

Can Morality Be Legislated?

By David H. Nguyen, Ph.D.

“In fact, in this sense I think the state of California is also guilty of legislating morality with laws that penalize people who drink and drive. The police can’t force you to stop indulging in alcohol, but they can hand-cuff you for putting others in danger because of your personal indulgences.”

The horrors of Nazi concentration camps during World War II have been a never ending source of lessons about medical ethics and ethics in general. In the face of uncontrolled – in this case, legislated – evil, society comes to realize that there needs to be something higher than just the rule of an unjust, but duly legislated law. Are legislated war crimes no longer war crimes? One of the most endearing accounts of the horrors of that war is *The Diary of Anne Frank*. Anne Frank died in 1945 during a disease outbreak in the concentration camp called Bergen-Belsen. From this same camp comes another eye-witness account of that war, which highlights the importance of human dignity unlike any other. On April 15, 1945, British troops took over Bergen-Belsen after an agreement with the Nazis for a peaceful handover. Lt. Col. Mercin Willet Gonin, D.S.O., recounted in his diary the things he saw. Other accounts tell of 60,000 prisoners that awaited the British, along with 13,000 corpses that littered the camp (2). The troops worked hard to feed the starving, treat the sick, and stop the spread of disease, while waiting for more supplies to be shipped. Among the food, medication and warm clothing that were arriving, Lt. Col. Gonin noticed one item that healed the women like no medication could (3).

“It was shortly after the British Red Cross arrived, though it may have no connection, that a very large quantity of lipstick arrived. This was not at all what we wanted, we were screaming for hundreds and thousands of other things and I don’t know who asked for lipstick. I wish so much that I could discover who did it, it was the action of genius, sheer undiluted brilliance. I believe nothing did more for

these internees than the lipstick. Women lay in bed with no sheets and no nightie but with scarlet red lips, you saw them wandering about with nothing but a blanket over their shoulders, but with scarlet red lips. I saw a woman dead on the postmortem table and clutched in her hand was a piece of lipstick. At last someone had done something to make them individuals again, they were someone, no longer merely the number tattooed on the arm. At least they could take an interest in their appearance. That lipstick started to give them back their humanity.”

How jarring yet profound that the naked, dying women were reinvigorated with life by something as simple as lipstick. Indeed, Lt. Col. Gonin was also taken aback by this observation. What was this humanity that he was talking about? I think he meant the human dignity that was finally restored to the women after all that time of being herded like diseased cattle. This human dignity is the very basis of our efforts at *Cancer InCytes* magazine to bring awareness about the deep intersections between healthcare injustice and social injustice. As someone once brilliantly said (I wonder if that person wore lipstick), “Awareness doesn’t change anything, but things don’t change until people are aware.”

In the case of Nazi Germany, the institutional oppression of Jews was legislated. It was deemed appropriate to discriminate against Jews and to herd them like cattle. So, one might argue that it is possible to “legislate immorality.” Is it possible, then, to “legislate morality”? I’ve

Letter From the Editor

often heard politicians say that “We cannot legislate morality.” It sounds profound and inoffensive, but has often troubled me. It does so when I ponder the institutional discrimination within societies that oppresses children who are sold into slavery, that shackles ethnic minorities living in poverty, and that go unchecked because people just aren’t aware.

In 1999, Sweden passed a law to criminalize the buying of sex; buying a prostitute’s service became a felony. This, in effect, cleaned up the streets of Sweden – the underground streets are still there, but that is another issue for another time. Let’s consider how we define morality in this case. If morality is defined by the desire of Swedish men (and tourists) to buy sex, then this law probably hasn’t changed morality – nor could it. This would support the claim that we cannot legislate morality. But, let’s consider what has changed. Fewer women and children are institutionally oppressed by the sex industry in Sweden, which was the point of the law. So, what if we define morality as an action? What if we defined morality as the *manifestation* of the desire to buy sex (in the form of actually buying sex), and not as just the possession of a desire? Then, Sweden *did* “legislate morality.” In fact, in this sense I think the state of California is also guilty of legislating morality with laws that penalize people who drink and drive. The police can’t force you to stop indulging in alcohol, but they can hand-cuff you for putting others in danger because of your personal indulgences. I think most Californians do not object to this type of legislation.

At *Cancer InCytes*, we seek to holistically address the multifaceted problems that afflict disadvantaged peoples. Children are sold for sex, forced-laborers are injured in and die building World Cup soccer stadiums, migrant farmworkers are abused, slaves are forced to make iPhones, and the homeless are forgotten. We are painfully aware that medical research is great, but is ineffective without an institutional structure that makes it accessible. This issue of *Cancer InCytes* features our first two double survivor stories of people who escaped both human trafficking and cancer. We hope that these ongoing series of stories will awaken the biomedical community to the public health problem of human trafficking: post-traumatic stress disorder, immune suppression, chronic diseases, and cancer. We are also introducing the Scholar Spotlight Award and the Advocate Spotlight Award in this issue. These Q&A articles highlight

heroes against social injustice, unsung or already sung. We look forward to your nominations for future awardees.

So, can we legislate morality? There is room for debate and I don’t propose to know the exact answer. But in light of the people we are trying to help, I question whether or not we need an exact answer before hoping for – and working towards – an affirmative one.

Sincerely,



David H. Nguyen, Ph.D.
Editor-in-Chief
Cancer InCytes Magazine

References

1. Holocaust Encyclopedia: Bergen-Belsen <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005224>. Accessed December 12, 2013.
2. Holocaust Encyclopedia: The 11th Armored Division (Great Britain). <http://www.ushmm.org/wlc/en/article.php?ModuleId=10006188>. Accessed December 12, 2013.
3. Ben Flanagan and Donald Bloxham (Eds.). *Remembering Belsen. Eyewitnesses Record the Liberation*. London/Portland: Valentine Mitchell 2005, Page 63 f.