The Lesser Evil

Insights from the Catholic moral tradition

BY JAMES T. BRETZKE

IN A DILBERT CARTOON, “Mike the Vegan” takes pride in claiming that he uses “no animal products whatsoever.” Dilbert reminds him, though, that his clothing was made on sewing machines that use electricity produced from fossil fuels. The last panel shows Mike walking down the street in his birthday suit, ruminating on the need to start making exceptions!

Exceptions must be made, because we live in an imperfect world. Utopia is a conceptual world without evil, but the literal meaning of the Greek name, “No place,” reveals how real it is. Here on this side of God’s kingdom-yet-to-come, we live with evil, sometimes tolerating evil, compromising with evil and, in rare cases, even doing the “lesser” of two evils.

Catholic moral tradition elaborates four basic principles that help us navigate a morally complex world. Each of these principles involves varying degrees of cooperation with evil. The principles are (1) double effect, in which a single action has two foreseen effects—one “good” and intended, the other “evil” and tolerated, such as the removal of the fetus in an ectopic pregnancy to save the life of the mother; (2) tolerance, in which we judge, following the Gospel principle of the wheat and the tares, that certain evils must be endured for the time being lest a greater evil ensue from our efforts to weed out the malefactors, such as tolerating legal abortion even if we disagree that this should be the case; (3) compromise, in which we in some way actively participate in actions or sinful social structures that have a clear morally evil component, such as purchasing goods made under exploitative labor conditions in foreign sweatshops; and (4) the lesser of two evils, such as counseling the use of clean needles among drug addicts.

The first two principles are fairly well understood and accepted by most people, but the last two occasion much debate and misunderstanding, since each seems to suggest either participating actively in moral evil or at least giving up the commitment to avoid evil at all costs.

Differing Positions
Moralists themselves differ in their approach to these, as can be seen in a recent widely circulated address, “The
Physician’s Relationship With Morality,” by José María Simón, M.D., president of the World Federation of the Catholic Medical Associations. In speaking of the general notion of collaboration with evil, Dr. Simón averred that “with the current state of the world, we often have to consider whether to avoid collaborating with those people and structures which go against the dignity of the human being. Although they may find others who will collaborate with evil, they will not find us.”

How might Simón, or others who stress avoiding evil, respond to the counterposition expressed by Pope John Paul II, who wrote, “when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality” (Evangelium Vitae, No. 73).

Much of our daily life involves both compromise and cooperation with evil. John Paul II went on to explain in the same encyclical that such action “does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.”

Applying the Principle of ‘the Lesser Evil’

In making legitimate exceptions, we can use Catholic moral tradition’s four principles as a guide. But what about that last principle: Is one morally permitted to commit evil, even if it is “lesser”? Some moralists think not and argue that the theory applies not to doing evil but rather to tolerating it. There is a distinction between tolerance and active moral agency, yet Catholic moral tradition has held that in some circumstances not only could one counsel the lesser evil, but could help someone to carry it out.

Recently, many church leaders, including Cardinal Jean Marie Lustiger of Paris and the longtime papal theologian Cardinal Georges Cottier, O.P., have argued that one could counsel a person with H.I.V./AIDS who would not likely abstain from sexual relations (an important qualifier) to do everything else to protect the health (and the life) of his or her non-infected partner, including the use of condoms.

What about going beyond giving damage-control advice and participating in a program to reduce venereal diseases that, among other things, distributes clean needles to drug users or condoms to at-risk populations? Would this be sharing in the intent to commit a morally evil action and therefore be ipso facto sinful? Because millions of people are infected with H.I.V., such questions are being intensely debated within and outside the church.

The Case of Tom, Dick and Harry

In evaluating how the principle of the lesser evil might shed light on needle exchange or condom distribution, consider the following textbook example.

**On this side of God’s kingdom-yet-to-come, we live with evil, sometimes tolerating it, compromising with it and, in rare cases, even doing the ‘lesser’ of two evils.**

Tom, Dick and Harry are neighbors. Tom and Dick have a longstanding grudge that boils over into a murderous rage one day when Dick inadvertently drives over part of Tom’s lawn while navigating around a bicycle left in the driveway. Tom confides in Harry that this is the last straw and that when Dick returns home shortly from his errand

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he'll be met by Tom's shotgun. Harry tries his best to dissuade Tom from his homicidal intent, but without success, and off in the distance he sees Dick's S.U.V. approaching. Thinking quickly, Harry says to Tom that if Dick is killed he'll certainly be dead, but that would be the end of it, whereas if Tom were to decimate Dick's prize rose bushes, Dick would suffer their loss daily. Tom hesitates for a moment and begins to waver. Seeing this, Harry says, "Let's get those bushes now!"

Whereupon Tom drops his gun and joins Harry in whacking the bushes.

What is going on here morally? To an observer, it might look as though Tom and Harry are engaged in identical evil actions, but the two actions actually differ in one critical element: intention. While Tom is giving vent to his evil anger, Harry is trying to protect Dick's life—albeit at the expense of the roses. While Harry could stand piously by and do absolutely nothing (avoiding all evil), Thomas Aquinas would probably not judge abstaining from such a diversionary act to be a good use of practical reason—using our moral acumen in a concrete situation. The key difference between Tom and Harry is not in what their hands and feet are doing, but in their heads and hearts, which give meaning to these movements. Tom is consumed by anger, but Harry is cleverly channeling that anger down a less destructive path. Harry's action is safeguarding Dick's life; Tom's action is sinful.

In the moral tradition, an act with a moral character includes three elements: the act itself, the intention of the agent and the circumstances. When the church deems certain actions to be "intrinsically evil," it takes into account all three. For example, although death is the result in both homicide and murder, moralists would not say that every homicide is sinful, but that every murder is. What's the difference? Murder by definition includes an intent to kill. Since the intention and/or the circumstances can change the nature of the action itself, one cannot get at the moral meaning of the act in itself without paying sufficient attention to the intention and circumstances. In the case of Tom, Dick and Harry, Tom is intending to harm Dick while Harry is intending to save Dick's life. While in these circumstances Tom could easily forgo his unrighteous anger, the same circumstances do not allow Harry many effective options to save Dick's life.

**Spot Quiz: The Lesser Evil**

Do these statements express the Catholic moral tradition? Rate each statement true or false.

1. Catholic moral tradition holds that a Catholic politician could never in good conscience vote for any law that contains any provisions that would allow for the legality of abortions.

2. Catholic moral tradition holds that no one under any circumstances may ever do anything, either by direct action (commission) or by failure to act (omission) that would aid or cooperate in the commission of a moral evil by a third party.

3. Catholic moral tradition holds that one may never use or permit any evil means or effect so that a good end or effect would come about as a result of that evil means.

4. Catholic moral theology holds that one can tolerate a moral evil in one's life in order to avoid a greater moral evil.

5. Catholic moral theology holds explicitly that one should take into account in moral evaluation not only the action itself but the intention of the agent and circumstances of the action in determining its moral rightness or wrongness.

6. Catholic moral theology holds that murder can never be morally justified, even if it could be argued that the murder of a given individual would end some grave evil or bring about some considerable good.

Answers: Statements 1 to 3 are false; 4 to 6 are true.

**Moral Jeopardy**

Are there moral risks involved when using the principle of the lesser evil? Certainly. Chief among them may be the temptation to think up some evil that would be "greater" and then argue that one is somehow justified in performing the "lesser evil." Sometimes the choices are murky and it is not clear what constitutes morally acceptable or unacceptable cooperation in either causing or allowing evil. Thomas Aquinas described the complexities of moral reasoning in his famed treatise on the natural law: "As to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor where it is the same, is it equally known by all" (Summa Theologicae, I-II, q. 94, art. 4). What we can discern, though, is that even in some circumstances in which there is clearly an "evil," it may be morally incumbent on us to cooperate with it in order to avoid something far worse. Ultimately, it is only God who delivers us from evil. Until the kingdom comes we must do as we judge best, according to the right reason God has given us.