

# Two views on political lesser evil

## Duas visões sobre o mal menor político

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### ABSTRACT

In this article I argue that doing the lesser evil in politics is always permitted and even required. I call this view “pragmatism”. I defend it against “purism”, which claims that it is never permissible to do (the lesser) evil. I reject three arguments for purism, which are based on Alan Gewirth’s principle of intervening action, on an alleged epistemic difference between doing and allowing evil, and on rule-consequentialism. I also address Terrance McConnell’s and Thomas Hill Jr.’s attempts to constrain pragmatism by claiming that doing the lesser evil is not always permitted or required. Although those constraints may apply to most spheres of action, I contend that they do not apply to political action.

**Keywords:** lesser evil, politics, purism, pragmatism.

### RESUMO

Neste artigo, argumento que fazer o mal menor na política é sempre permitido e até requerido. Eu chamo isso de “pragmatismo”. Defendo-o contra o “purismo”, que afirma que nunca é permissível fazer o mal (menor). Eu rejeito três argumentos para o purismo, que são baseados no princípio da intervenção de Alan Gewirth, em uma alegada diferença epistêmica entre fazer e permitir o mal, e no consequencialismo da regra. Também abordo as tentativas de Terrance McConnell e Thomas Hill Jr. de restringir o pragmatismo alegando que fazer o mal menor nem sempre é permitido ou exigido. Embora essas restrições possam se aplicar à maioria das esferas de ação, afirmo que elas não se aplicam à ação política.

**Palavras-chave:** menor mal, política, purismo, pragmatismo.

## Introduction

In this article I argue that doing the lesser evil in politics is always permitted and even required. I defend this view against the claim that it is never permissible to do (the lesser) evil. Following Thomas Hill Jr.’s terminology, I call the former view “pragmatism” and the latter “purism” (Hill, 1983, p. 213-214).

This article is structured as follows. In the first section I reject three arguments for purism: one is based on Alan Gewirth’s principle of intervening action, another one is based on an alleged epistemic difference between doing and allowing evil, and yet another argument is based on rule-consequentialism. In the second section I reject Terrance McConnell’s and Thomas Hill Jr.’s claim that doing the lesser evil is not always permitted or required. Although this may be true

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of most spheres of action, I contend that it is not true about political action.<sup>2</sup>

## Purism

Moral purism claims that you should never do evil, even if it is the lesser evil. By “evil” I mean any action or state of affairs that has disvalue.

At the core of purism is the distinction between doing and allowing. An agent does *X* when she actively contributes to *X* obtaining. An agent allows *X* to happen when she forbears to prevent *X*.<sup>3</sup>

Purism strictly forbids doing evil, but it does not strictly forbid allowing evil to happen. One reason for this distinction is that a theory that strictly forbids allowing evil is in a sense inconsistent or not fully action guiding. This is because it is not always possible to avoid allowing evil to happen. It is perfectly possible (and indeed frequent) to face a choice between letting one evil happen or letting another evil happen, without there being a third option in which no evil happens. A theory that strictly forbids allowing evil implies that in such situations whatever you choose is (all-things-considered) wrong. This problem is not present in a theory that only strictly forbids *doing* evil, because it is always possible to abstain from doing evil (because I assume that it is *always* possible to abstain from performing any action).

Purism should be distinguished from absolutism. Absolutism is the view that *certain* evils are strictly forbidden. This view is held by authors such as Alan Gewirth (1981) and, according to some interpretations, by Immanuel Kant (1996). My focus in this article, however, is on the more radical view according to which it is strictly forbidden to do any evil.

Notice that purists do not claim that agents are only responsible for what they do and never for what they allow. Purism is compatible with the claim that agents have (basic or derived) duties to bring about certain desirable states of affairs or to make sure that certain undesirable states of affairs do not take place. For example, purism can be coupled with the view that agents have duties of beneficence, i.e. duties to promote other people’s well-being. Thus, purism is compatible with the claim that in some occasions omissions can be wrong, and that we are sometimes responsible for what we allow.

What purism claims is that our duties not to do evil always trump our duties to prevent evil from happening.

Whenever you must choose between doing evil and letting evil happen, you must choose the latter. This is so regardless of the amount of evil that you can prevent from happening. Size does not matter. There is no need to even measure. In fact, purism should be carefully distinguished from the view that “*doing* evil is always the *greater* evil” (i.e. that the duty to avoid doing evil is always *weightier* than the duty not to let evil happen). If it were simply a matter of weight difference, then if doing evil could prevent a sufficiently high amount of evil, then the duty to avoid doing that particular evil could be outweighed. But the purist wants to deny even that possibility.

The absolute priority of not doing evil is understood in an “all-things-considered” sense. For purism it is always all-things-considered wrong to do evil. Purism is compatible with the claim that allowing evil to happen is sometimes *prima facie* wrong, and sometimes even all-things-considered wrong. But allowing evil to happen can never be all-things-considered wrong when preventing it from happening requires doing evil.

The question, then, is whether purism so understood can be defended. In its face, purism is plainly wrong. Suppose, for instance, that you can save someone from being murdered by simply telling the murderer a small lie. Intuitively, the duty not to lie is overridden by the duty to protect that person’s life. So purism is counterintuitively strict. It is also counterintuitively permissive. It lets you off the moral hook as soon as you are required to do some *minor* evil in order to avoid evil or do good (Curzer, 2006, p. 38).

Purism is such an extreme view that it is hard to find arguments for it in the literature. Even Kant (who goes as far as saying that you must not lie to the murderer at the door) is not a purist in the sense that I am using here. Kant merely claims that some negative duties (the duties not to lie and not to coerce) are absolute (Korsgaard, 1986, p. 337), so he is just an absolutist. Moreover, it is possible to reconstruct Kantian philosophy as allowing for some exceptions even to those fundamental duties (Korsgaard, 1986, p. 346-349). Even though purism is not held by any author that I know of, it is important to discuss it, since many students, religious advocates, and others in the general public seem to adhere to it. For example, it is common to interpret Paul of Tarsus as adhering to purism, since he explicitly *rejects* the principle ‘let us do evil that good may result’ (Rom 3:8, 6:1).

There are at least three minimally plausible arguments for purism, which I now turn to assess.

<sup>2</sup> Although in this article I focus on political action, most of what I claim applies to lesser-evil choices in other realms of action as well. The reason for focusing on the political realm is that lesser-evil choices are much more frequent and acute in that realm than in others. There are several reasons for the abundance of lesser-evil choices in politics: (a) political decisions often affect the lives of large numbers of people, sometimes in deep and irreversible ways; the likelihood of morally problematic trade-offs is therefore higher than in everyday moral choices which only affect yourself and a small number of people; (b) political action often involves coercion, which carries inherent risks of evil-doing – and can plausibly count as an evil in itself –; (c) politics often involves intense competition, often against ruthless opponents, which restricts the ability to pursue morally good ends using morally unpolluted means.

<sup>3</sup> There are at least two senses in which an agent may allow something to happen (Foot, 1978, p. 26). She may either forbear to prevent it (as when someone does not stop the rolling glass from falling from the table) or she may enable it (as when someone opens the floodgates to allow the water to pass through). I use “allow” only in the first sense, and count enabling as doing.

## Alan Gewirth's principle of intervening action

Alan Gewirth's famous article on absolute rights is helpful for finding a possible ground for the purist view (Gewirth, 1981, 1982). As mentioned, Gewirth is not purist because he does not claim that you should never do evil. He only claims that there are some evils that you should never do (violating absolute rights), so he is an absolutist. I consider his argument for absolutism here because it can also be used to ground purism.

Gewirth analyses the following lesser-evil choice scenario: "a gang of terrorists realistically threatens to explode a nuclear bomb over a large distant city unless a politically active lawyer, Abrams, publicly tortures his mother to death" (Gewirth, 1982, p. 1). Intuitively, it seems that Abrams must torture her mother to death, since this would avoid a much greater evil. So purism must be wrong. Interestingly, Gewirth argues that Abrams must abstain from torturing his mother. His reason is not that agents only have responsibility for what they do, and never for what they allow. On the contrary, Gewirth believes that people's right to life grounds positive duties to protect them from homicidal projects when that can be done at no comparable cost (Gewirth, 1981, p. 11). And the cost, in this particular case, is not comparable. The death of Abrams's mother by torture is clearly less costly than the death of thousands of people due to the atomic explosion.

Gewirth's reason is that Abrams is not directly responsible for those people's deaths; the terrorists are. He resorts to what he calls the "principle of intervening action," according to which

*when there is a causal connection between some person A's performing some action (or inaction) X and some other person C's incurring a certain harm Z, A's moral responsibility for Z is removed if, between X and Z, there intervenes some other action Y of some person B who knows the relevant circumstances of his action and who intends to produce Z or who produces Z through recklessness. The reason for this removal is that B's intervening action Y is the more direct or proximate cause of Z and, unlike A's action (or inaction), Y is the sufficient condition of Z as it actually occurs (Gewirth, 1981, p. 12).*

Gewirth's principle implies that if someone else is the proximate cause of an evil, my responsibility for that evil is removed. I may permissibly allow that evil to happen. But when I *do* evil, the proximate cause is me, so I bear responsibility for it.

The principle of intervening action seems to provide a defense of purism. The main problem with purism, recall, is that intuitively we think that there are many situations in which we should do minor (and even major) evil deeds in

order to comply with our duty to avoid even greater evils. Now, if it is true that in those situations the greater evil is often brought about by an intervening agent, then according to Gewirth's principle we do not really have a duty to avoid the greater evil. Therefore, it becomes more plausible to claim that in those situations doing the lesser evil is absolutely forbidden. After all, by avoiding doing the lesser evil we are not violating any duty at all, not even a *prima facie* duty. The intervening agent completely freed us from responsibility for the outcome. (Notice that lesser-evil choices involving intervening agents are frequent in politics. Consider for instance the case, which I mention below, of bombings against German civil population in order to stop Hitler).

But the principle of intervening action is implausible. First, there are many counterexamples that intuitively show that intervening action does not remove responsibility. Imagine that Aurora is about to intentionally run over Frank with her car. Frank is hearing and sight impaired, so he is completely unaware that Aurora is about to run him over. I can avoid his death easily by pushing him away from Aurora's path. It seems clear that I have a duty to push him away, even if Aurora's action would clearly be the proximate cause of Frank's death, and that the primary duty to avoid Frank's death is hers.

The purist may try to save the principle of intervening action from this counterexample by restricting the principle's scope. She may claim that the principle only applies to cases in which one has to do evil in order to avoid (a greater) evil. In the example, by warning Frank I do no evil. But why exactly does intervening action remove responsibility only in cases of evil-doing, and not in other cases? It seems unlikely that the purist can provide an adequate answer. Moreover, even Gewirth inadvertently provides a counterexample to the claim that intervening action removes responsibility in cases in which evil-doing is necessary: "if someone threatens to commit suicide or to kill innocent hostages if we do not break our promise to do some relatively unimportant action, breaking the promise would be the obviously right course" (Gewirth, 1981, p. 10).

Lastly, even if the principle of intervening action were sound, it would not provide a sufficient defense of purism. That is because there are several lesser-evil choice scenarios that do not involve intervening agents. Consider, for example, a case in which the only way in which half the humanity could be saved from an unforeseeable natural catastrophe is by actively killing a human being. Killing her would clearly be the lesser evil. Now, there is no intervening action to release us from the responsibility to sacrifice her. So purism needs a different explanation of why in this case we must not do the lesser evil.

## Epistemic imbalance

A further argument for purism may be built around an important epistemic difference between doing and averting evil. When an agent chooses to do the lesser evil, she is always fully certain that she is doing evil, but she is less than fully

certain that the greater evil will be averted. This is for the simple reason that whenever we do evil, we do evil. There is absolutely no chance that we do not do evil when we do evil, but there is always at least some chance that evil will not be averted when we try to avert it. For example, take Gewirth's threatened politician. He has full certainty that if he tortures his mother, he is torturing; but he has less than full certainty that if he tortures he will actually be able to avoid the threatened explosions. He cannot even be certain that if he does not torture the greater evil will actually happen. The terrorists may end up changing their mind, the bombs may fail, etc.

We may call this the "epistemic imbalance" between doing evil and averting evil. By itself the fact that there is an epistemic imbalance does not show much. Of course, purists would claim that responsible agents must not trade certain evil occurrence for uncertain evil prevention. But this is an overreaction to uncertainty. What a rational agent should actually do is simply to adjust for probabilities. She must not simply weigh the evils themselves, but she should also account for the likelihood of the evils taking place. If by doing evil there is a sufficiently high probability of averting a substantially greater evil, a morally responsible agent should do the lesser evil (Hill, 1983, p. 225-226).<sup>4</sup>

But the fact of epistemic imbalance is more problematic than it seems once we notice the incidence of biases. Probability calculations are subject to several biases, especially in politics. Consider first the "overconfidence bias" (Kahneman, 2011). Humans tend to believe they can achieve more than what available evidence actually warrants (this is a sort of optimism bias: we tend to think that things will go better – or not as bad – as they statistically will). This bias may lead politicians to believe that doing the lesser evil has greater probabilities of averting the greater evil than it actually has. The overconfidence bias can be aggravated when combined with forms of egoistic bias: my assessment of probabilities is probably going to be distorted if doing the lesser evil is politically or economically advantageous to me. Egoistic biases may also lead me to believe that there is a greater evil to be avoided when in fact there is none, or when in fact it is the lesser evil (when compared with the evil that my egoistic bias pushes me to do as means).

These biases – the purist claims – only impair assessments of the evil we allow to happen, not of the evil we do. This is because the former happens in the future and indirectly, while the latter happens now and directly. There is no need to determine probabilities when assessing the lesser evil we do. Therefore, the biases have no room to kick in.

Of course, biases can be corrected. Once we know which biases we are vulnerable to, we can through reflection correct them or adjust for them. So it seems that in particular cases it

is always possible to know the actual chances of averting evil. But this is too optimistic. In real life, and especially in politics, agents do not have the time or the willingness to correct their own biases.

The epistemic imbalance argument is insufficient to support purism. The argument presupposes that when assessing the evil we do we are not also subject to biases. But in fact biases may impair our assessments of whether a certain action is actually evil.

For instance, assume for the sake of the argument that punishing thieves is not wrong at all because it is retributively just, and suppose that punishing thieves also averts a great evil: high crime rates. We may illustrate this by saying that punishing thieves would bring about 0 units of evil, since it is not evil at all, while not punishing them and letting crime rates rise would bring about 1,000 units of evil. Now suppose that a certain politician is a thief, and she subconsciously wants to avoid punishment. One possible effect of her egoistic biases is that she may be led to believe that punishing thieves is evil. So suppose she believes that punishing one thief brings about 1 unit of evil. And there are 10 thieves in her society, so punishing them would bring about 10 units of evil. Of course, she also wants to avert high crime rates, which is a great evil (even for her, since she is also at risk of being robbed). And punishing thieves would clearly be the lesser evil (10 units of evil against 1,000). Unfortunately, according to her biased view averting the greater evil requires doing evil. And, if purism is correct, this is impermissible. So the right thing for her to do (given her evidence) is to allow the greater evil. We thus end up with 1,000 units of evil, when with an unbiased reasoning we would have ended up with 0 units of evil.

Now suppose we reject purism and embrace pragmatism. The right thing for her to do would be to punish the thieves, because that is the lesser evil. Of course, this conclusion would not be completely correct. The right conclusion would be that thieves should be punished because it is not evil at all (and it would avert a great evil). But still the conclusion would be closer to the truth than the one she would arrive at if she embraced pragmatism. So purism is more vulnerable than pragmatism to this kind of bias. This shows that there is no real epistemic imbalance between assessments of evil done and of evil allowed, since both are subject to significant biases.

## Rule-consequentialism

There is also a rule-consequentialist argument for purism. The argument starts from the fact that politicians often lie about lesser evil justifications. They often try to justify evils by claiming that they are necessary for averting great-

<sup>4</sup> Purists may claim that often in politics we are not facing likelihood but ignorance: we are unable to know what is the probability that the lesser evil will prevent the greater evil. Choice under uncertainty is different from choice under ignorance. But if we are really ignorant of the probabilities, then we are surely ignorant of whether there is a connection between the lesser evil and the greater evil. Therefore, it makes no sense to claim that we are actually facing a lesser evil choice. I agree. In cases of ignorance we must avoid doing certain evil.

er evils, when in fact there are no greater evils to be averted, or the evil deeds are neither necessary nor sufficient to avert them. What would happen if everyone believed that purism is correct? Politicians would then have one less tool to deceive others. If politicians tried to justify their evil deeds by appeal to an alleged greater evil, people would not take that justification as valid. The world would be a better place.

For rule-consequentialist reasons, then, we should act as if purism were the right rule to assess evil deeds. We would then avoid a lot of “false positives,” i.e. a lot of alleged lesser-evil justifications which are unsound. Of course, if purism were believed to be correct, then we would have the opposite problem of having “false negatives,” i.e. cases in which we would not let politicians do evil when in fact it would be better if they did (in order to avoid a greater evil). Still, the rule-consequentialist argument claims that the aggregate harmful effect of false negatives is far outweighed by the aggregate harmful effect that false positives would have if purism were rejected. In sum, believing in purism is the lesser evil.

Is it? It is not clear at all that the aggregate harm from false positives actually outweighs the aggregate harm from false negatives. To begin with, it is hard to realistically assess how many alleged lesser-evil justifications are actually false positives. In fact, it is precisely for that reason that politicians abuse that tool. Moreover, the risk of false negatives should not be minimized. World War II would probably have been lost to Germany if the Allied politicians had not been allowed by their citizens to use evil means to fight. For instance, some argue that bombing German cities was a necessary means to win (at least the initial bombings; but the rest were clearly unnecessary) (Walzer, 1977, p. 259-261). Moreover, purism implies that all defensive wars are impermissible, since even defensive wars require at least some evildoing in the form of harm to innocent bystanders. So the rule-consequentialist argument is either impossible to assess or it implies that actually purism is the theory that should be rejected.

## Pragmatism

Rejecting purism does not imply that pragmatism is correct. Some argue that political agents are not *always* allowed or *always* required to do the lesser evil. We may call this view “limited pragmatism”. In this section I argue that limited pragmatism is wrong.

The *pro tanto* case for always doing the lesser evil is quite straightforward (Hill 1983, p. 214). If an agent *must* choose between two (or more) evils, and one of them is the lesser evil, then it follows that *all other things equal* she must choose the lesser evil.

Limited pragmatists argue that sometimes other things are not equal, and that there are reasons for setting limits on lesser-evil doing. These reasons may be of two different kinds: internal and external.

Internal reasons are reasons for claiming that what seems to be the lesser evil is actually the greater evil. When

weighing two evils an agent may wrongly assess their relative weight, for example by failing to consider relevant reasons that make one of them a more serious evil. In such cases, another agent may point to those missing reasons in order to revise the assessment (or the agent may find out about those missing reasons herself). For example, imagine you have a friend whose presence could ruin the party you are planning for tonight at your house. You could lie to her and tell her that there is no party tonight. And you think that lying would be the lesser evil, because the suffering she will endure when she finds out about the lie is outweighed by the joy everyone will have at the party if she is not there. Now someone could try to set limits on your lesser-evil reasoning by pointing out that there is a reason you failed to adequately consider: lying is evil not only because it causes suffering but also because it is a quite serious offence to your friend’s dignity, and it is actually the greater evil in this case. I call this kind of reasons “internal” because they are internal to the assessment of which of the alternatives is a greater evil. External reasons, on the other hand, are general reasons against always doing the lesser evil (the *actual* lesser evil). Once we have weighed two competing evils adequately, there may still be reasons to avoid doing the one that is the lesser evil. These reasons are “external” because they are independent from (or fall outside of) the assessment of relative evil, and they are independent from the particular evils in play. (For examples of external reasons, see below).

In defending pragmatism what matters are external reasons. The pragmatist is indifferent to *which* particular evil is the lesser evil in a given case (and why). She simply claims that whichever is the lesser evil, doing it is always permissible and even mandatory (at least in politics). This view was held most famously by Machiavelli (1950), and recently by Kai Nielsen (2000) and others. (Notice that pragmatism is compatible with non-consequentialism. Non-consequentialism is the view that what makes an action evil is not only its consequences, but also other non-consequentialist considerations such as the fact that the action breaks a moral rule. Now, what defines pragmatism is not the kinds of considerations that it allows – consequentialist or not – but how it deals with conflicts between two or more considerations that require actions, as opposed to mere omissions).

Limited pragmatists put forward a number of external reasons for limiting lesser-evil doing. I argue that some of those reasons are not valid (section “Invalid reasons”), and that the ones that are valid only apply to some spheres of human action and not to political action (section “Valid reasons that do not apply to politics”).

(Notice that limited pragmatism is different from absolutism. While absolutists claim that certain types of action are never permissible, limited pragmatists merely say that doing the lesser evil is sometimes impermissible. While an absolutist may claim that, for example, murdering innocent persons is always wrong, the limited pragmatist merely claims that murdering innocent persons may sometimes be wrong, even when it is the lesser evil.)

## Invalid reasons

Consider first Terrance McConnell's arguments for limiting lesser-evil doing. He claims that doing the lesser evil is *impermissible* when it irreparably violates a right (McConnell, 1981, p. 551).<sup>5</sup> Notice that McConnell is not a purist. He grants that there are cases in which the lesser evil must be chosen, especially when no rights are irreparably violated and compensation is possible (McConnell, 1981, p. 546-547). So he is just a limited pragmatist.

McConnell provides two grounds for his view. First, he claims that if irreparable rights violations were allowed (in order to do the lesser evil), then victims would be treated as means only. This is not the case, he claims, if we only allow reparable rights violations (McConnell, 1981, p. 552). McConnell may be right about this, but he is beside the point. He is only providing an *internal* reason for not doing (what seems to be) the lesser evil. A reason for counting irreparable rights violations as the greater evil. So it cannot be a reason against (unlimited) pragmatism.

Another problem with McConnell's claim is that irreparably violating a right is often necessary to avoid other people's rights to be irreparably violated. To this objection he answers that irreparably violating a right myself is always a greater offence than allowing someone else to irreparably violate the rights of others (McConnell, 1981, p. 552).

To back his claim, he offers the following example. Suppose that someone will torture A and B unless you torture C. If you do not torture C, then A and B could complain to you. However – McConnell points out – their complaint would be much softer than the complaint C would address to you if you tortured her in order to save A and B (McConnell, 1981, p. 554). I think McConnell is right in his analysis of this particular case, but this case alone is not enough to support his claim. If the number of people I could save from torture were substantially higher, then *their* complaint would certainly be stronger than C's complaint for torturing her. So it is not the case that violating a right myself is always a greater offence than allowing someone else to violate others' rights. Moreover, even if McConnell were right about which would be a greater offence, he would still be talking about internal reasons, not external reasons.

Second, McConnell argues that if rights could always be permissibly violated in order to avert a greater evil, then "the possession of rights would be of little value" (McConnell, 1981, p. 554). This is a proper external reason. It is not a reason for regarding something as a greater or lesser evil, but a reason for not allowing certain lesser evils. However, it is not a good reason. Having rights can still be of great value even if irreparably violating them is allowed in some cases. Indeed, rights require that only *substantially* greater evils must be averted for a rights violation to be justified. Irreparably

violating my right to life cannot be justified if just five lives could be saved (as in Judith Jarvis Thomson's transplant case [Thomson, 1985, p. 1396]). Only if the number of lives that can be saved is substantially higher may my right be violated. So rights do have great value.

Another author that claims that there are reasons for not always doing the lesser evil is Thomas Hill Jr. The first reason he provides is that humans have a desire to relate to others with mutual respect, caring, and support. Doing evil to others, even if it is the lesser of two evils, squelches that desire. So a way to cherish this important desire is to restrict the requirement to always do the lesser evil. Thus, Hill claims that the lesser evil should be done only if it would prevent a *substantially* greater evil (Hill, 1983, p. 226). Second, the requirement to always do the lesser evil runs counter to our desire for moral integrity. We want our acts to express the values we are internally committed to. When we do evil (even if it is the lesser evil) there is a lack of cohesion between our inner convictions and our outer deeds. Since the desire for integrity should also be cherished, there are reasons to restrict the requirement to always do the lesser evil (Hill, 1983, p. 226).

Both reasons are problematic because they miss the way in which those two desires would be cherished by *doing* the lesser evil. It is true that when we do the lesser evil to someone, we are unable to relate to her with respect, caring, and support. But at the same time we are preventing a greater evil from befalling others. This shows respect, caring, and support to *them*. There is no reason to think that the lack of respect that we show towards the lesser evil's victim is higher than the lack of respect we would show to the greater evil's victims by doing nothing to stop it. For the same reason, not doing the lesser evil would also show a lack of integrity. Important inner values would be left unexpressed, such as the value that each individual's life and suffering matter. Since the evil we are preventing is the *greater* evil, it seems that our integrity is even more compromised when we avoid doing the lesser evil than when we do it.

## Valid reasons that do not apply to politics

Hill offers two additional reasons to restrict the duty to always do the lesser evil. First, he claims that there is value in having a well-defined set of responsibilities. Knowing in advance what our duties are is helpful in order to define our lives around them (Hill, 1983, p. 22). This value is threatened if we have a duty to always do the lesser evil. We become perpetual policewomen and policemen of evil, always on call, with a high degree of unpredictability about what our duties are.

Second, Hill argues that a requirement to always do the lesser evil is incompatible with having special relations. There is moral value in having relationships that are based on love,

<sup>5</sup> McConnell restricts his claims to moral blackmail cases, not to straightforward human evil nor to natural evil cases (1981, p. 544-545).

friendship, and mutual respect. But in order to work, these relationships require an almost unconditional commitment. And such commitment would be undermined by the duty to always do the lesser evil. As Hill explains, people would only be able to make conditional commitments with each other: "I would never lie to you, beat you, kill you, etc... unless I found that doing so would prevent a more serious offense somewhere else" (Hill, 1983, p. 226-227).

Both reasons Hill offers are valid for limiting the requirement to do the lesser evil. However, they only apply to some spheres of human action. Not to political action. Consider first the reason from autonomy. As part of their role, political actors acquire special obligations. As a politician you voluntarily lay down your right not to be always on call. You are now doing public service. It is part of your job description. Now consider special relations. It is true that persons are under no requirement to always do the lesser evil, because otherwise they would not be able to have valuable special relations. But this claim is perfectly compatible with saying that politicians acquire special obligations as part of their role. It is common knowledge that when you engage in politics, your personal relations suffer. For example, when holding office your family and friends can no longer demand preferential treatment. Favoritisms (nepotism and cronyism) are prohibited by your job description. Similarly, it could be argued that if you agree to become a politician, you are required to always do the lesser evil, even at the cost of losing valuable personal relations.

Notice that the view on political duties I have just presented is different from standard political realism. According to realism, when compared to other individuals politicians have wider permissions: they are entitled to do actions that common morality prohibits. What I hold, on the contrary, is that politicians have fewer permissions. They are not entitled, for the sake of autonomy and personal relations, to evade the requirement to do the lesser evil.

For the same reason, the view I am introducing here seems compatible with political moralism. Morality and politics are not substantially different. Politicians simply have more responsibilities than other persons. Notice that moralism grants that roles are legitimate grounds for special obligations. Moralism only denies that role duties may conflict and trump general moral obligations. My view is compatible with this assertion.

It may be countered that amongst politicians' additional responsibilities comes a strict duty to obey the law, especially in constitutional democracies. Therefore, lesser-evil action involving law-breaking cannot be defended by the argument from politicians' additional responsibilities.<sup>6</sup> In response, it must be noticed that not all lesser-evil action involves law-breaking. Consider some examples: lying in political negotiations, betraying your political allies or making a legislative decision that is socially unjust towards

a group. None of these acts are illegal, but they are still evil in a moral sense. Therefore, even if we grant that politicians are not allowed to break the law in order to do the lesser evil, it must be granted that legal lesser-evil acts in politics are permissible.

## Conclusion

In this article I have argued that in politics doing the lesser evil is always permissible and required. The three arguments for purism that I have assessed are problematic. First, intervening actions do not completely eliminate responsibility, and not all lesser-evil choices involve intervening actions. Second, there is no strong epistemic imbalance between doing evil and averting evil; biases not only impair assessments of evil consequences but also assessments of whether an action is an actual evil. Third, it is not clear that rule-consequentialism supports purism and it may even support pragmatism.

Arguments for limited pragmatism are also problematic. Some of the reasons for limiting pragmatism that I have analyzed do not really speak against doing the lesser evil, but against counting certain particular evils as lesser or greater evils. These are simply internal reasons. The proper external reasons I have assessed (autonomy and special relations) successfully show that there is no general requirement to always do the lesser evil. However, I have argued that political agents are nevertheless under that requirement.

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