

St Thomas Aquinas and the Doctrine of the Double Effect.

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What I intend to evaluate in this paper is the question of whether the case of strategic bombing (SB) - as stated by Quinn and other philosophers - and the case of self defense (SD), as discussed by Aquinas in *Summa Theologica*, are analogous in regards to their morality and their structures of decision, action, and intention. These two cases are of course notable examples of what has been termed as the Doctrine of Double Effect (DDE) in Catholic moral theology. In the evaluation that follows I wish to show that some of the inherent aspects of its original structure, as stated by Aquinas, have been ignored when applied to the case of SB.

I am willing to concede that a more contemporary development of the doctrine could argue that SB is a case of the DDE. However, what I wish to infer in this assessment is that if SB is a case that is morally permissible under the auspices of the DDE, then this opens the idea to a range of applications that the Doctrine in itself seeks to limit. This is to say that it will condone certain killings that are in fact a means to an end as opposed to killings that are foreseen yet unintended.

First we will discuss Aquinas' thoughts on self-defense. Aquinas stated that nothing prevents an act from having two effects, but that only one of them is intended. He is, however, perfectly clear on the matter that I, as a private person, cannot take the decision to intentionally kill somebody. He does go on to say that I can resist attack and repel force with whatever means that are reasonably necessary and that, more importantly, I don't lose this right to repel the other's force even if I foresee that repelling this force will amount to the death of the other. Aquinas states: 'therefore this act, since one's intention is to save one's own life, is not unlawful.'

This was in essence the birth of the DDE. I foresee yet do not intend. This leads us the case of SB as stated by most philosophers:

“A strategic bomber who intends to bomb a factory but foresees the

death of 1000 civilians in the area that surrounds the factory is morally exonerated by the fact that his intentions are directed at the destruction of the factory; the civilians' deaths are a foreseen yet unintended outcome.”

In contemporary debate this has been deemed a case of the DDE, which, as we have mentioned, supposedly derives from Aquinas' ideas on self-defense. However if we run the SB and SD arguments alongside one another we discover some important differences.

	Self Defence	Strategic Bombing
Intention	My intention is to defend my life.	My intention is to destroy the factory's production capacity.
Action	To defend my life I must repel the person's attack by the means that I have, which are reasonably necessary.	To repel the factory's production capacity I must bomb it: this is reasonably necessary in the context of modern industrialized warfare.
Result	I kill the person.	I destroy the factory and in doing so kill 1000 people who live near the factory.

As stated the arguments seem disparate. In the SB case the civilians and the production capacity are two different entities, while in SD the aggressor and the victim are in fact the same. Another notable difference in the two cases, as stated above, is that in SD my intention is not to repel, destroy, or strike, like in SB, but rather to save my life. It may be argued that the incongruence lies in the possibility that the structures of human action are more complicated than those stated by Quinn and indeed Aquinas. With this in mind it is perhaps worth evaluating the structures of intention, deliberation, and decision as argued by Aristotle.

It is true that Aquinas and Aristotle were discussing two different questions. Aristotle was evaluating action, in which the idea of a norm was intrinsically part of the evaluation. Aquinas was attempting to establish a norm, i.e. that an action that

leads to somebody's death can, in certain circumstances, be morally excused. Nevertheless, looking at Aristotle may be helpful in understanding the structures of wish, decision, and deliberation. In doing so we may, at the very least, understand why the two arguments as stated above are not analogous.

Aristotle stated in his evaluation of the components of human action that *wish' is for the end*. He went further to say that; we wish for the end and that deliberation and decision are the things that promote it. To attain our intention/wish Aristotle says we must deliberate about actions that will promote those intentions/wishes. Deliberation results in decision, which is the desire to perform an action. It is interesting to note that Aristotle says that it is action that we morally evaluate rather than wish.

An Aristotelian reading suggests that my wish or intention in the case of SB is to win the war and not, as stated by Quinn and others, to bomb the factory. If this is so, then my decision, deliberation, and action are all part of bombing the factory and killing the 1000 civilians. In this case the SB bomber deliberates and decides on killing the doomed 1000. If this is indeed the appropriate way of evaluating the SB then it seems to suggest that, contrary to Quinn's argument, the pilots are not strictly using these people's lives as a means to an end, in that the pilots have deliberated over whether to kill them or not and have decided that their death will help them to obtain their intended objectives.

Quinn in many ways preempts this argument when he says that more than one thing may strictly be intended in a given choice. He says that it is true that in a broader sense of the word 'intend' we are still intending to kill the doomed 1000. Quinn again awakens us to this fact when he states that the pilots in both a Terrorist Bombing case (i.e. where people are being used as a means) and a SB case will be happy to hear that civilians were killed. In the case of TB it was the pilot's aim to kill them, while in the case of SB it was merely part of their aim in the sense that without the dead civilians the factory would not have been destroyed.

Quinn goes on to argue that the pilots are 'strictly' not using the civilian deaths as a means to an end because the intention is the factory's production capacity. His argument relies on the fact that because the deaths are not contingent on the pilots' goal, it morally distinguishes it from the case of the terrorist bomber. However, Aristotle seems to suggest that the bombing is not the pilots' intention but rather the pilots' action.

This argument may have some weight, but it would soon disappear if we

1 Here I am taking 'wish' to mean intention. This matter will be made clearer later in the argument.

Rerum Causae

were to admit the action in itself has some form of intention. And indeed it does seem that each action has a direct intention (to repel with a blow or to bomb) and an ultimate intention (to save one's life or win the war). It seems reasonable to assume that if I asked the pilots what their reason was for bombing the factory, presumably they would not say 'because the factory was our target', but rather 'to destroy the factory in order to win the war.' In effect, what they are saying is that because the factory's production capacity was the target they directly intended to bomb it and that their ultimate intention was to win the war.

This might get us closer to understanding why SB and SD are not analogous as stated above. Let me reformulate how the arguments might look with the aid of a table bearing Aristotle's discussion of intentions in mind and dividing intention into those that are direct and those that are ultimate.

	Deliberation	Decision	Direct Intention	Finite Action	Wish/ Intention
Self Defence	Is the person threatening my life? Will repelling him save mine? Will I have to repel him to the point of his death?	Yes, the person is threatening my life I will have to repel their intention.	Repel the force of the attacker.	In repelling the attacker's force I kill the attacker.	Save life.

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	Deliberation	Decision	Direct Intention	Finite Action	Wish/ Intention
Strategic Bombing	Will destroying the factory's production capacity (that is in a civilian area and will result in the death of 1000 people) help me to win the war?	Yes, the factory's production capacity is a military force that must be repelled and 1000 will have to die as a result.	Bomb the factory i.e. repel the force that I am at war with.	Bomb the factory and kill 1000 people.	Win war.

Here again there is a difference; these two arguments are clearly not the same. In the decision making process in the SB case, the pilots (or in reality the generals) decide on both repelling the factory's production capacity and killing the doomed 1000. Aquinas in his SD is only deciding to repel the force of the attacker.

In Aquinas's argument the double effect works in the following manner: I save my life by deciding to repel another's intentions/force which results in their death, which I have foreseen. In the case of the SB the double effect states that I win the war by deciding to repel the intentions/force of the factory's production capacity and to kill the doomed 1000 which results in the foreseen death of a 1000 people. In Aquinas the 'foreseeing' aspect appears only in the deliberation while in the SB it occurs in both the deliberation and the decision. This is Aquinas' point: I cannot decide to kill, I can only foresee that repelling will lead to killing.

Aquinas' argument is that, because their force is interfering with my intention to save my life, I am allowed to repel them with a force that is necessary. Aquinas would argue that the people outside that force acting against me cannot be harmed because my act acquires its moral permissibility precisely because it is repel-

ling the force. This has clearly been lost in the case of the SB. This is not to say that there is not a double effect in SB but that it seems to have lost some of the important justificatory aspects to which Aquinas is alluding.

A question may then be raised: why do Aquinas' stipulations matter? In response, let us take the seemingly absurd example that has the same structure to the one used in the SB case.

“A demolitions company demolishes a high rise building that has major structural faults and there is a grave danger to the public and the other buildings around it. The company knows there are 1000 people living inside this building; however, they raise it to the ground without evacuating the building.”

In other words, they intended to demolish the building for the public good and foresaw the death of 1000 innocents.

This argument seems to have the same structure as the SB case and yet it is seemingly not morally acceptable, because the innocents have been knowingly killed for no reason other than their unfortunate positioning in a building. Their intentions are unknown and the demolitions company has ‘strictly’ decided to kill them.

However, some may still argue that the DDE relies on the supposition that in certain cases it is ‘double effect’ simply because the good outweighs the bad. Would the demolitions company’s moral position change if by blowing up a building one sought to uncover, in its foundations, a sealed miracle cure for AIDS? The answer is no, because these people could be warned and at the very least their intentions should be discovered. This is true as well of the SB case, in that because they are not part of the production capacity they are not the force that can be repelled and therefore on some level their intentions must be discovered.

Aquinas’ double effect suggests that I can’t decide to kill and that I can only act on the force that is acting against me. This is not the case in the SB example. What makes Aquinas’ distinctions important is that by adhering to them strictly, one does not end up with an example of double effect that is analogous to acts of wanton murder and negligence. If double effect is really just indirect killing where the result is the greater good, then this seems to open a gateway of action that is the very kind that Aquinas, in his conception of double effect, sought to restrict.

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