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## The problem of lesser evil within the context of public health

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### Abstract

The issue of public health also includes broad ethical questions. It is here for instance that we find so-called decisions of conscience. Since medical practice is full of moral dilemmas, transferred into the domain of public health, for instance when a doctor decides to provide, in individual cases, costly medical procedures while being simultaneously aware that the funds used for these procedures, could save many more people whose ailments are less costly. These situations force the medical practitioner into making a decision, despite the fact that all the possible choices are morally reprehensible. There exist many moral dilemmas, where the person making the decision cannot find a satisfactory solution, while also being forced to make a decision. Normally, the decision maker then calls upon the category of so-called lesser evil. But this category is no justification – lesser evil is still evil. Which is why it is worth asking what the situation of lesser evil is for the decision maker. What is a moral choice within a public health policy?

**Key words: public health, the ethical dilemma, naturalism**

### Introduction

The issue of public health also includes broad ethical questions. It is here for instance that we find so-called decisions of conscience. Since medical practice is full of moral dilemmas, transferred into the domain of public health, for instance when a doctor decides to provide, in individual cases, costly medical procedures while being simultaneously aware that the funds used for these procedures, could save many more people whose ailments are less costly. These situations force the medical practitioner into making a decision, despite the fact that all the

possible choices are morally reprehensible<sup>1</sup>. There exist many moral dilemmas, where the person making the decision cannot find a satisfactory solution, while also being forced to make a decision. Normally, the decision maker then calls upon the category of so-called lesser evil. But this category is no justification – lesser evil is still evil. Which is why it is worth asking what the situation of lesser evil is for the decision maker<sup>2</sup>. What is a moral choice within a public health policy?

### **The concept of lesser evil**

The *Słownik Języka Polskiego* (Polish dictionary) defines evil as wickedness, villainy, despicability, meanness, iniquity, cruelty, bestiality, savagery, brutality<sup>3</sup>. These synonymous categories therefore reference acts, for evil is certainly a category of deeds, valued according to predefined rules.

The sources for these rules are, firstly, religions and their dogmas, wherein evil means a sinful act, and ethics, which is no more or less than the organisation of social life, and according to which an evil act is an act contrary to the rules of community life<sup>4</sup>.

It is a rule within ethics to deem, that an act pertaining to the self-interest of the individual is immoral<sup>5</sup>, while that pertaining to the social, common, interest is moral. The act is seen here as the physical representation of a given value. So if someone takes a bribe, for instance, then this act is the representation of a given value, or its lack, and after confronting it with the social interest, we can proceed with its moral verification<sup>6</sup>.

The problem of evil, also relates to man, a fact we owe to literary tradition. Common language reflects this in descriptions such as “evil incarnate”, “evil to the core” or “evil character”<sup>7</sup>.

The expression “lesser evil” owes its dissemination to a phrase by Machiavelli: “prudence consists in knowing how to distinguish the character of troubles, and for choice to take the

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<sup>1</sup> Ignatieff M., *The Lesser Evil: Political Ethics in an Age of Terror*, Princeton University Press Princeton 2004, pp. 9-14.

<sup>2</sup> See more: Fletcher G.P., Ohlin J.D., *Defending Humanity: When Force Is Justified and Why*, Princeton University Press, Princeton 2008.

<sup>3</sup> Beebe J.R., *The Logical Problem of Evil*, in: Fieser, James; Bradley, Dowden. *The Internet Encyclopedia of Philosophy*, 2006, pp. 92-94.

<sup>4</sup> See more: Plantinga A., *The Nature of Necessity*, Clarendon Press, Oxford 1974.

<sup>5</sup> Barry P.B., *Moral Saints, Moral Monsters, and the Mirror Thesis*, in “American Philosophical Quarterly”, vo. 46 (2), University of Illinois Press, Champaign 2009, pp. 163–176.

<sup>6</sup> See more: Milo R.D., 1984, *Immorality*, Princeton University Press, Princeton 1984.

<sup>7</sup> Beebe J.R., *The Logical Problem of Evil...* op.cit., pp. 7-9.

lesser evil”<sup>8</sup>. However, many see this as an expression of moral relativism, and protest: “there is only *evil* or *great evil*”, or: “lesser evil usually lasts longer” or “evil is evil, lesser, greater or medium, it is all the same – the proportions are a matter of convention”, or: “evil is for the masses”<sup>9</sup>.

The philosopher and Nobel laureate Henri Bergson, one of the greatest minds of the 20th century, wrote extensively about evil. In the 1920s, he wrote that evil functions through<sup>1011</sup>:

- lowering the prestige of anything which stands against it,
- emboldened, ostentatious counter-normality,
- introducing supposedly new social solutions while in reality fostering moral penury under the guise of pride, authority and conceit,
- letting nonsense triumph easily,
- melancholic musing on quixotism of any type, offending reason and seeming to cross the boundaries of human capabilities,
- obstinacy against the untameable human spirit, which rises anew, even though constantly defeated.

In a naturalistic sense<sup>12</sup> however – evil is simply non-existence. It is a category relating to the antinomy of existing/not existing (being ontologically positive or negative). In that case, evil is defined as lack of good, lack of being, and not as a function<sup>13</sup>.

This leads to the question: does evil truly exist, or is it merely a lack of good? It would seem that the difference between the metaphysical and naturalistic paradigms is that the former accepts the existence of all functions, also those negative (being non-living, being non-thinking, being non-existent, being non-true), while naturalism distinguishes only positive functions (being non-living is therefore being deprived of life)<sup>14</sup>. So for naturalism – hatred is solely the absence of love, evil the lack of good and happiness the absence of pain<sup>15</sup>.

Metaphysics however, accepts the existence of true evil, valued according to a defined schema, similarly to good. Therefore, if for the metaphysical paradigm, lesser evil is a *stricte*

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<sup>8</sup> Duff A., *Psychopathy and Moral Understanding*, in: “American Philosophical Quarterly”, vol. 14 (3), University of Illinois Press, Champaign 1977, pp. 189–200.

<sup>9</sup> See more: Cole P., *The Myth of Evil: Demonizing the Enemy*, Praeger, Connecticut 2006.

<sup>10</sup> Bergson H., *The Two Sources of Morality and Religion*, University of Notre Dame Press, Indiana 1977, pp. 116–123.

<sup>11</sup> See more: McGinn C., *Ethics, Evil, and Fiction*, Clarendon Press, Oxford 1997.

<sup>12</sup> See more: Midgley M., *Wickedness: A Philosophical Essay*, Routledge & Kegan, London 1984.

<sup>13</sup> Rosati C. S., *Moral Motivation*, “The Stanford Encyclopedia of Philosophy” (Fall 2008 Edition), Zalta E.N.(ed.), 2008, URL = <<http://plato.stanford.edu/archives/fall2008/entries/moral-motivation/>>.

<sup>14</sup> Singer P., *Famine, Affluence, and Morality*, in: “Philosophy and Public Affairs”, vol. 1 (3), John Wiley & Sons, 1972, pp. 229–243, website: [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1088-4963](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1088-4963)

<sup>15</sup> Wolf S., *Sanity and the Metaphysics of Responsibility*, in “Responsibility, Character, and the Emotions”, Schoeman F.D. (ed.), Cambridge University Press, Cambridge 1987, pp. 46–62.

negative value, while for the naturalistic one, it is positive, then these paradigms can never meet and never understand each other. This is a final, preclusive contradiction<sup>16</sup>.

And therefore, the domain of the metaphysical paradigm is larger and – philosophically – more interesting. However, we shall take the naturalistic path, that of autonomous categories, where good and evil exist separately. Since this is the path of scientific study, sanctioning knowledge.

### **The problem of lesser evil in the light of philosophy**

From the point of view of science, the problem of “lesser evil” is a superficial one. Particular sciences reject any relativisation. For mathematics, it is of no importance if a specific solution is evil, or very evil. It is also not relevant if a mistake is the consequence of a refined calculation, or a juvenile error. An evil solution is evil. And that is all.

Religion considers these matters somewhat differently<sup>17</sup>.

It employs gradation, separating sins into venial, grave, deadly and mortal ones. The concept of lesser evil finds no justification here, sinning is a choice, not a necessity, yet it accepts choice as a basis for reason. Since you are unable to resist the temptation of sin, then at least avoid the gravest ones<sup>18</sup>.

For the humanities, this is again different. The key to understanding them is the concept of reduction, which considers the simplest solutions to be true<sup>19</sup>. The concept of reduction states that that which is irrational, less likely, less useful, unnecessary, that which is ballast, decreases the efficiency of a system, is ineffective, should be discarded. According to this rule, simplicity requires no further explanation and has a justified priority over multiplicity. However, this principle does not apply properly to reality, which shows no interest in the principles of scientific methodology and which, if at all, develops according to principles of adequacy, and not necessary simplicity<sup>20</sup>.

Upon deeper consideration, it is easy to see that the concept of simplicity is relative and arbitrary. How is it possible to measure efficiency or usefulness, or claim that a given value constitutes a limit on efficiency? This principle is therefore a fine principle for a model describing reality, but not a principle of reality itself. In fact, the history of science is a record

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<sup>16</sup> Talbert M., *Blame and Responsiveness to Moral Reasons: Are Psychopaths Blameworthy?*, in: “Pacific Philosophical Quarterly”, vol. 89, University of Southern California, Los Angeles 2008, pp. 516–535.

<sup>17</sup> See more: Zimbardo P., *The Lucifer Effect: Understanding How Good People Turn Evil*, Random House Trade Paperbacks, New York: 2007.

<sup>18</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op. cit., pp. 100-102

<sup>19</sup> See more: Thomas L., *Living Morally*, Temple University Press Philadelphia 1989.

<sup>20</sup> Strawson P., *Freedom and Resentment*, in “Perspectives on Moral Responsibility”, Fischer J. M. and Ravizza M. (ed.), Cornell University Press, Ithaca 1993, pp. 45–66.

of the collapse of this principle, according to which Mendeleev's table is not even possible, since it would be simplest to accept the existence of only one type of element<sup>21</sup>.

And so the humanities, based on a naturalistic paradigm, a paradigm of positive ontological functions, are capable of including the principle of lesser evil, and even acknowledge it as an ethically acceptable principle<sup>22</sup>. Obviously, the question of the limits of this lesser evil arises. Is it acceptable in itself, or is it still villainous? Which lesser evil is still villainous, and which one no longer? Can we assess lesser evil individually, or only in relation to a primordial, greater evil?

Here, we have a moral dilemma. A dilemma which we should resolve from three independent sides<sup>23</sup>:

- as an assessment of the individual situation, without relation to any context,
- as an assessment of the relation to primordial evil,
- as an assessment of the good which results from the minimisation of evil.

From this simple tally, it results that the essence of this moral dilemma is the proportion between an individual, context-free assessment of the lesser evil, as evil, and the value of good, resulting from the reduction in primordial evil. To put it another way, we should consider, whether the amount of good created by reducing the balance of evil, compensates for the evil which is still caused<sup>24,25</sup>.

Should we therefore accept that the decrease in city crime compensates for the loss of freedom due to omnipresent cameras? Each citizen unconsciously asks the question: does the increase in my safety through belonging to society compensate the loss of freedom and the necessity to subordinate myself to laws and the systems<sup>26</sup>. We can also ask whether the introduction of a drug with a low harm profile compensates for the temptation it would probably bring<sup>27</sup>. Are we protected against the fact that the introduction of a new, less toxic drug could make the desire to use it more common, since it eliminates a basic protective barrier – fear of death? It would seem that we touch upon the essence of the issue here. From the point of view of public health, this dilemma is therefore: is the lowering of the

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<sup>21</sup> Stocker M., 1979, "Desiring the Bad: An Essay in Moral Psychology," *The Journal of Philosophy*, 76 (12): 738–753.

<sup>22</sup> McGinn C., *Ethics, Evil, and...*, op.cit., 54-58.

<sup>23</sup> Allison H.E., 2001, "Reflections on the Banality of (Radical) Evil: A Kantian Analysis," in *Rethinking Evil: Contemporary Perspectives*, María Pía Lara (ed.), Berkeley: University of California Press, pp. 86–100.

<sup>24</sup> García E.V., *A Kantian Theory of Evil*, in: "The Monist", vol. 85 (2), Oxford University Press, Oxford 2002, pp.194–209.

<sup>25</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., pp. 60-63.

<sup>26</sup> Hare R.D., *Without Conscience: The Disturbing World of the Psychopaths Among Us*, The Guilford Press New York 1999, pp. 216-219.

<sup>27</sup> See more: Kagan S., *Normative Ethics*, Boulder, Westview Press, Colorado 1998.

harmfulness of drugs not proportional to an increase in those addicted, or could it be? This question must be answered since the equation: less suffering for more sufferers, is surely not desirable for anyone<sup>28</sup>.

From the point of view of ethics, when doing anything according to the principle of lesser evil, we still remain within the house of evil, we simply do evil. We could say that here too we can distinguish this hierarchy of values, and say that yes, we do evil, but somewhat less of it. However, the moral view is implacable in this regard and will say: you still do evil, why? Why do you do this? Man should not do evil, and when he says he does less of it, in reality, tries to relativise his attitude and justify his intentions pre-emptively<sup>29</sup>.

He desires to authenticate his actions, so that under the guise of doing something close to the point of equilibrium between good and evil, he continues to do evil, flattering material, but not truly human needs. A person acting unethically, shall we say not as much as a murderer, still remains an unethical person, a dresser in the theatre of darkness<sup>30</sup><sup>31</sup>.

We therefore have a conflict between the domain of reason and that of conscience, which fills our current reality, and yet which few understand, least of all those who make it the banner for their activities, in particular in the media<sup>32</sup>.

Are we therefore condemned to this dialogue between a hierarchy of values, are all our actions, which we could describe as the lesser evil, saddled with the inner conflict of moral systems?

### Solution

Each decision should be weighed not only in the context imposed upon it, since it is difficult to acknowledge, that a certain action is characterised in itself by morality or lack thereof. Rather, it is we who attribute these values to an action, depending on context, each decision should be weighed within its own context and perspective<sup>33</sup><sup>34</sup>.

Within the category of health there are, as I have noted, two perspectives: individual and public. Both these perspectives often have absolutely conflicting points of view and provide us with different prescriptions for life. The perspective of public health (the health of the nation) is different to that of a specific person. I shall not attempt here to impress with

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<sup>28</sup> See more: Milo R.D., *Immorality*, Princeton University Press, Princeton 1984.

<sup>29</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., pp. 65-68.

<sup>30</sup> See more: Young-Bruehl E., *Hannah Arendt: For Love of the World*, Yale University Press, New Haven, Connecticut 1982.

<sup>31</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., 70-72.

<sup>32</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., pp. 80-83.

<sup>33</sup> More about it in: May G. G., *The dark night of the soul*, CA: Harper, San Francisco 2002.

<sup>34</sup> Allison H.E., 2001, "Reflections on the Banality of (Radical) Evil...", op. cit., 64-70.

examples of individual sacrifice for the common good. Today, this way of thinking is unacceptable, but in itself exemplifies the question of looking at the same object from two different points of view<sup>35</sup>.

One of the well-known ethical dilemmas, scientifically conceived yet with teaching potential, is that of a speeding trolley, out of control, right before a junction. The observer ignores how the switch is set. If the trolley goes straight ahead – it will kill a mother and two children. If it turns right – it will kill five young men. And if it goes left – it will kill a drunken, homeless old man<sup>36</sup>. There is no way to stop the trolley, but there is potentially time to activate the switch. What should be done?

Initially, the problem seems simple<sup>3738</sup>. Ostensibly, we desire to save those who – according to us – have greater worth. Many would surely create the following hierarchy: mother and children, then the five young men, and finally, the old drunkard. It is doubtful whether anyone would choose to switch the trolley to the tracks with the mother and children, somewhat more likely towards the young men and most likely in the direction of the drunken vagrant<sup>39</sup>.

But the fact of attributing values to people is ambiguous, as is the construction of any hierarchies. Additionally, these hierarchies are based on stereotypes<sup>40</sup>. Meanwhile, the mother might be leading the children to the bridge, to throw them off. The men, one of whom might be her lover, might be rushing to help her. While the drunkard, having overheard their plan by accident, might be trying to stop them. The most rational course would therefore seem to direct the trolley to the right, killing the five men and saving the lives of the others, in particular those of the children, by depriving the mother of a pretext for killing them<sup>4142</sup>.

Except we are also attributing values here. Furthermore, we are making unacceptable moral calculations: is it ethical to kill some to save others? And how do we plan on explaining killing anyone, as the result of a moral act? This is a paradox clearly similar to that of the executioner, who weeds out society, taking the lives of those who took the lives of others, and

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<sup>35</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., pp. 85-88.

<sup>36</sup> See more: Diamond S. A., *Anger, madness, and the daimonic*. University of New York Press, New York 1996.

<sup>37</sup> See more: Townes E. M. (Ed.), *A troubling in my soul: Womanist perspectives on evil and suffering*, Orbis, New York 1993.

<sup>38</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., 106-109.

<sup>39</sup> See more: David S. T. (ed.), *Encountering evil: Live options in theodicy*. John Knox Press, Atlanta 1996.

<sup>40</sup> See more: Becker E. *The structure of evil*, The Free Press, New York 1968.

<sup>41</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., pp. 115-119.

<sup>42</sup> See more: Riccoeur P. *The symbolism of evil*, Beacon, Boston 1996.

would surely do so again<sup>43</sup>. And yet, it is very hard to define his work within a moral context<sup>44,45</sup>.

Which is why the only solution to the trolley dilemma is abstaining from any action. We are in a situation in which, even going beyond our stereotypes and aesthetic sense, we are unable to solve the problem on a moral basis. This does not mean that we should always refrain from acting, but only then, when even elevating ourselves above our I *and* stepping outside of the domain of our physiology<sup>46</sup>, we are still unable to come up with a satisfactory solution.

In that case, we should face the truth and admit that the task before us morally exceeds us. And that in such a case, we also have the right to think of ourself, as someone who would have to live with the stigma of murder. Forgetting about our own rights is not ethical<sup>47</sup>.

And so, it is only by combining the above principles into a whole that we can give a truly moral verdict, or consciously refuse it. It is only those who can rise above their own systems of values, or, being in an ambiguous situation, take the decision to act or not, who are truly people of good will. And only such people are capable of making truly moral decisions<sup>48,49</sup>.

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<sup>43</sup> Kluger J. and Kluger J. *The Evil Brain: What Lurks Inside a Killer's Mind* <http://science.time.com/2013/05/03/evil-brain/> accessed 11 Sept. 2016.

<sup>44</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., 141-146.

<sup>45</sup> Cherry K., *The Age Old Debate of Nature Versus Nurture*. <http://psychology.about.com/od/nindex/g/nature-nurture.htm> accessed 11 Sept. 2016.

<sup>46</sup> Allison H.E., 2001, “Reflections on the Banality of (Radical) Evil...”, op. cit., pp. 37-42.

<sup>47</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., 162-165.

<sup>48</sup> Allison H.E., 2001, “Reflections on the Banality of (Radical) Evil...”, op. cit., pp. 105-108.

<sup>49</sup> Wolf S., *Sanity and the Metaphysics of Responsibility...*, op.cit., 188- 210.



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