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PHL 322K History of Ethics

2 November 2021

A Response to Khatchadourian's Third Formulation of the Doctrine of Double Effect:

Distinguishing the Doctrine from Consequentialism

The Christian is faced with a set of absolutes: thou shalt not kill, thou shalt not steal, etc. It is assumed these are all consistent, for they come from the same place: divine wisdom. Some may call it revelation; Aquinas would call it the eternal law, which he defines as “nothing else than the rational plan of divine wisdom as directing all actions and movements” (48). It is quite clear the eternal law or divine wisdom, however, do not equip us with a decision procedure to achieve what is good. It is self-evident that we are rational, Aquinas notes (49), and this capacity for rationality equips us to make the transition from eternal law to natural law, which moves toward a decision procedure for how to achieve the good and fulfill the divine wisdom. “Good,” Aquinas says, “is that which all things seek” (49). Because our rationality is self-evident, it is implied that the things we seek *ought* to be sought, so it follows that the good, according to human reason, must be pursued, and evil avoided. “Since good has the nature of an end and evil its opposite, all the things to which man has a natural inclination are naturally apprehended by the reason as good and their opposites as evils to be avoided. Therefore the order of the precepts of the natural law follows the order of our natural inclinations” (49).

Our ability to identify the good and evil in accordance with the eternal law is necessary (but not sufficient) to build a decision procedure: Necessary, because the natural law, which concerns the decisions relating to human actions (“practical reason”), is merely an extension of

the eternal law, and our inclinations must thus accord with the eternal law; insufficient because the eternal law only identifies those truths which are self-evident, and does not describe the mechanism or rules by which these eternal truths interact when in tension. It is thus incumbent upon us, in pursuit of knowledge of truth about God (to which we have a natural inclination), to employ our rationality in the construction of a decision procedure, which Aquinas calls *practical reason*. This motivates the construction of the Doctrine of Double Effect: a decision procedure based on our own capacity to determine what is good and bad.

We now introduce a formulation of the Doctrine of Double Effect, as described by Haig Khatchadourian. Khatchadourian describes (and critiques) three formulations of the Doctrine (denoted Principles I, II, and III). Principle I is quoted from James Serba, an academic who I am not trying to critique in this paper, so we dismiss it. Principle II is Khatchadourian's own formulation of the Doctrine. It resembles the formulation of the Doctrine in the New Catholic Encyclopedia, as we use it as the basis of our analysis.

Principle II

An act is morally justified or right if:

1. the agent performs the act as a means to a good end;
2. the agent foresees that an act may result in evil consequences;
3. the agent did not intend the evil consequences (they were incidental);
4. the evil does not cause the good effect.

Note that if there are not evil consequences to be expected, then Conditions 2, 3, and 4 are void and there is no reason to consider the Doctrine whatsoever; if there is only a good end, Aquinas holds we should pursue the good good—there is nothing on which to deliberate. The Doctrine concerns rather that class of actions that we consider morally justified, but result in evil unintended (but foreseen) consequences. Aquinas is attempting to codify a decision procedure describing how to act in such circumstances.

We see the motivation for each of the conditions in the text of Aquinas. “One act may have two effects only one of which is intended and the other outside of our intention” (70). The consequences of our acts are either *intentional* or *incidental*. “Moral acts are classified on the basis of what is intended, not of what happens outside of our intention since that is incidental to it” (70). This motivates Conditions 2 and 3 of Principle II. The final Condition 4, which describes the order of causality, is motivated by a specific verse, Romans 3:8, which Aquinas cites in the *Summa Theologica*: “Why not say—as some slanderously claim that we say—‘Let us do evil that good may result’? Their condemnation is just!” Evil must not be used as a means to good. However, good *may* cause evil (incidentally), provided the other conditions of the Doctrine are satisfied. Thus we find motivation for all of the conditions of Principle II.

However, the Doctrine is incomplete in this form. Consider the following example: For some reason, the light switch in the classroom is connected to an electrical grid such that when the light switch is turned on all the students in the room are zapped and injured. The professor knows this. Now suppose that the professor walks into the classroom, and, seeking to bring light (good) turns on the light switch, knowingly zapping and injuring perhaps a couple dozen students. This is obviously absurd; no reasonable moral decision procedure would endorse this act. But according to Principle II, this is morally justified. The agent performed the act as a means to a good end, bringing light to the room (Condition 1); the agent foresaw that the act might result in evil consequences (knew about the electrical configuration) but did not *intend* the evil consequences (only intended to bring light) (Conditions 2 and 3); and the good (turning on lights) caused the bad (student injuries), not the other way around (Condition 4). Every condition of the doctrine is satisfied, and we have reached an absurd conclusion. Clearly the doctrine is not tenable in this form; it is missing something.

Khatchadourian argues the same, and thus introduces Principle III: which adds what I will call “The Proportionality Conditions,” or Conditions 5 and 6.

Principle III

An act is morally justified or right if:

1. the agent performs the act as a means to a good effect;
2. the agent foresees that an act may result in evil consequences;
3. the agent does not intend the evil consequences (they are incidental);
4. the evil does not cause the good effect;
5. the intended good outweighs the unintended but foreseen bad consequences;
6. there must be no other means available to bring about the good effect with less evil consequences.

Khatchadourian, himself writing from a consequentialist perspective, appends Conditions 5 and 6 under the assumption that these are *additions* from the consequentialist tradition to salvage the Doctrine. He is mistaken to think these are additions, however, for Aquinas directly endorses the Proportionality Conditions in the *Summa*: “An act that is prompted by a good intention can become illicit if it is not proportionate to the end intended” (71). This motivates Condition 5. Now, Khatchadourian claims that Condition 6 follows from the previous 5. Is this true? I believe so, and I show a proof that this is true.

Proposition: Conditions 1-5 imply Condition 6.

Proof: Consider an act A1 that causes good G1 with consequence E1. Now consider an act A2 that also causes good G1 with consequence E2. Now suppose $E2 > E1$ (it is a *more* evil effect). Also suppose $|E1| < |E2| < |G1|$, meaning the good G1 outweighs either of the evil consequences (we fulfill the proportionality condition). Now consider we must choose between act A1 and act A2. Note that A2 causes $G1 + E2$, but it also causes not A1 = $-(G1 + E1)$. Then, in sum, A2 causes $G1 + E2 - G1 - E1 = E2 - E1 < 0$. Then, when considering a dilemma between two possible courses of action, the first of which has an incidental consequence more evil than the next, choosing the first course of action actually results in a net *bad*, and thus violates Condition 1 (there is no longer a good effect). A2 is left the only viable course of action under the Doctrine. Note that this line of argument can be repeated infinitely many times, to iteratively refine the space of infinitely many courses of action considered under the Doctrine until there is only one viable act left.

The implications of Condition 6 are large. For any circumstance there is a set of actions which satisfy Conditions 1-5; Condition 6 allows us to narrow that set down to one single course

of action. In this sense it is a sort of “complete” decision procedure*, in the sense that for any circumstance it maps the set of courses of action that satisfy Conditions 1-5 to just one solution.

So, really, while Khatchadourian believes the final two conditions in Principle III are consequentialist additions, we have shown that Condition 5 was endorsed in the *Summa Theologica*, and Condition 6 follows from the rest, so Principle III is an accurate description of the Doctrine of Double Effect according to Aquinas.

Now, Khatchadourian argues that expressing the Doctrine of Double Effect in the form of Principle III reduces it to consequentialism. I will argue otherwise. Let’s first produce Khatchadourian’s argument.

Khatchadourian argues that anyone who follows Principle III will arrive at the same conclusion as a consequentialist. He first presents an abstract argument, then offers a “paradigm example” about an abortion necessary to save the mother’s life. For brevity, I will only describe the paradigm example (27):

A pregnant mother must either kill her fetus or die. We can think of her dilemma as one between abortion A and not abortion ~A. A results in the saving of the mother G1 and the death of the fetus E1, while ~A results in the saving of the fetus G2 and the death of the mother E2. How can a decision be made? Well, according to Condition 6, we must choose the action with the least evil effects. Khatchadourian notes that this is the same as doing the utilitarian calculus, and thus in any dilemma of this sort (note that in the aforementioned abstract example he shows that any problem applying to Principle III can be reduced to one of these dilemmas), the agent is

* I believe that the phrase [complete decision procedure](#) actually has some use in computer science and in fact is very relevant to this discussion, particularly with respect to many-to-one reducibility and polynomial time reductions.

reduced to acting in the same way as the consequentialist. Khatchadourian concludes: “It appears to me that in this type of situation the agent who follows Principle-III would have act in the same way as the consequentialist, and for the same reasons” (27).

Having allegedly shown that the proponent of the Doctrine acts in the same ways as the consequentialist, Khatchadourian believes he has obviated the need for the essence of the doctrine: which effects are intended matters. He writes, “Ironically, analysis of the limited types of situations in which Principle-III is applicable, shows that the heart of the principle of double effect in all its forms—the agent’s intention to produce only the good end and not the foreseen evil by-product—plays no morally significant role at all!” (70). Ironically, the condition that Khatchadourian celebrates the demise of—that the agent’s intention has moral value—is the reason he is wrong. We can see this by observing two courses of action that are functionally equivalent, but have different moral value *depending on the agent*.

Consider the mother who needs an abortion to live again. Now suppose the mother has made the decision that the child ought to die, and her life is the greater good. Now suppose she is offered two decision procedures. Procedure 1 is a normal abortion procedure, and steps are taken to put the child in minimal discomfort. Procedure 2 has the hospital contract a bona fide sadist to conduct the procedure. The sadist gets pleasure from killing the baby. It is also true that the sadist kills the baby toward the end of killing the baby and from their perspective, the saving of the mother’s life is incidental. A consequentialist, particularly a hedonist, may choose the latter option. Other consequentialists would regard the Procedures as morally equivalent. The proponent of the doctrine, however, would not choose Procedure 2, for it violates Condition 3—that the agent does not intend the evil consequences. We thus show the consequentialist and the proponent of the doctrine may reach different conclusions.

There is a possible counterargument to this. It could be argued that Procedure 2 does not violate Condition 3, because, one could argue, the agent did not intend the killing of the child but rather the good pleasure that resulted from it.

In this case, we claim that Procedure 2 violates Condition 4, that the evil must not cause the good. For in this case, if the agent did not intend the evil thing but the pleasure that resulted from the evil thing, the good is the result of the evil, and the agent violates the good-evil causal direction defined by the Doctrine. However, one could argue this counterargument is superfluous by claiming desiring the pleasure experienced from an evil thing is equivalent to desiring the evil thing itself.

Khatchadourian's flaw is failing to consider how the moral value of an action changes under the Doctrine, according to the agent or even the disposition of the agent. This is because Khatchadourian is focused only on the consequences of the actions, and because of his analytical approach, assumes that the value of actions is constant rather than variable.

We have shown that the addition of the "Proportionality Criteria" (5 and 6) is necessary for the Doctrine of Double Effect to be consistent, but also, contrary to Khatchadourian's position that these are additions to the Doctrine from a different ethical tradition, that Condition 5 is endorsed in the *Summa* and Condition 6 follows from Conditions 1-5. So the additions of Conditions 5 and 6 (which, together with Principle II, make Principle III) are not only justified, but a more precise formulation of the Doctrine. We thus claim that Principle III is the best formulation of the Doctrine of Double Effect.

Khatchadourian then argues that Principle III is functionally equivalent to consequentialism. We show that this is false by considering an example where the moral value of an act changes depending on the agent.

We conclude that the Doctrine of Double Effect, when formulated in this manner (Principle III), is a viable decision procedure distinct from the consequentialist tradition. When put this way, the Doctrine offers a unique synthesis of utilitarianism and virtue ethics; one can think of it as a sort of utilitarian decision procedure, iteratively optimizing for good, but additionally eliminating courses of action where the intent is evil. The doctrine proponent must search for the solution to a problem in a subset of the possible courses of action a utilitarian must consider, for the utilitarian must also consider courses of action where it is the evil that causes the good. Whereas a consequentialist or utilitarian only consider the net good, the Doctrine proponent considers also the order of causality, and it is on this condition the two traditions differ, and may reach different conclusions about the best course of action.

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