

# The Doctrine of Double Effect

## A Comparison of the Version of Thomas Aquinas and Contemporary Accounts as Formulated by Joseph Mangan and Joseph Boyle

*Anna Bogatyńska-Kucharska*

**ABSTRACT** The aim of the article is to present some of the differences and similarities in various versions of the double effect principle (DDE or PDE). The following formulations will be analyzed: that of Thomas Aquinas and two contemporary approaches, namely those of Mangan and Boyle. It will be shown that the presented modern versions vary significantly and the distinction between their intended and only predicted effects is far from clear. As a result, the different contemporary formulations of DDE lead to contradictory conclusions, with some justifying what others condemn. Moreover, it will be demonstrated that, unlike Aquinas, contemporary authors mostly concentrate on unintentionality condition while neglecting the proportionality requirement. So, unlike Aquinas, they only take into account a narrow scope of cases, where the evil effect occurs with certainty, which leads to a complicated and intricate hypothetical intention test like Donagan's. It will be shown that, besides its theoretical indistinctness, DDE lead to serious pragmatic risks. It can be quite easily misused as a kind of psychological mechanism to protect self-esteem from a sense of guilt since wrong-doing is treated as merely a predicted unintended effect.

**KEYWORDS** Aquinas, Thomas; Boyle, Robert; doctrine of double effect; Donagan, Alan; ethics; intentions; Mangan, Joseph; predicted effects

## INTRODUCTION

Nowadays, the doctrine or principle of double effect (DDE or PDE) serves to analyze and evaluate actions with many consequences, some of which qualify as right from a moral point of view, while others qualify as wrong. The distinction between intended and only anticipated effects is the basis of the contemporary formulations of the discussed principle. Contemporary versions of the described principle state that actions in which good results are intended and bad ones anticipated but not intended are justified (with certain conditions) from a moral point of view. The principle of double effect recognizes activities in which the individual only predicts, even with a high degree of probability or even certainty, the unjust effects of his actions more justified than those whose wrong-effects are the direct intention of the agent. There are discussions around the terms "indirect," "direct" and Jonathan Bennett has criticized them sharply (Bennett 2001, 85–118). Essentially, however, an immediate intention is understood to mean what is actually intended, whereas indirect intention is what is only predicted.

Philosophers have presented numerous examples when the moral evaluation of given behaviors based on the rule of double effect thus formulated is inconsistent with common moral intuitions or can lead to abuse (Foot 2001, 143–55; Bennett 2001, 85–118) (Foot 2001, 143–55, Woodward 2001, 85–118). The basis for criticism is the lack of a sharp distinction between intended and only anticipated effects, especially in cases where the latter are an unavoidable consequence of the actions taken. For this reason, today there is a lively debate about the essence of the double effect principle, its best formulation, including the conditions of its applicability, and the legitimacy of its application.

The doctrine of double effect is often perceived as a limitation of some absolute prohibitions, such as the murder of innocents. An example is the bombing of a weapons factory with civilians inside (Woodward 2001, 1–4). Other examples of the application of the double effect principle are hysterectomy and craniotomy. Hysterectomy is a procedure to remove the uterus (for example, due to cancer), and is usually without any moral doubts associated with it. It only becomes problematic when the woman in question is pregnant, because in this situation it will necessarily lead to the death of the fetus. It is recognized, however, that in this case the doctor only predicts, and does not intend to kill the child. A craniotomy, however, is a procedure involving the crushing of the fetal head which is blocking the woman's birth canal. It is recognized that, in the case of craniotomy, the doctor not only predicts but also intends the death of the fetus. Therefore, the latter treatment is condemned in light of the principle

of double effect. In the case of hysterectomy, resignation from surgery will lead to the death of both the child and the mother. In the case of craniotomy, not taking action will inevitably lead to the death of the mother, but the child may be born completely healthy.

AQUINAS: THE PRINCIPLE OF DOUBLE EFFECT AS A JUSTIFICATION  
FOR HOMICIDE IN SELF-DEFENSE

The prototype of the contemporary rule of double effect is the one formulated by Thomas Aquinas, which he refers to in the *Summa Theologiae* (hereinafter abbreviated as ST), II-IIae, q. 64, a. 7, when considering the question of whether one can kill another in self-defense. On the one hand, Aquinas refers to the position of Augustine, which states that homicide is forbidden even in self-defense, since the purpose of such self-defense is to save his own life, and therefore the motives of this action are selfish (ST, II-II, q.64 a.7 arg.1). Moreover, in this particular case, a person sought to preserve life, and this is intended to stop things worthy of our contempt (ST, II-II, q. 64 a.7 arg. 2). Aquinas also refers to fragments of the Holy Bible which are not so clear-cut. On the one hand, there is a fragment of the letter of Saint Paul which states that: *non vos defendentes, carissimi* (ST, II-II, q. 64 a.7 arg. 5). Thomas interprets it as prohibiting homicide in self-defence, but on the other hand he also quotes a fragment from Exodus, where it is written *si effringens fur domum sive suffodiens fuerit inventus, et, accepto vulnere, mortuus fuerit, percussor non erit reus sanguinis* (ST, II-II, q. 64 a.7 s.c.) and arguing that if murder is allowed in the defense of property, and life is certainly more valuable than material goods, then murder in the defense of our own lives is allowed.

As a solution to the problem, Aquinas presents a special category of deeds with many consequences. He also introduces the concept of an intentional and unintended effect, i.e. an accidental effect. The moral evaluation of an act only depends on the intended effects, because the adventitious effects, as Aquinas says, are “contrary to the intended purpose” (ST, II-II, q. 64 a.7 co).

Aquinas distinguishes between two concepts of an act of will: one he defines as a “revealed” act of will, or desire. An act of will in the second sense, however, means this act must involve another ability in addition to the will, such as moving, speaking, etc. A person can only be forced to perform acts of will in the second sense. By coercion, Thomas understands the opposite of what is intended. “Voluntary,” therefore, means arising from free will, beyond all compulsion, because it is impossible to force the will to any wish or desire. Voluntary is what the will strives for, which does not mean that the object of this pursuit is right or just. However, if “voluntary”

refers to acts that otherwise require some other ability, then a “voluntary” act, in this sense, may become involuntary if a person is forced to do so. Thus, coercion may change the qualification of activities from initially voluntary (even before coercion) to involuntary ones, thus limiting the will as a source of action and defeating the requirement of voluntariness.

The second condition for recognizing actions as human deeds is their rationality, and so their next source must be reason. Lack of knowledge, or ignorance, can also change the qualification of action from voluntary to involuntary. Thomas states that ignorance deprives the action of an essential component of reason as its source as lack of knowledge. However, one can indicate different situations of this type. One cannot know what is actually being done and do what it was going to do anyway. Aquinas describes such actions as non-voluntary. Non-voluntary acts are those in which the circumstances contributed to the implementation of intentions. A different situation is taking actions that would never have been made while being aware of their actual significance. Such actions are defined by Thomas as involuntary. An involuntary act is, in that case, the result of bad luck and bad coincidence (McInery 1997, 65–6).

It happens that ignorance is intentional, but even acts committed in ignorance bear responsibility since the ignorance in this case is voluntary.

For Aquinas, the distinction between intention and execution is important in the structure of a human act. Making any act is preceded by a series of cognitive acts and desires that are the basis for action. On the other hand, the “revealed” acts of will, that is, pure desires, do not involve anything else. Another kind of ability is necessary to implement them, the involvement of which means its “execution.” The goal is, admittedly, the last in execution, but the first in terms of intentions. The occurrence of intentions makes us think about the means used to achieve the goal that would realize the given intention. That is why choices are possible because a person voluntarily chooses a given performance as a way of fulfilling his or her intentions.

There is the mutual influence of will and reason in the initiation of human acts. Reason is the formal cause of “revealed” acts of will, while the will is the causative cause of thinking (McInery 1997, 71–2).

Self-defense as discussed by St Thomas is an example of an action with many consequences and its results can be saving the of one’s own life, on the one hand, and the taking of the life of our assailant on the other. Actions to protect your own life are allowed, they are natural, because every living being strives to preserve his life. Nevertheless, depriving the attacker of his life in self-defense is not prohibited under certain conditions: 1) the target of the attack cannot mean to deprive the attacker of life, and the attacker’s

death can only be anticipated, but not intentional, 2) defensive actions should be proportional to the intended purpose.

An exception to the first condition is warfare or other activities where a person acts on behalf of a larger community and defends the latter. If such a defense requires the killing of an attacker, for example during a war or riot, then murder can only be carried out by people who exercise state power and only when they defend the larger community. Representatives of state power who kill when guided by personal passion, commit a sin. (ST, II-II, q. 64 a. 7 co.).

Chyrowicz gives one more condition stating that homicide in self-defence is only allowed when this action is compatible with nature (Chyrowicz 1997, 16). It seems that in the case of self-defense, such an action is always compatible with nature, because the pursuit of preserving one's own life is typical and common in all living beings, and therefore natural. Aquinas justifies non-culpable self-defense by the naturalness of the active pursuit of preserving life (ST, II-II, q. 64 a. 7 co.). So, giving the third condition refers to the generalized principle of double effect used to evaluate various actions, and not only the case of homicide in self-defense, because for the latter this condition is included in the very essence of the action considered.

#### AQUINAS' CONDITIONS FOR THE APPLICABILITY OF THE DOCTRINE OF DOUBLE EFFECT

According to St Thomas, intention is the key to evaluating a moral act. While the consequences are important, this is precisely because of the intention which led to them. Therefore, only the intended consequences are important for the moral evaluation of the act, because it is because of them that the given deeds are taken. Man is not responsible for consequences incompatible with his intentions. In the case of the measure with different consequences, the distinction between intended and anticipated effects is particularly important. Effects that are difficult to predict, do not affect the moral qualification of acts. The division of effects into intended and anticipated, but not intended, forms the basis of the principle of double effect, while their moral qualification is expressed by the first condition given by Thomas. Galewicz calls it the condition of unintentionality (July 2001, 86). Intended effects are referred to as direct, while anticipated effects are called indirect ones. These terms were introduced by neothomists, Thomas describes the effects intended as *in intentione*, while indirect effects are *praeter intentione* (Chyrowicz 1997, 49–51).

Doubt is aroused by the fact that indirect effects are predicted, given that they result from free and conscious human acts. How, therefore, can

we reconcile the conscious cause of evil with the possibility of justifying it? The intention of a given act of a human being refers to the purpose of this action, which can be treated as the end of an activity striving for it, using appropriate means (Chyrowicz 1997, 51–2). Determining whether the means are intended or not creates certain difficulties. There is a difference between the purpose of the goal and the intention of the means that are selected on the basis of a plurality of possibilities to achieve a given goal. The means are dependent on the purpose, so the goal determines the intent of the act, while the means are the subject of choice (for execution). The means are not intentions, but they are not without intentions.

Galewicz interprets the condition of unintentionality as prohibiting the intention of evil as both a goal and a means. In the discussed example, the death of an assailant “may only be a side effect, as if a peripheral consequence of action that—in the intention of the acting—is to cause some other effect.” (Galewicz July 2001, 86; my translation). And the desire to cause the attacker’s death must be absent in the intentions of defender, otherwise the actions of the latter cannot be justified on the basis of the discussed principle. The assailant’s death must therefore be undesirable. This statement, however, is not tantamount to requiring it to be unwanted, i.e. “in no way accepted by will” (Galewicz July 2001, 92), i.e. completely random. Thus, the anticipated effects are side effects, intended peripherally but not centrally. These are not results intended by the agent but ones which happen despite their intentions (Galewicz July 2001, 89–92).

Cavanaugh interprets the condition of the impermissibility of the intention of evil in a similar manner yet nevertheless the undertaking of a given action is a situation when an entity risks the occurrence of evil effects (1997, 109). This means that the subject takes actions allowing the occurrence of a state when the other person can come to serious harm, including the latter’s death. In the abovementioned article, Cavanaugh only takes into consideration the interpretation of Thomas’ formulations of DDE, and thus he only analyzes the case of murder in self-defense. The aggressor’s death in this case is therefore neither completely accidental nor intentional. If it were completely accidental, the subject would not bear moral responsibility for it at all. When he predicts it, he is morally responsible for it, although his action can be justified solely by the principle of double effect (Galewicz July 2001, 90–2).

The second condition, i.e. the condition of proportionality of action in relation to the intended objective, consists of recommending the selection of an appropriate, i.e. proportional response, otherwise the double effect rule could not justify the resulting evil effects. Proportions therefore refer to the relationship between the means and the goal, while in the wider

perspective, the ultimate goal should be considered. This condition assumes the appropriacy of the chosen means. Therefore, only the appropriate means and the goodness of purpose can be the basis for justifying the bad effects resulting from the discussed principle.

Galewicz believes that the relationship of goals and means is not commensurate with the general goal of self-defense, that is saving life. This condition refers to the circumstances and choice of the corresponding resources. In the case of self-defense, one should consider whether the weapon used by the attacked is appropriate to the threat. Although murder in self-defense that fulfils the previously mentioned conditions is acceptable, it remains a deviation, so it will never be a good act (Galewicz July 2001, 89–7).

#### JOSEPH MANGAN'S FORMULATION OF THE PRINCIPLE OF DOUBLE EFFECT

The principle of double effect is an inspiration considered both in the area of moral theology and in secular philosophy, i.e. philosophy which is not derived from the Roman Catholic tradition (Aulisio 1997, 142–57; Chyrowicz 1997, 7–14). There are also new formulations of this principle which have aroused a lively discussion (Quinn 2001, 23–40).

The doctrine of double effect founded in traditional Catholic teaching states that an action is acceptable when the subject predicts both its evil and good effects, but only if the following conditions are met: 1. the act itself must be good or at least neutral from a moral point of view 2. the subject cannot want an evil effect, but he can allow it to occur, if it is possible to get a good effect without harm, he should act in the way avoiding evil effect, the latter effect is in this case indirectly voluntary, 3. good effect must be the direct result of the action, and not the consequence of the bad effect, 4. the good effect must be sufficiently desirable to compensate for the permission for the bad effect (Connell 1967, 1020–2; Marquis 2001, 157). In this formulation, the principle of double effect is based on the distinction between the essentially wanted state of affairs and only allowed state of affairs (condition 2), additionally accentuated by condition 4, also referring to the permission for an evil result. Thus the subject cannot initiate actions leading to evil effect by his act of will. He can only in some cases, when these actions are initiated by someone else, let them continue. The distinction, therefore may be reduced to the distinction between the action and the letting acts continue, described in detail by the doctrine of doing and allowing (DDA). Double effect, principle of

It raises some controversy, because agreeing to this distinction (wanting an evil effect, versus only allowing it to occur) leads to the prohibition of

a hysterectomy if the woman is pregnant. Meanwhile, the Catholic Church allows a morally justified hysterectomy even for pregnant women. By default, a hysterectomy is given as a means allowed by DDE, in contrast with a craniotomy (Foot 2001, 143–55; Quinn 2001, 23–41). A similar difficulty occurs when differentiating radical analgesia, i.e. administering a high dose of an anesthetic like morphine, to relieve the pain of the patient, while predicting that it may result in their earlier death or euthanasia, which is the patient's death provided by compassion and the desire to shorten his suffering (Galewicz July 2001, 83). The formulation of the principle of double effect quoted above would not allow radical analgesia, while the Church permits it, forbidding only euthanasia. It seems, therefore, that this is not exactly the correct formulation, because it excludes cases that are traditionally allowed by the Catholic Church.

Moreover, this specific formulation of the second condition would reduce the principle of double effect to the principle of doing and allowing, which, as Foot shows, is unjustified, since cases can be considered when the subject intentionally allows someone to die, so in light of the principle of double effect, such action should be condemned and according to the doctrine of doing and allowing it could be justified (Foot 2001, 149). In addition, the distinctions on which these two principles are based are different (for the principle of double effect, it is a distinction between intended and only anticipated effects, for the principle of doing and allowing it is the distinction between action and letting something happen). There are, indeed, examples of acts that can be condemned under both of these principles, such as the action of a man who, at the request of a madman, kills one innocent man, thus saving from the death of five hostages. However, in most situations, these principles are invoked to justify different activities.

Another traditional Catholic formulation of the principle of double effect allowing a hysterectomy is the approach of Joseph Mangan (1949, 41–61, Marquis 2001, 156–85). In this formulation, the subject is allowed to act, anticipating that his action will result in both good and evil results, but only if the following conditions are simultaneously met: 1. the action itself is good or at least neutral from a moral point of view, 2. only the good, not the bad effect is intentional, 3. A good effect cannot be the result of bad, 4. there are proportionately important reasons for allowing bad results (Marquis 2001, 158). This formulation differs from the previously quoted encyclopedic just condition 2, which emphasizes the distinction between what is intended and what is admittedly, voluntarily (“willingly”), but what was not intended. Condition 2 also includes condition 3. It is assumed, as it is by Thomas, that the means are wanted on a par with the goal, so if



the good result was the result of evil, it would mean that it is a good goal, and therefore as a means would also be intentional which is contrary to condition 2 (an evil effect cannot be intentional, but only anticipated).

It should be emphasized that the distinctions proposed by these two formulations of DDE are not identical. While the first does not allow a hysterectomy, the second allows it. The first prohibits the administration of a high dose of anesthetic, the latter allows such an action, even if there is a risk of patient death.

According to Marquis, Mangan's formulation does not clearly explain the difference in the justification of controversial cases, stating that a hysterectomy is allowed because the goal is to save the mother, and the means to exclude the uterus, while in the case of a craniotomy the goal is to save the mother's life, but by killing the fetus, i.e. crushing his skull. Marquis states that one could argue that in the case of a craniotomy, it is not the death of the fetus that is the means to the end, but only the crushing of his skull. Of course, the death of the fetus is an indispensable consequence of this action, however, a similar situation also occurs in the case of hysterectomy on a pregnant woman, after removing the uterus, the fetus inside will perish.

Such an approach does not seem to be fully justified, because the craniotomy is performed "because" the child blocking the woman's birth canal and this is the reason for the surgery (the woman's birth canal is blocked by the fetus), otherwise (if the woman was not pregnant) this procedure would not take place at all. The procedure of a hysterectomy, however, is most often performed on non-pregnant women. The reason for this surgery is uterine cancer, and given that pregnancy is a circumstance rather than a condition, it is an unfortunate temporal coincidence (this procedure would also be carried out if the woman were not pregnant, and then it would cause no moral controversy).

It is worth mentioning that in contemporary debates on the principle of double effect, the conditions given by Mangan are widely accepted and normally used as conditions for the applicability of this principle. The Mangan version is a popular formulation of the doctrine of double effect (Kaufman 2000, 283–95).

#### BOYLE'S FORMULATIONS OF DDE

Boyle confirms that the basic distinction for DDE is between an intention and what is only anticipated. Boyle defines an intention as a desirable state of affairs that cannot be separated from the actions taken. Therefore, if a given state of affairs is a necessary result of a given action, it is also intentional. However, if a given state of affairs is not inextricably linked to

the actions taken, it can be described as unintentional (Boyle 2001, 7–19). The definition of intention as a desirable state of affairs that cannot be separated from the actions undertaken, although clear and convenient, cannot be reconciled with the proposals of other authors considering the principle of double effect in the application of actions that necessarily have negative effects, which are not intended but predicted (Bennett 1966, 85–119; Quinn 2001, 23–41).

Boyle formulates the principle of double effect as follows: it is morally acceptable to take an action knowing that it will lead to at least one state of affairs, that if this state of affairs were inseparable from the action taken, it would make them morally unacceptable, unless the following conditions are met: 1. this state of affairs is not inseparable from the action taken, hence it is not intentional and 2. there is a serious reason to take this action.

Yet in another article, the author gives a slightly different formulation of this rule: it can lead to damage to which it would be completely prohibited, if both conditions are met at the same time, 1. no harm is intended, it is only caused as a side effect, 2. there are enough serious moral reasons for the action causing harm (Boyle 1991, 475–94; Marquis 2001, 169). The first quoted formulation is more complete, because it clearly gives the definition of intention as opposed to what is only envisaged, while the second does not contain such an explanation. If, therefore, the definition of an intention is a desirable state of affairs that cannot be separated from the actions taken, both definitions are identical, they are not necessarily such if the intention is defined in a different way, which is possible taking into consideration the second definition. Boyle, however, redefines the intention, so both the definitions he proposes cannot be reconciled, and he presents two non-identical formulations of the principle of double effect (Boyle 1991, 475–94; Marquis 2001, 167).

Boyle believes that what is essential for the principle of double effect is not only a focus on the moral evaluation of behavior, which he considers to be objective, but also on the assessment of intentions, which is subjective in his opinion. Objectivity is probably associated with the revealed behavior in this case, and subjectivity refers to the privacy of intentions. Only a given subject can present the intentions that he followed when undertaking a given action, for others this fact remains a matter of guesswork. This corresponds to Aquinas' distinction of acts of will into revealed acts of will and their execution.

Thus, according to Boyle, the fundamental distinction remains the one between intended and anticipated consequences. In explaining the difference between these phenomena, he refers to the concept formulated by

Thomas, stating that only voluntary acts are subject to moral evaluation. Voluntary acts are an expression of a deliberate and free choice (Boyle 2001, 13). Therefore, for Boyle, voluntary action requires its rational consideration and reflection and all actions arising from habit, passion or fear are not voluntary because they do not meet the condition of rationality. Secondly, the voluntariness of acts also requires free choice, so voluntary acts are not those to which the subject was forced to do.

Boyle refers to the notion of voluntarism in this way, trying to explain the difference between the predicted and the intended effects again. Undoubtedly, the anticipated effects form an inseparable part of the choices made and potential actions. They can also influence the moral evaluation of the act, but they are only secondary to it. They are part of the rational considerations of man, but in a special sense. They generally have no significance for the actions taken because of the desired state of affairs, or even interfere with obtaining it, in the sense that man would gladly avoid them, i.e. he achieved the desired state of affairs by eliminating their occurrence. Usually this elimination is not possible. The only anticipated effects are therefore not the causes of action but rather phenomena which man acts in spite of. The subject's relation to both types of effects is therefore extremely different. On the other hand, the mere reference to the principle of double effect presupposes the inclusion of the notion of voluntarism thus understood, since only voluntary acts are subject to moral evaluation.

Boyle redefines intention in the following way: intentions are goals, that is, states of things to which the goals are achieved through a given action, as well as means that are specific steps taken to achieve the given goals (Boyle 1991, 475–94; Marquis 2001, 167). As a basis for this redefinition of intention, Boyle recognizes the actual “wanting” of the subject. Therefore, it should be clarified what “actual wanting” means and how the concept differs from predicting or consenting to a given state of affairs. Alan Donagan proposes the following conditional test to check whether a given desire is an “actual wish,” and therefore an intention (Donagan 1991, 495–509; Marquis 2001, 167). If a given state of affairs is not the intention of the subject and the action could be realized without these effects, the agent would actually act in a way that avoids them. Therefore, the doctor carrying out the craniotomy, if it were at all possible, would reduce the size of the child's skull rather than crushing it, thus preventing the death of the child. Interestingly, in light of Boyle's proposal, fetal death during both a craniotomy and a hysterectomy is not intentional. Thus, his version categorizes these activities differently than Mangan's version and in a manner at odds with the way it is typically recognized (Foot 2001, 143–56; Quinn 2001, 23–41).

According to Marquis, Donagan's test eliminates too many cases. It excuses all actions with bad consequences, provided that there are no other ways to achieve a given goal. It suffices to state that the subject, if he could, would have avoided an evil effect. A problematic case is certainly that of a craniotomy, because this procedure can be justified on the basis of Donagan's test. However, it should be noted that this test is a tool to clarify the differences between anticipated and intended effects. It was constructed for the purpose of formulating the double effect principle proposed by Boyle, and both versions presented by this author (at least, as long as the means taken are interpreted as certain activities) remain insensitive to differences in the moral evaluation of both a hysterectomy and a craniotomy.

Boyle tries to elaborate on the description of the intention, stating that what is intended in the strict sense serves the purpose of the subject (Boyle 1991, 475–94; Marquis 2001, 168). The “in the strict sense” statement is problematic here, although it does not introduce too many problems intuitively and it does not explain much when analyzing the controversial situation. In the case of a craniotomy, it should be understood that this reduction of the child's skull, rather than causing death in the strict sense, serves the purpose of the subject, and thus saves the mother's life.

According to Marquis, Boyle sets a significant change in the meaning of the double effect principle in the assessment of craniotomy surgery. Boyle's formulation implies that one can think about the means taken to achieve the goal in two ways: either as actions that are taken to achieve the goal, or as states of things that are chosen to achieve the goals. Therefore, a craniotomy can be described as an operation to crush the fetal head (action), which in turn will lead to the death of the fetus, or as a condition that will preserve the mother's life, for example to reduce the child's head (the desired state of affairs). While the crushing of the child's head and death are the same, the reduction of the fetal head and death of the child are not the same state of affairs. In the second case, the death of a child in the strict sense does not contribute to the mother's life. The focus is not on the action, but on the desired state of affairs and here it distinguishes Boyle's approach from Mangan's formulation. Taking means as a state of affairs, and not actions, supports the principle of double effect in Boyle's version. According to Marquis, the Boyle version better conceptualizes the difference between a craniotomy and a hysterectomy, because its use does not force us to conclude that there is a difference between crushing the fetal head and death.

THE PRINCIPLE OF DOUBLE EFFECT: AQUINAS' AND SELECTED  
CONTEMPORARY FORMULATIONS

Boyle's proposal assumes, unlike other contemporary formulations, that there is no need for evil effects, and so it resembles the case described by Aquinas. In light of contemporary approaches, however, this formulation clearly narrows the scope of the applicability of the principle, limiting its justifiable actions to only those whose evil effects do not appear as necessary consequences.

In addition, Boyle qualifies deeds under the influence of fear differently to Thomas. Aquinas considers actions under the influence of fear, stating that they are voluntary. Although it happens that acting under the influence of fear for your own life, people do something that they do not want to do in general, otherwise they would not do it, or even what they would not aspire to. It only works in the given way due to the circumstances. Such activities are in some sense compelled by circumstances, but in principle they are voluntary actions. For the sake of a greater good (life), the agent does something necessary to preserve it, which otherwise he would not do (McInery 1997, 60–76). Boyle qualifies those deeds as involuntary (Boyle 2001, 14).

According to Marquis, the second version of the double effect principle proposed by Boyle makes the entity also responsible for only-predicted consequences, although this is a lesser liability than that incurred by the intended effects. If this is the case, the formulation clearly differs from the intention of Aquinas, who explicitly states that no responsibility is assumed for effects that are only anticipated. Boyle's formulation also puts a great emphasis on the distinction between what is intended and what is only predicted, because in relation to other versions (e.g. Mangan's or Quinn's), it reduces the number of conditions limiting the applicability of the double effect principle.

For this reason, the precise distinction between intention and what is only predicted is particularly important. Marquis proposes to refer to another of Donagan's proposals, which states that intentions can be reduced to plans (Marquis 2001, 170–2). According to the latter, a good test for checking whether the intended effect of action is actually intended is the assumption that by some miracle or fortune the action will not lead to the anticipated negative effects and determine if in such case the agent decides to continue implementing his plan and whether in this case, he considers his goals as being fulfilled. This explanation is in line with the second version of Boyle's formulation, because it is actually intuitively stated that the agent bears more responsibility for what he deliberately plans than for what he did not

plan. Similarly, Donagan states that to a given state of affairs, it was not made intentionally, if and only if the lack of its occurrence is consistent with achieving the goal which the subject seeks.

Marquis criticizes Donagan's last proposition, claiming that it could be reformulated in the following way: to a given state of affairs, it was not intentional if and only if it is not part of the plan of the subject aiming at achieving the given goal. As an example that refutes such an understanding of intentionality, consider a situation in which a thief stealing something from a shop accidentally kills a customer entering the room because he wants to escape and the latter steps in his path. The thief is, according to both law and intuition, guilty of deliberate, intentional murder of the client, even if he had not planned to do so before.

This argument does not seem accurate. Introducing the concept of a plan here is very misleading, because it is associated with the prior preparation of a program of activities to achieve a goal. The appearance of a passer-by is something that the thief did not plan, in the sense he did not include in this program. In Donagan's test, it is more about deliberately undertaking certain actions to achieve a goal. Marquis also does not take full account of Boyle's position referring to the voluntary act, as a condition sufficient for his moral evaluation. Boyle states that it is possible to assess the means selected for the goal as one of the many possibilities of its implementation. In the presented case, the thief's resources would be described as definitely blameworthy, because it is obvious that there are a number of ways other than homicide to remove someone from one's path. Marquis' mistake is in this case too narrow a meaning of the term "plan," omitting the problem of voluntary choice from available means and the responsibility for this choice, something which Boyle clearly emphasizes (Boyle 2001, 14).

The reference to the category of voluntariness and the relation of the subject with regard to both types of consequences for the distinction between intended and anticipated effects characteristic of the redefinition of intention does not correspond to its original definition given by Boyle, referring to the indissolubility of actions and their intended effects. The two proposals presented by Boyle to differentiate between intended and only predicted effects are not identical. The first one indicates the need to consider the inseparability of actions and their consequences as a criterion for intentions, the second emphasizes the difference in the way these two types of effects are desired.

Voluntary human actions, i.e. taking actions initiating some sequence of effects, should always be considered as not an abstract case, but as a choice of one of the possibilities to achieve a goal, therefore, in the moral

evaluation you can take into account other choices that the subject possessed, but rejected and compared them with a selected option in terms of moral validity.

Boyle draws attention to the fact that acts of consent or allowance are also rational acts, but the very condition of rationality is not enough to talk about voluntariness. In this case, the condition of choice related to the desire to achieve a given state of affairs is not met. It is true that we must include acts of consent in the moral evaluation, but this does not mean, of course, that we bear the same moral responsibility for what we intend and for what we allow to happen (Boyle 2001, 10). These considerations, however, refer to a different ethical principle, defined as the doctrine of doing and allowing.

#### CONCLUSIONS I: THEORETICAL

The principle of double effect to which Thomas refers differs from the contemporary formulations discussed. The first basic difference lies in the fact that in Aquinas' version, the evil effects (death of an aggressor) may occur, but do not have to inevitably. They are not inseparably associated with the emergence of good results (Cavanaugh 1997, 107–21). When comparing Thomas' formulation and contemporary approaches to the principle of double effect, this fact should be taken into account because it is significant for choosing the means to achieve the given goals. Risky activities are often undertaken, being aware that there is even a high probability of evil effects. However, an awareness of the necessary occurrence of these effects may prevent an agent from taking action. This fact is underlined by Cavanaugh (1997, 108), indicating a clear difference between the formulations mentioned above.

Bennett also draws attention to the distinction between the degree of probability of bad effects, stressing that his otherwise highly detailed critique of the double effect principle does not apply to cases where the occurrence of possible damage is only probable and not certain. At the same time, he suggests that contemporary authors do not actually consider such dilemmas (Bennett 2001, 115–6).

Thomas admits that something akin to a test of actual intentions is required in the case under consideration and this is guaranteed by the condition of proportionality. In the specific situation in question, he considers whether the aggressor responds to the blows or not since the defender (if indeed his intention is only self-defense) should stop his further actions if so. It is no longer necessary for self-defense, and therefore the rule of double effect in the case of the possible murder of an aggressor could not justify such an action. This test of the credibility of the intentions of the

defender or other perpetrator is, however, only applicable if the expected evil effect is not a necessary condition for the occurrence of a good effect, and this particular case is a subject of consideration for the majority of contemporary philosophers. Perhaps this is why the debate over the credibility of the double effect principle is so difficult and it is very hard to achieve a consensus which will satisfy the majority of the disputants. The particularity of the example under consideration deprives the evaluation of the validity of testing intentions guaranteed by the condition of proportionality and being empirically verifiable, one which is based on the behavior of the subject. When the right good goal is achieved (e.g. the defense is effective when the attacker lies down and does not return any blows), he does not have to die in this case, it is enough that he is beaten sufficiently so the evil effect does not happen.

Therefore, instead of the real test presented by Thomas for the sincerity of the subject's intentions, conditional tests are used such as those proposed by Donagan. However, it raises some doubts, since by referring to conditional periods it may allow some quite improbable distinctions to be made rather than those based on empirical facts. Thus, narrowing the spectrum of considered cases leads to depriving the principle of double effect of being a good tool to distinguish intentions from only predicted effects.

It seems that the case of a pilot bombing a weapons factory in which civilians are working can be compared to the example of a soldier who participates in military operations or the conduct of law enforcement officers acting on behalf of the law as described by Aquinas. The defense of the larger community is in this situation an additional point, due to which the weakening of enemy forces in order to expedite the end of the war, and thus the bombing of the factory and the killing of civilians working there seems to be justified. However, any personal dislike or hatred of the victims would make this action ethically illicit. As in the case of the law enforcement officer who rightly kills the cutthroat, when the first one is accompanied by personal dislike towards the villain.

The mentioned authors devote little attention to the essential condition of proportionality in deliberations on the principle of double effect, focusing mainly on the distinctions between intended and anticipated effects (Marquis 2001, 163). This gives the impression that the key condition for the applicability of the principle is the categorization of effects as intentional or unintentional, whereas, for example, the ratio of selected resources to the intended goals expressed by the condition of proportionality is not so basic for this principle. Nowadays, an interesting interpretation of Thomas states that this condition requires a comparison of goals to the means taken



for their implementation. Most authors skip the detailed interpretation of this key condition, however, or give it only cursory attention.

Boyle interprets the condition of proportionality as a necessity for serious reasons to act. In one of his works, Boyle narrows this interpretation slightly, explicitly limiting possible causes to moral reasons (Boyle 1991, 475–94; Marquis 2001, 169). Mangan talks about the existence of proportionally valid reasons to allow for an evil effect. However, none of them analyses this condition in detail, treating it as obvious.

The most frequent cases are those where the probability of the occurrence of an undesirable negative effect becomes a certainty, which additionally makes it difficult to distinguish between what is only predicted and the intention. On the other hand, the principle of double effect can also be reasonably used to assess activities with a lower likelihood of adverse effects.

Due to the existence of several versions of the principle of double effect today and the subtle differences in the conditions for its applicability, giving a clear formulation of this principle and its conditions is important for considerations conducted on its basis. The lack of a clear explanation of these grounds can lead to misunderstandings. Therefore, one must be extremely cautious when using DDE for the justification of actions. Differences among its formulations, the interpretation of its conditions, the unclear condition of proportionality, the fact that it is almost impossible attempt to separate one goal from another and that it focuses only on intentions leads to the consideration that DDE is, at the very least, a vague ethical principle. Therefore, from the theoretical point of view, it would be better to treat it merely as sophistry than a correct ethical principle.

#### CONCLUSION II: PRAGMATIC

The same conclusion could be reached by taking some of the practical uses of DDE as a point of departure. Ever since Pascal, philosophers have been aware of the sophistic potential of DDE. In his famous seventh letter, Pascal uncovered the pragmatic side of DDE. According to the French philosopher, it was used to justify such unmoral actions as dueling or even assassination. In all those cases the subject only intends to act in self-defense or defend important moral values like honor, and his intention was aimed only at defense. All traditional conditions of DDE were met, and when it came to some vagueness, Pascal's "casuists" turned to different formulations or interpretations of DDE. Therefore, he showed the pragmatic usefulness of DDE as well as its moral inadequateness. According to Pascal, the main function DDE could be used as "grand method of directing the intention" (Pascal 2001, 133). It was used as described:

valets may, in conscience, execute certain disagreeable messages ... merely by turning away their intention from the evil in which they are act ant part to the gain which accrues from it ... not that we do not, as far as we van, dissuade from the thing forbidden; but when we cannot prevent the act, we at least purify the intention, and thus correct the vice of the means by the purity of the end. (Pascal 2001, 134–5)

Pascal shows that DDE can be used in reverse: first, one knows (or foresees) the morally negative outcome of the otherwise morally good or neutral action, then one can purify their intentions, directing them only to the morally worthy end, recognizing the other consequence as *praeter intentionem*. This leads to either a very easy self-justification or, what Pascal seeks, to confuse means with ends and to treat some morally wrong means as the foreseen but unwanted results of an action, or an event as a foreseen but unwanted cost of archiving noble ends.

What Pascal's intuitions concern is the human tendency to protect the self from negative assessment. In psychology, such tendencies are called defense mechanisms and there are various types, with some considered functional, others dysfunctional. DDE could also be used as a tool for defense mechanism in both functional and dysfunctional ways. It could be used as a functional mechanism when the action itself, the subject's intentions and the action's end were to put under detailed examination by a fully trained ethical expert. The expert should have access to all information needed, including the inner states of the subject. From a practical point of view, this case is only available in thought experiments constructed in some philosophical investigations.

Yet DDE could be also used, according to Pascal, as a dysfunctional defense mechanism. In general, a dysfunctional mechanism leads the subject to self-deception in order to prevent negative self-esteem from occurring. DDE is a perfect candidate for such a dysfunctional usage of ethics. It essentially serves as a justification for actions otherwise unjustified. For philosophers it could be very useful, because instead of revision of the theory, its premises, axioms and rules, DDE could show that a given action may be treated as justified if several (some of them non-empirical) conditions are met. The integrity of the moral theory would be saved by using DDE as a "safety valve." From the philosophical point of view, this structure could be very promising, but, as Pascal recalled, there is also a pragmatic side of moral theories. And from the pragmatic side DDE turns into self-defense and self-deceptive too. Putting aside the traditional examples when DDE is applied, consider one from everyday life ethics. Henry goes to a party,

where he is asked to have a few drinks. He knows that his friends present at the party are whisky connoisseurs and that they would be very pleased if he were to try some of their more special beverages. Henry also knows that his body does not tolerate alcohol, and this would lead to a terrible hangover which would practically eliminate him from any activities on the next day. Henry, when asked on the next day by his wife (who was planning some family activities for them) why he accepted the drinks, answered, that his hangover was *praeter intentionem*, his main intention was to not fail his friend and have a good time. Henry clearly uses DDE to justify his recklessness. Even more, DDE provides a reason not to feel guilty about ruining the family's plans (the proportionality condition does not set whose good is more important, it just states that the goods have to be comparable). DDE could therefore be used to justify almost any situation when one does not fulfil their family obligations because some others (e.g. social ones) were chosen. In extreme cases, DDE could also be used to justify some very risky actions, when one merely aims at attaining good ends and foresees bad results.

The above presented argumentation leads to several remarks on DDE. First, as it was already said, it is a very subtle philosophical construction that could be used to analyze and justify some ambiguous actions. But this analysis and justification requires honesty of the subject (an honesty concerning their real rather declared intentions). Taking into consideration, that all humans possess and use some defense mechanisms, it appears that using DDE could be very risky—it could lead to lowering the moral requirements of some ethical systems. Moreover, DDE could be used as a merely heuristic technique—justifying some actions without really detailed investigations of the required conditions. It appears that, although very interesting from the philosophical point of view, DDE should not be proposed as a right exception-making technique in ethics.

#### BIBLIOGRAPHY

- Aulisio, Mark P. 1997. "One Person's Modus Ponens: Boyle, Absolutist Catholicism, and the Doctrine of Double Effect." *Christian bioethics: Non-Ecumenical Studies in Medical Morality* 3 (2): 142–57. <https://doi.org/10.1093/cb/3.2.142>.
- Bennett, Jonathan. 1966. "Whatever the Consequences." *Analysis* 26 (3): 83–102. <https://doi.org/10.1093/analys/26.3.83>.
- . 2001. "Foreseen Side Effects versus Intended Consequences." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P. A. Woodward, 85–118. Notre Dame, IN: University of Notre Dame Press.
- Boyle, Joseph M. 1991. "Who is Entitled to Double Effect?" *Journal of Medicine and Philosophy* 16 (5): 475–94. <https://doi.org/10.1093/jmp/16.5.475>.

- . 2001. "Toward Understanding the Principle of Double Effect." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P. A. Woodward, 7–19. Notre Dame, IN: University of Notre Dame Press.
- Cavanaugh, Thomas A. 1997. "Aquina's Account of Double Effect." *The Thomist: A Speculative Quarterly Review* 61: 107–21. <https://doi.org/10.1353/tho.1997.0048>.
- Chyrowicz, Barbara. 1997. *Zamiar i skutki. Filozoficzna analiza zasady podwójnego skutku*. Lublin: Towarzystwo Naukowe KUL.
- Connell, F.J. 1967. Double effect, principle of. In *New Catholic Encyclopedia*. New York: McGraw-Hill.
- Donagan, Alan. 1991. "Moral absolutism and the double-effect exception: reflections on Joseph Boyle's Who is entitled to double effect?" *The Journal of Medicine and Philosophy* 16 (5): 495–509. <https://doi.org/10.1093/jmp/16.5.495>.
- Foot, Philippa. 2001. "The Problem of Abortion and the Doctrine of Double Effect." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P.A. Woodward, 143–55. Notre Dame, IN: University of Notre Dame Press.
- Galewicz, Włodzimierz. July 2001. "Tomasz z Akwinu o zabijaniu." *Znak*.
- Kaufman, Whitley R. P. . 2000. "On a Purported Error About the Doctrine of Double Effect: A Reply to Sophie Botros." *Philosophy* 75 (2): 283–95. <https://doi.org/10.1017/S0031819100000292>.
- Marquis, Donald B. 2001. "Four Versions of Double Effect." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P. A. Woodward, 156–85. Notre Dame, IN: University of Notre Dame Press.
- McInery, Ralph. 1997. *Ethica Thomistica. The Moral Philosophy of Thomas Aquinas*. Washington DC: The Catholic University of America Press.
- Pascal, Blaise. 2001. *Provincial letters*. Louisville: Bank of Wisdom.
- Quinn, Warren. 2001. "Actions, Intentions, and Consequences: The Doctrine of Double Effect." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P. A. Woodward, 23–40. Notre Dame, IN: University of Notre Dame Press.
- Woodward, P.A. 2001. "Introduction." In *The Doctrine of Double Effect. Philosophers Debate a Controversial Moral Principle*, edited by P. A. Woodward, 1–4. Notre Dame, IN: University of Notre Dame Press.