The Doctrine of Double Effect and Intuitions Regarding Hiroshima and Nagasaki

The Doctrine of Double Effect (henceforth referred to as DDE) and other similar deontological doctrines seek to find a principle by which to explain our moral intuitions about "situations in which good can be secured for some people only if others suffer harm" (Quinn, 318). The doctrine and the various revisions proposed by Foot, Thomson and Quinn seem to uniformly claim that terror bombing – the killing of civilians for the purpose of demoralizing one's enemy – is wrong. But if these doctrines are to explain our intuitions, it seems they will have to deal with what seems, on the face of it, a rather notable exception to this general rule. It seems to me that the prevailing, intuitive opinion in this country is that the dropping of atomic bombs on Hiroshima and Nagasaki was justified on broadly utilitarian grounds – many more people, Japanese and American, would have been killed in the event of an American invasion, which is seen as the only alternative to the dropping of the bombs – or so the argument goes. This is, on the face of it, baldly inconsistent – it seems that if we accept that terror bombing in the more general sense is morally forbidden on the grounds that it is wrong to kill civilians as a means to winning a war, then we would have to accept that the bombings of Hiroshima and Nagasaki, which appear to be terror bombings as we have defined them, were morally wrong. Our reluctance to accept this seems significantly problematic for proponents of DDE and other similar theses, or, at the very least, their claims that they have alighted on a doctrine which can adequately account for the principles underlying our moral intuitions on these matters. But I will argue that, in this case, DDE doesn't fail, because our intuitive response to this particular situation depends much on what must be considered morally irrelevant factors.

DDE claims "that it is wrong to intend evil to bring about good, but not to foresee that evil will result from an act that brings about good" (302). Hence, according to Foot, it is at least morally permissible, and perhaps even morally required, that the driver of the trolley in her trolley example should steer the trolley onto the track on which there is only one person, in order to save the five on the other track, and it is morally forbidden that the magistrate should frame and hang and innocent man in order to save ten hostages from being killed by an angry mob. According to DDE, in the first situation, the death of the first person is not intended, but only foreseen – if the person on the track survives by some miracle, "the driver of the tram does *not* then leap off and brain him with a crowbar." (305) The death of the lone man is not in any sense instrumental to the driver's purpose, which, in this case, is to save the five on the other track, or perhaps more broadly to reduce the number of deaths brought about by the situation. But in the magistrate example we "aim at the death of an innocent man" directly, and, further, the man's death can be seen as essential to the magistrate's goal (304); "If the victim proves hard to hang he must see to it that he dies another way" (305). And, presumably, this accords with our intuitions on these matters.

Foot, Thomson and Quinn each offer revisions of this basic theory. Foot contends that the distinction that does the real work in situations like these is that between negative rights and positive rights: the trolley driver is justified in his decision because he is presented with a choice of violating two sets of negative rights, while the magistrate would not be justified insofar as he would be violating a negative right in favor of positive rights, negative rights having greater force than positive rights. Thomson offers that the two cases differ because in the trolley case a threat is deflected, whereas in the

magistrate's case a new threat is brought to bear on another party. Quinn distinguishes between direct and indirect and opportunistic and eliminative agency, direct opportunistic agency (terror bombing) being the most odious.

While these revisions make useful distinctions, on the basic premises of the doctrine and on the content of people's intuitions about certain representative situations all three philosophers seem to be in agreement. Let us assume, then, that Foot and Thomson would agree with Quinn's use of terror bombing (henceforth referred to as TB) is a representative example of an act that our moral intuitions tell us is wrong, on the grounds that it directly intends the death of civilians.

DDE and similar theses are presented as shedding light on the principles that guide our moral intuition given these scenarios. It follows, then, that when our intuitions and one of these doctrines disagree, it seems we ought to regard this as a failure of the doctrine in question. Quinn takes it as a given that our moral intuitions revolt against terror bombing as strongly as they revolt against the doctor who kills a patient and chops him up for organs in order to give them to other patients, and it doesn't seem we have any good reason to think him mistaken in this assessment, if we accept, for instance, that it is wrong to push a fat man in front of a trolley in order to save five people on the tracks.

Now, obviously there are a range of opinions on the subject, but I posit that the majority of Americans feel that the bombings of Hiroshima and Nagasaki were justified on broadly utilitarian grounds – it is seen as justified insofar the bombings brought the war to a quick end and significantly reduced the loss of life. Whether this opinion accords with the American government's actual reasons for dropping the bombs is of no concern to us, for we are concerned only with popular opinion on the matter insofar as it reflects

our moral intuitions. This, it seems, poses a significant challenge to DDE and to all of the revisions offered. The bombings appear quite clearly to be terror bombings as previously defined. It seems that, though we might say that terror bombings in general are wrong because they directly intend to bring harm to civilians, we (that is, those of us from the United States) don't, in fact, tend to accept that Hiroshima and Nagasaki were wrong for the same reasons. And yet if we accept that terror bombings are wrong, or even that it would be wrong to murder one man to prevent the murder of ten men, it seems we would be committed to saying that Hiroshima and Nagasaki were wrong as well.

At this point it seems that one must try to distinguish the bombing of Hiroshima and Nagasaki from an ordinary terror bombing - surely if our intuitions tell us that one is right and the other wrong, there must be some morally significant difference between the two. We might appeal to circumstances that arise specifically in wartime between sovereign states – perhaps certain things are moral permissible when done to bring about an end to a prolonged state of war. This reading only makes sense, however, if we construe the TB as something other than an agent working on behalf of one sovereign state against another. But Quinn's TB appears to be a pilot working for a sovereign state – we are to understand him as a pilot just like the strategic bomber. In any case, if we fairly apply the principles of DDE, it ought to make no difference whether the TB works for a state at war with another state or for a terrorist organization. I think that when presented the question, "Is it morally permissible for military personnel to specifically target civilians if they have good reason to believe that the deaths of civilians will demoralize the enemy, bring the war to an end, and thereby reduce the overall loss of life," intuition will generally leads us to say no.

One might also suggest that "civilians in wartime have negative rights not to be killed. But if their government is waging an unjust war, these rights may conflict with strong rights of self-defense" (323). The problem with this is that it leaves up in the air the question of what is or isn't a just war. If the rules of war – one of which is the injunction against the intentional killing of civilians – are to have any value at all, it seems we ought to pay no heed to questions like which side of a conflict is in the right. For it isn't at all clear how one would go about determining this; having one side think themselves in the right is not sufficient. The Americans obviously thought they were on the side of justice, but the Japanese presumably also saw the defense of their homeland and their people as a just cause as well. It seems that this position would simply allow both sides to justify acting in whatever way they deemed necessary to bring the conflict to an end as quickly as possible.

It seems then that there is no relevant moral difference between general terror bombing and the bombings of Hiroshima and Nagasaki. Why, then, do we in this country tend to regard the bombings as justified while simultaneously condemning the specific targeting of civilians in other contexts? If DDE explains the principles behind our moral reasoning in every other case, why does it fail in this specific one? I might claim that this shows that DDE and related theses thus fail to describe the principles behind our reasoning in all other similar cases. But to do this one would have to suppose that DDE claims to offer a single principle, which guides our intuitions in every relevant case. All three philosophers deny this.

I am inclined to say that what guides our intuition in the particular case of Hiroshima and Nagasaki actually has little to do with moral reasoning, per se, insofar as

morality "seems to involve a universal aspect," if it is to mean anything at all (252). It seems quite obvious that if a moral judgment is to mean anything at all that moral judgments shouldn't vary between different situations when there isn't a relevant moral difference between them. If terror bombings are wrong, then the bombings of Hiroshima and Nagasaki, themselves examples of terror bombings as we've defined them, must also be wrong, if we are to faithfully apply moral reasoning.

I think there are a number of factors possibly at play here, none of them particularly morally sound. Perhaps we find it difficult to denounce the bombings because, in addition to substantially reducing the overall loss of life, it ended the war in our favor, and we felt and continue to feel that in that particular conflict the United States was surely on the side of justice. But it seems we would intuitively reject the idea that all states are justified in specifically targeting civilians so long as they believe themselves to be on the side of justice. And, as I mentioned earlier, there doesn't seem to be any good way to determine what exactly constitutes one side's being on the side of justice. We might also be inclined to justify the bombings out of a sense of duty to our country or our countrymen; the particularly nationalist among us might, for instance, consider the bombings a good thing on the grounds that it saved a lot of our men from being killed. It doesn't seem terribly farfetched, after all, to suppose that a nation has a duty to reduce the number of its own soldiers killed in combat when possible. Again, though, I don't think there's any way our intuitions would allow us to accept a moral principle such as "Any country is justified in targeting civilians so long as they have good reason to believe that this will save the lives of its own men."

All of this, I think, points to a rather unfortunate fact about human moral reasoning: it can very easily be made flexible when our sense of self-interest demands it. I will not speculate on the U.S. government's actual rationale for dropping the bombs. But it seems to me that we who must come to terms with the bombing today find it all much easier to swallow when we can convince ourselves that such a terrible event was morally justified. And so where we might condemn another country for acting just as we did, we consider our own actions justified. Out of a sense of guilt, or a simple unwillingness to acknowledge moral responsibility, we intuitively try to justify our actions using whichever principle yields a result we are best able to suffer in our consciences. Our moral reasoning works best when we apply it to situations which don't bear directly on ourselves – a wrong visited on oneself is nearly always perceived as worse than a wrong visited on another. If things had been different, if the Germans had had the atomic bomb and had dropped one on Moscow and one on St. Petersburg, with the goal of killing so many civilians so quickly that the demoralized armed forces of the Soviet Union would be forced to surrender, I think that most us would almost certainly conclude – correctly – that they would have been wrong to do so. It takes a kind of strength of character to apply moral reasoning truly fairly, and it would seem that, collectively, in this case and probably in others, we often lack it.