

MORAL OBLIGATION AND THE LESSER OF TWO EVILS

by
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Evangelicals have generally held some form of ethical absolutism. In contrast to Situationism, they have claimed that there are many moral absolutes. Within the camp of those holding to two or more absolutes, a special problem arises: what about moral conflicts? That is, what ought one do when two or more of his absolute obligations come into unavoidable conflict? Basically there are three answers to this question. First, non-conflicting absolutists affirm that all such conflicts are only apparent but not real. In short, no two absolute obligations ever come into unavoidable conflict. Secondly, the lesser-evil view admits to real moral conflicts but claims that one is guilty no matter which way he goes. Thirdly, the greater-good position agrees with the lesser-evil view that real moral conflicts do sometimes occur but maintains that one is personally guiltless if he does the greatest good in that situation.

Our purpose here is to examine the second position. Assuming that there are real moral conflicts, we simply ask: Is one ever dutybound to do the lesser evil? If there are situations in which all alternatives go against some command of Scripture is one sometimes forced to do the lesser evil? For example, should one ever lie to save a life? Lying is condemned in the Bible and so is not showing mercy to the innocent (cf. Lev 5:1). Would it be the lesser evil to lie in order to save an innocent life? In which case one should lie to save the life but then ask forgiveness for the sin of lying.

A number of objections have been raised against the lesser evil position.¹ We will consider four of them here. The first two may be called moral and the last two Christological. First, it has been argued that it is morally absurd to say one is morally obligated to do an evil.² But how can there ever be a *moral* obligation to do what is immoral? How can the obligation be moral if the act it is commanding is not moral?

Now there are three basic alternatives for the proponent of the lesser-evil position in view of this criticism. First, he might claim that there is no *moral obligation* (i.e., Divine command) to do the lesser evil. It is simply what one "ought" to do on some kind of pragmatic or utilitarian grounds for personal or social reasons.³ This alternative would seem to be particularly embarrassing for the biblical Christian since he would be left in some of life's most difficult situations without any direction or command from God. Christianity would have an incomplete ethic. It would be able to handle the ordinary situations but the really difficult ones—the ones involving tragic moral choices—it would have absolutely no Divine direction. There is another way out of the dilemma for the lesser-evil proponent. He may admit that there is a moral obligation but that it is not to do evil but simply to maximize good in an evil (i.e., lesser evil) situation. But if he takes this route, then his position really collapses into the greater-good view. For if what he is really obligated to do is a maximal *good*, then why call it evil? Rather than being a lesser-evil position it is more like the double-effect view.⁴ For example the doctor who cuts off the leg of the amputee is not guilty of the sin of mutilation but is to be commended for doing the maximal good. Surely, as tragic as amputation is, there is no basis in Christian ethics to judge amputation (for the purpose of life-saving) a culpable act. Likewise, why call the act evil, as the lesser-evil view would seem to do, when it was the greatest good under the circumstances? Of course the lesser-evil view could simply admit the absurdity and unavoidability of sin but still claim that one is

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morally obligated to do the lesser-evil anyway.

This leads to a second criticism, viz., the lesser-evil view holds that one is personally responsible for what was personally unavoidable. This they maintain by challenging the underlying premise of their opponents that responsibility implies ability, that ought implies can.⁵ They point to biblical instances where God commands the impossible, such as "be ye perfect as your Father in heaven is perfect" (Mt 5:48). They point also to the doctrine of depravity which declares it impossible for a man not to sin, and yet God commands a man not to sin. But in these cases one need only draw attention to the fact that "ought implies can" principle misses the real issue. The moral absurdity of the lesser-evil position is not based on the truth or falsity of "ought implies can." From a Christian standpoint it is morally absurd to say "one ought to do an evil" because "ought" means "what God has commanded" and God does not (perhaps, cannot) command one to do what is morally evil. God is good, absolute good, and as such he can neither perform nor promote that which is evil. For God to command one to do evil would be a contradiction to the very will (even nature) of God.⁶ Of course one might respond here by claiming that whatever God commands is ipso facto good and not evil, since one could define good as that which God commands. However, this response would be fatal to the lesser-evil view. For if what God commands in so called lesser-evil situations is really good (simply because He commanded it) then it is not an evil. In fact, if the act is good in this conflicting situation because God commanded it, then the lesser-evil view has really collapsed into the greater-good view. For the good act he is performing at the command of God is not culpable but commendable, because it is done in obedience to God.

Before we leave this point it should be noted that making a distinction between good and right does not help the lesser-evil position. That is, it does not redeem the position from difficulty by claiming that the "lesser-evil" act is not really "good", but it is simply the "right" thing to do in that situation.⁷ For one can always ask the question: Was the "right act" morally good or evil? That is, was the act culpable or not? If it is morally evil or guilt inducing, then we are right back where we started and the above criticisms apply. If, on the other hand, the "right act" was good or guiltless, then the view has collapsed into the greater-good view. The essential difference between these two positions is that according to the lesser-evil view the tragic moral act is guilt-inducing and calls for confession and forgiveness, whereas according to the greater-good view the tragic moral act is guiltless. One may regret having to make the decision but he need not repent of it. Indeed, according to the greater-good view doing the greatest good leads to reward not to punishment. At any rate it does not redeem the lesser-evil view from its difficulties by calling the "lesser-evil" act the "right" one in contrast to a "good" act. The question still remains: Is one guilty or not for performing this act. If guilty, then God is commanding an act which is unavoidably sinful. If not guilty, then the act is morally all right and we are driven to the greater-good position.

There is another distinction sometimes made in an attempt to rescue the lesser-evil position. It is sometimes claimed that one is not blamed *for* doing his best in conflicting situations but simply blamed *in* doing his best. Even the most faithful servant is unworthy (Lk 17:10). In this sense it might be claimed that it would be morally absurd to blame one *for* doing his best, but it is not necessarily absurd to blame one *in the process* of doing his best.⁸ Might it not be that the act of lying is evil but the whole process of

mercy-showing to the innocent is the greatest good? Hence, one should confess the lie even though the act as a whole was the greatest good. Perhaps God blames a man for whatever sinful acts are part of an overall good performance.

In response to this distinction we might simply note that the ethic complex must be thought of as a whole. Certain actions performed in one context are morally good and in another are morally evil. For example, cutting off a man's leg is good if done by a doctor as a necessary means to save a life but evil if done by the same doctor to the same person as an act of sadism. It is the moral context as a whole that gives meaning to the act. Hence, one cannot separate out specific evil parts of an overall ethical performance and call the whole act good. Either amputation as an intention-act complex is good or evil. One cannot claim that the overall amputation process was good but the actual cutting of a human leg was evil. This discussion brings up a more principal issue beneath the whole discussion, viz., the relation of intention to action in judging the morality of an act. It seems to me that the difficulty with much of the discussion on these issues hinges around the question of whether an *act* of itself is intrinsically good or evil or whether it is the *intention-act* complex that must be considered. An adequate discussion of this involves more time than we have here. It will suffice to say here that it seems to us that the latter is the case. Good intentions alone are not sufficient to make an act morally right. Hitler may have *intended* to produce a better world by attempting genocide of the Jews, but surely this intention alone would not justify his actions. Likewise, an act as such apart from its motive or intention is not necessarily good. For instance, those who give to the poor in order to receive the praise of men are not to be morally commended, even if the action as such seems good. If this is the case, then it is wrong, as the lesser-evil position sometimes does, to separate an act from its total intention-act complex and pronounce the act evil and yet declare the overall process a maximization of good.

We turn now to the third criticism of the lesser-evil position and to some possible responses. It is a Christological problem. If there are real moral dilemmas then either Jesus faced them or else He did not. If He did, then according to the lesser evil view, wherein evil is unavoidable, then Jesus must have sinned. But the Bible says Jesus did not sin (Heb 4:14; II Co 5:21). Hence, we must conclude that He never faced real moral conflicts. Now assuming there are real moral conflicts several reasons for this conclusion can be offered. First, maybe the lesser-evil view is wrong and the reason Jesus never sinned when He faced real moral conflicts is that one is not held sinful when he does the greatest good in a moral conflict. Perhaps "stealing" bread from the temple (i.e., taking it without permission of the proper authority) is not morally wrong when starvation of God's servant is the other alternative. Is this not what Jesus implied in Mt 12. But let us not so readily assume that the lesser-evil position is defenseless. It may be that Jesus never sinned via moral conflicts simply because He never faced any.⁹ Now there are two reasons that come to mind as to why Jesus may never have faced real moral conflicts. First, it may be that God providentially spared Jesus from facing lesser-evil situations in order to preserve His sinlessness. But if this is the case then the Christian may ask why he should not be spared from them if he is faithful to God. In point of fact, this is precisely what many non-conflicting absolutists hold, viz., that there is always a third alternative for the faithful. Daniel did not have to eat the pagan meat and drink the pagan wine or else suffer the consequence of his disobedience (Dan 1). There was a

prayerful third way out. Is this not what I Co 10:13 seems to imply, viz., that there is "always a way of escape." Now if the lesser-evil view wishes to take this alternative of arguing that God will always provide a way out for those who are faithful to God's will, as Jesus was, then their view really collapses into non-conflicting absolutism. For in the final analysis they are saying there is no unavoidable moral conflict for those who are doing God's will. It would be sheer special pleading to declare that the providential way out applies only to Christ but not to other servants of God who too are faithful to His will.

A more plausible suggestion is that Jesus never faced any moral dilemmas simply because He never committed any antecedent sin to get himself into these tight spots. Only those who make their moral "beds" have to sleep in them. Jesus never sinned and, hence, He never found Himself in unavoidable moral conflicts. On the fact of it this view has merit. It does often seem to be the case that our previous sins get us into a moral "pickle." We do reap what we sow. However, in order for this obvious fact to rescue the lesser-evil position from collapse it must be universally true. That is, it must always be the case that moral dilemmas we face are created by our own antecedent sins. However, this seems patently false by counter example. Sometimes it is the innocent who are faced with moral difficulties. What sin did innocent German Christian families commit that placed them in the dilemma of either lying or watching Jews go to the gas chambers? Were these believers more sinful than others in the world. One is reminded here of Jesus' statement about those on whom the tower fell, "do you think they were worse offenders than all the others who dwelt in Jerusalem? (Lk 13:4). Indeed, not only is it not true that moral dilemmas are always brought about by antecedent sin, but on the contrary, sometimes it is antecedent righteousness that precipitates the dilemma. Daniel and the three Hebrew children were not confronted with their dilemma because they were backslidden (cf Dan 1, 3, 6). Nor were the apostles who were commanded not to preach doing evil that they must choose between the command to obey government and the command to preach the gospel (Ac 4). The same is true of Abraham's dilemma as to whether to kill his son or to disobey God (Gen 22). Indeed, many times in life it is one's dedication to God that precipitates moral conflicts. That is to say, it is his righteousness, not his antecedent sin, that occasions the moral conflict. If this is the case then the lesser-evil position has not redeemed itself against the criticisms. It has not explained away the Christological dilemma. It has not shown that Jesus never faced moral dilemmas simply because He never committed any previous sins.

Before the opponents of the lesser-evil view rejoice too quickly, there is another point to consider. Maybe there is always antecedent sin in our case but never in Christ's case because we are fallen but He is not. Adam's sin is antecedent in the case of all men except Christ. Hence, because we are part of a fallen world where previous sin (viz., Adam's, see Rm 5:12) is responsible for subsequent moral dilemmas we will face but Christ did not. There is a certain plausibility about this suggestion that cannot be denied. It would seem to point to a clear difference in Christ's case as well as to antecedent sin in our case. There are, however, at least two problems we wish to note. First, moral conflicts due to antecedent sin of Adam are not unique to fallen man; Christ too lived in this fallen world. And even though He never *personally* sinned, nevertheless, Christ was immersed in a world of moral conflicts due to Adam's and others sins.¹⁰ It must be remembered that not all moral conflicts are due to one's own antecedent sin. The sins of others can force a dilemma on those who did not *personally* create the tragic situation. The question

would then be: Why did Christ not face any moral conflicts forced on Him by the sins of others? Secondly, the attempt to explain why Christ did not face moral conflicts by way of Adam's fall confuses collective and personal guilt. There is a corporate sense in which everything done by fallen man is sinful. Even the plowing of the wicked is sin (Prov 21:4). In this sense sin is inevitable for all fallen men. This, however, is quite different from saying that a man is *personally* guilty for creating this situation or that any particular sin is unavoidable. However, were it not for Adam's fall that kind of situation would never occur. For example, one would never have to kill in self-defense were it not for Adam's fall (presumably there would be no need to kill for any reason in a Paradise). Nonetheless, killing in self-defense is not a *personally* culpable act according to the law of God (Ex 22:2).

Finally, the proof that one can face real moral dilemmas without sinning is that Jesus faced them but never sinned. If this is so then it follows that moral dilemmas do not necessitate personal guilt. There is always "a way of escape" via doing the greater good. In conflicting situations keeping the higher law (e.g., obedience to God over government) is the guiltless way out. But did Jesus really face moral dilemmas in which two or more commands of God came into unavoidable conflict? An examination of the Gospels yields several illustrations: At age twelve Jesus faced a conflict between His earthly parents and His Heavenly Father. Although He later submitted to them, initially He left them in order to fulfill God's will (Lk 2). It is parenthetically worthy of note in this context that Jesus justified His action by approving David's "stealing" of the shewbread in the Tabernacle (Mt 12:3f). In like manner Jesus said, "He who loves Father and Mother more than me is not worthy of me" (Mt 10:37). On many occasions Jesus faced conflict between obeying the religious authorities (which He Himself enjoined on His disciples and others (Mt 23:2), and following the law of mercy by helping those in need (Lk 10:25). For example, He chose to heal a man on the Sabbath. When challenged He said the law of the Sabbath should be subordinated to man not vice versa. On another occasion Jesus approved of the disciples plucking grain on the Sabbath. However, the greatest moral conflict that Jesus faced was the trial and Cross where mercy and justice came into direct and unavoidable conflict. Should He speak up in defense of the innocent (Himself) as the law demanded (Lev 5:1), or should He show mercy to the many (mankind)? Further, should He take His own life in a self-sacrifice for others (cf. Jn 10:10) or should He refuse to die unjustly for others. In both cases Jesus chose mercy over justice. But did He sin in so doing? God forbid! The Cross was not the lesser of two evils; it was the greatest good ("greater love hath no man. . ."). It seems to us that the lesser-evil view, then, literally stands at the crossroads. If it is a sin to do the greatest good in a morally conflicting situation, then Jesus would have been perhaps the greatest sinner who ever lived. Perish the thought! Indeed, God Himself faced a moral conflict in the Cross. Should He sacrifice His Son or should He allow the world to perish? Thank God, mercy triumphed over justice. Surely the sacrifice of Christ was not a lesser evil; it was indeed the greatest good God could do (cf. Jn 15:13 and Rm 5:8, 9).

The fourth objection is another Christological problem with the lesser-evil view. If Christ is our complete moral example, then He must have faced morally conflicting situations in which both alternatives were sinful. But Christ never sinned. Therefore, Christ never faced them. Hence, we have no example from Christ to follow in some of life's most difficult moral decisions. In short, Christ has not given us an example to follow in every situation. Does

not Hebrews say He was "tested in every point such as we are" (4:13). Does Paul not exhort us to "be followers of Christ" (I Co 11:1f)? But how can we follow Him in ethical dilemmas if He never faced them. Some proponents of lesser-evil view frankly admit that Christ is not our complete moral example. But this seems too much to grant. It is a concession that the ethic of following Christ is incomplete for the followers of Christ. A proper understanding of the New Testament dictates that we give up claims of the lesser of evils view rather than sacrifice the completeness of Christ's moral example.

In summation, the lesser-evil view does not appear to have exonerated itself from either the moral or the Christological charges leveled against it. When pushed to the wall it seems to collapse into either non-conflicting absolutism by claiming special providential intervention, or into the greater-good view by claiming that one is morally obligated to maximize good. In short, it seems to have no firm ground of its own on which to stand.

FOOTNOTES

¹See my *Ethics: Alternatives and Issues*, Grand Rapids, Michigan: Zondervan Publishing House (1971), p.

²This position was argued by John W. Montgomery in *Situation Ethics: True or False*, Minneapolis: Bethany Fellowship (1972), pp. 46f, despite the pointed criticism of Fletcher that "it is ethically foolish to say we 'ought' to do what is wrong!" (p. 53).

³See Hulmut Thielicke, *Theological Ethics*, Philadelphia: Fortress Press (1966), pp. 612 f for a discussion of this point.

⁴For an analysis of the Catholic "double-effect" theory see Lindsay Dewar, *An Outline of Anglican Theology*, London: A. R. Mowbray and Co., Ltd., (1968), pp. 72 f.

⁵Even Carl F. H. Henry attacks the "ought implies can" thesis in *Christian Personal Ethics*, Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Co., (1957), pp. 168, 393.

⁶It seems to me that the essentialists (like Aquinas) are right as opposed to the voluntarists (like Scotus). That is to say, God never wills anything contrary to His unchangably good nature. God wills things because they are good (in accordance with His nature); things are not good because God wills them (arbitrarily).

⁷See Millard Erickson, *Relativism in Contemporary Christian Ethics*, Grand Rapids, Michigan: Baker Book House, p. 143, makes such a distinction between the right and the good. H. P. Owen in *The Moral Argument for Christian Theism*, London: George Allen and Unwin Ltd., (1965), Ch. 1, rejects this distinction.

⁸This distinction was made by William Luck in a book review in *Journal of Evangelical Theological Society*, Volume 16, No. 4, (Fall, 1973), p. 243.

⁹This view was suggested by Erwin Lutzer, *The Morality Gap*, Chicago: Moody Press, p. 112.

¹⁰In this sense there is merit in Paul Ramsey's suggestion that a tragic moral act is objectively wrong but subjectively right. See "The Case of the Curious Exception" in *Norm and Context in Christian Ethics*, ed. by Gene H. Outka and Paul Ramsey, New York: Charles Scribner's Sons (1968), Chapter 4.