a sufficient extent to warrant Heaven. Rather the resulting exclusion from Heaven because of an eternity of a semi-apology and partial -reform and border-line reconciliations seems not to be unfair.

It might still be maintain that there remains an arbitrary cutoff even if it is not arbitratry to distinguish the repentant from the unrepentant. There are still minor sins that one never bothered to repent for don’t warrant Hell and major sine that at least, if unrepentant, do warrant Hell. Then there will be an area in between where a borderline case will be arbitrary. My response is not to claim there is reasonable cut off between unrepentant minor sins and unrepentant major sins. I would suggest that even minor sins would cease to be minor if one refused when confronted to ever apologize for them. That would be egregious pride, endless disrespect, even malice. So it could be that the line between sins that warrant Hell and those that deserve Heaven will be determine by repentance and an unwillingness to eternally repent and ask for forgiveness.

**V. Conclusion**

God’s loving and merciful nature is such that He wants to spend eternity with us despite our sinful pasts. But some of us don’t want to spend eternity with Him on His conditions. We lock the doors of Hell from the inside as C.S. Lewis memorably said. God loves those obstinate creatures as well. Love or respect for their autonomy and personhood would limit what He can do to them so they can avoid eternal punishment. Thus defenders of Hell have their own free will response to this problem of evil, and the problem of Hell is a version of that problem (Kvanig, 4). God can’t manipulate His children into being good. So God shows them love and respects their autonomy by not forcing some of his creations to join Him in Heaven if they refuse his grace. This is compatible with his loving and just nature, satisfying what Kvanig calls an issuant conception of Hell (112).[[25]](#footnote-25) But it is still punishment that is never completed in Hell and he is never “paroled.”

I have defended a traditional view of Hell. Like most authors, I probably believe that I have climbed to greater heights (or should the metaphor be depths given that one descends to Hell) greater than my readers think I have reached. It is far more likely that we agree on what hill I was trying to climb. I sought to defend the view that Hell involves punishment and wasn’t designed either just to incapacitate or quarantine sinners who would harm others in the afterlife or even to just respect the autonomy of those who rejected an eternity of fellowship with God. I assumed the traditional view that Hell being occupied to be compatible with the orthodox view of God’s attributes. I also sought to maintain the eschatological view that there is a final judgment at which our fate is sealed. Assuming God’s foreknowledge is compatible with our freedom and responsibility, this would enable him to give his children any finite number of posthumous opportunities needed for contrition in Purgatory. So God’s fairness, unlimited mercy and forgiveness is compatible with people being sent to Hell on Judgement Day and never leaving.

**Bibliography**

Adams, Marilyn McCord. 1975 “Hell and the God of Justice.” *Religious Studies*. 11: 433-447.

Anselm. *Curs Deus Homo.*

Aquinas. *Summa Contra Gentiles*

Boonin. David. 2008. *The Problem of Punishment*. Cambridge University Press

Buckareff, Andrei and Plug, Allen. 2013 “Hell and the Problem of Evil” *Companion to the Problem of*

*Hell.* Eds. Justin Brayer and Daniel Howard-Snyder. Wiley Blackwell

Buckareff, Andrei and Plug, Allen. 2005 “Escaping Hell: Divine Motivation and the Problem of

Hell” *Religious Studies*. 41.. 39-54.

Edwards, Jonathan. “The Justice of God” 1865, *The Works of Jonathan Edwards. Vol. I*

Fischer, John Martin. 2006. *My Way: Essays on Moral Responsibility.* Oxford University Press

Hick, John. 1976. *Death and Eternal Life.* Harper and Row.

Kershnar, S. 2005 “The Injustice of Hell” *International Journal for Philosophy of Religion*. 58:2. 103-23.

Kershnar, Steve. 2010. “Hell and Punishment,” in Joel Buenting, ed., *The Problem of Hell: A*

*Philosophical Anthology* (Burlington, VT: Ashgate,), 115-132

Kierkegaard, Soren. 1941. *Sickness Unto Death* tr. Lowrie, Princeton Press

Kvanig, Jonathan. 1993 *The Problem of Hell.* Oxford University Press.

Lewis, C.S. 2001. *The Problem of Pain.*

Lewis, C.S. *The Great Divorce*. 1946. MacMillian

Lewis, David. 2007. “Divine Evil” in *Philosophers Without God: Meditations on Atheism and the Secular*

*Life.* ed. Louise Anthony. 231-242

McDonald, George. 1889. “Justice.” *Unspoken Sermons. Series III.* Longman’s Green and \_\_

Seymour, Charles. 1998, “Hell, Justice, and Freedom”. *International Journal for Philosophy of Religion*.

43:2, 69-86

Seymour, Charles. 1997 “On Choosing Hell.” *Religious Studies* 33. 249-266.

Sider, Ted. 2002. “Hell and Vagueness” *Faith and Philosophy.* 19. 58-68

Talbott, Thomas. “Heaven and Hell in Christian Thought.” *Stanford Encyclopedia of Philosophy*.

Van Inwagen, Peter 1995. *God, Knowledge and Mystery: Essays in Philosophical Theology*. Cornell University

Press.

Walls, Jerry. 2011. *Purgatory: The Logic of Total Transformation.* Oxford University Press.

1. See Buckareff and Plug (2013) for a somewhat similar portrayal of the classical conception of Hell. [↑](#footnote-ref-1)
2. This isn’t meant to deny that there are other objections to Hell regarding its incompatibility with God’s nature (Talbott, Hick), but they aren’t strictly problems of unfairness. [↑](#footnote-ref-2)
3. I’m assuming that there is nothing unprincipled about Hell being occupied, not that it has residents. [↑](#footnote-ref-3)
4. I defend more than assume a debt/atonement theory in my \_\_(withheld for purposes of blind refereeing). [↑](#footnote-ref-4)
5. Sometimes unhelpful metaphors of balancing scales or removing stains from souls or the cosmos are added. [↑](#footnote-ref-5)
6. I may be guilty of being uncharitable to the defender of reform. It could be that the truly reformed would be disposed to make restitution and pay a debt. Someone is not reformed if they just have acquired the character that prevents them from committing such sins again. [↑](#footnote-ref-6)
7. A vindictive victim may relish his wrongdoer’s suffering and declare afterwards that “now we are even” and be able to accept his return to society as an equal. I will call this “judicial vindictiveness” to distinguish it from sadistic vindictiveness that is not governed by the ideals of equality and restoration. [↑](#footnote-ref-7)
8. I have defended the debt/atonement theory elsewhere \_\_. I argued that like retribution, reform and deterrence can dictate punishments that are intuitively excessive and at others times it seems that they will endorse inappropriately lenient responses to crime. Neither theory can do as well with failed attempts as the atonement debt theory. [↑](#footnote-ref-8)
9. I am not arguing for replacing the institution of punishment with the institution of restitution as does Barnett and Boonin. I am conceiving of punishment as restitution. [↑](#footnote-ref-9)
10. In fact, deterrence theory might require greater punishments for a second failed attempt than a first time success. The reasoning being that the punishment for success was not a deterrent, so the severity would have to be greater to deter the second attempt. [↑](#footnote-ref-10)
11. A debt theory might obligate punishing when deterrence or reform do not. Someone could be instantly changed by the revulsion to their crime. Or deterrence might be achieved without the wrongdoer being harmed. [↑](#footnote-ref-11)
12. Micah 7.18-19. “Who is a God like you, pardoning iniquity and passing over the transgression of the remnant of your possession? He does not retain his anger forever, because he delights in showing clemency. He will have compassion upon us; he will treat our inequities under foot. You will cast all our sins in the depths of the sea.” [↑](#footnote-ref-12)
13. A *reasonable person* norm would be required so the excessively sensitive or sadistic wouldn’t require exorbitant compensation. [↑](#footnote-ref-13)
14. See Edwards (1669), Anselm (Bk I, Ch. 14, 21), Aquinas (Bk III, Pt. 2, Ch. 144) for an attempt to make the sin infinite and thus the infinite punishment befitting. For criticisms of infinite punishments due to wrongs against infinite beings see Marilyn Adams (1975: 444-446) and Kershnar (2005). If the infinite value of God is appealed to do justify an infinite punishment, then the commonsense distinction between wrongs will be lost. Adams doubts that it is true that the greater a being’s value, the worse it is inflict a wrong upon wrong that being. She imagines Gandhi or Schweitzer being punched by each other or their punching a far less saintly person. She doesn’t believe hitting Gandhi or Schweitzer is worse than either of the latter pair hitting the less morally less admirable person. So she doesn’t believe wronging an infinitely good God is infinitely worse than wronging a finitely good mortal. [↑](#footnote-ref-14)
15. Lewis continues “Once I am fully informed, however, I will appreciate the grossness of my swinish satisfaction, and torment will be an apt description of my insubordinate condition…But…I have been placed in a dangerous situation, once in which my eternal prospects were determined by a choice I was forced to make in ignorance. Once again, I have been treated unjustly” (235-235). [↑](#footnote-ref-15)
16. They note that their escapism “approximates the picture of Hell sketched by C.S. Lewis in the Great Divorce” (2005, 40). Escapism might sound like Purgatory but Buckareff and Plug deny the similarity except in but the loosest sense. (2005:49). Purgatory is for those destined for Heaven, Hell is not. Purgatory involves harm to someone in order to purge their sins. Hell is not so conceived as beneficial punishment by Buckareff and Plug. [↑](#footnote-ref-16)
17. Kvanig (1993, 76) claims that if cutting off a thief’s arm is too severe, so is cutting it off on the condition he doesn’t apologize. So there is still the problem of excessive punishment even when it is conditional. I think this is misleading in two ways. The first is we frown on any punishment that violates bodily integrity at least when the criminal did not take his victim’s life. This is true even when the criminal prefers a quick physical maiming to a lengthy interment or immense financial loss. Secondly, a better analogy is to think of someone not paying a traffic fine and then fine then increasing at different times. The fine that has tripled would only be unjust if it was levied for the initial offense. If the fine is never paid in the future, then denying them the privilege to ever drive again is not inappropriate. [↑](#footnote-ref-17)
18. A referee raised this possibility. [↑](#footnote-ref-18)
19. **Boonin thinks punishment is not justified and argues for replacing punishment with restitution (213-275). Following Barnett, he calls this ‘pure restitution’ in order to distinguish it from an account like mine that considers restitution to be punishment. Boonin argues that since all theories of punishment advocate intentionally harming the criminal, none of them can be justified. Boonin believes that pure restitution can involve far more than garnished wages and seized assets. It can include even incarceration, monitoring devices, house arrest, restraining orders, compulsory counseling and preventive detentions. These are not punishments when undertaken without the intention of harming the criminal, instead implemented for the purpose of providing restitution to his victims. Boonin is well aware that criminals will suffer harm in a system of pure restitution, but argues that this is morally acceptable for the harms are merely foreseen rather than intended.** [↑](#footnote-ref-19)
20. **There may be worries that God was negligent (D. Lewis, Talbott, M. Adams), if he didn’t make reconciliation attractive enough. But it is plausible that some people will be diabolically defiant. A referee worries that the unrepentant eternally pursuing lower well-being than the alternative of reconciliation with God is evidence that they are lacking in autonomy or competency and thus not responsible. I disagree and would point to Milton’s Devil who desires to rule in Hell rather than serve in Heaven is a classic example of an exercise of autonomy at the expense of the agent’s higher well-being. We commonly believe that autonomy can be at odds with pursuing our greatest well-being and don’t think that undermines autonomy and desert even if it persists throughout one’s life. I don’t see why extending a lifetime to an eternity should matter. An analogy may help. I realize that I could have had better children that would make me happier but I wouldn’t want God to rewind time and bring into existence different children that I would live with for all eternity despite my being happier with that alternative eternal life. This may be irrational on some interpretations of the contested word, but it is a stretch, given my abilities, character and values, to say it undermines my competency or autonomy.**  [↑](#footnote-ref-20)
21. Seymour writes “Hell does not arise because a particular sin deserves everlasting punishment, but because the damned keep on sinning and so continue to earn finite periods of sin” (1989, 82). And Seymour mentions that his view was anticipated by Marilyn Adams (1975, 433) who wrote that possible “…some men will be forever punished …because after death they continue to offend God in small ways and to suffer a succession of light penalties as a consequence...” [↑](#footnote-ref-21)
22. He then quotes Swinburne regarding the value of freedom would prevent God from breaking freely chosen habits (1989, 83). [↑](#footnote-ref-22)
23. Walls (59-91) argues that protestants can accept a “sanctification” rather than “satisfaction” account of Purgatory. C.S. Lewis is a well-known representative of this view. So Purgatory is not limited to just Catholic eschatology. [↑](#footnote-ref-23)
24. He points out that belief and faith and rationality admit of degree and so would no doubt say the same about debts, contrition, and reconciliation. [↑](#footnote-ref-24)
25. I don’t contrast issuant views of Hell with conceptions of Hell as punishment as do Kvanvig and Buckareff and Plum. [↑](#footnote-ref-25)