Actions, Intentions, and Consequences: 
The Doctrine of Double Effect  
by Warren Quinn (1989)

Situations in which good can be secured for some people only if others suffer harm are of great significance to moral theory. Consequentialists typically hold that the right thing to do in such cases is to maximize overall welfare. But nonconsequentialists think that many other factors matter. Some, for example, think that in situations of conflict it is often more acceptable to let a certain harm befall someone than actively to bring the harm about. I believe that this view, which I call the Doctrine of Doing and Allowing, is correct, and I defend it elsewhere. But there is a different and even better known anticonsequentialist principle in the Doctrine of Double Effect (for short, the DDE). According to one of the common readings of this principle, the pursuit of a good tends to be less acceptable where a resulting harm is intended as a means than where it is merely foreseen. It is this controversial idea that I wish to examine here...

Like the Doctrine of Doing and Allowing, the DDE discriminates between two kinds of morally problematic agency. It discriminates against agency in which there is

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1 Harm is meant in a very broad sense that includes the loss of life, rightful property, privacy, and so on. In my examples, the relevant harm will usually be the loss of life.
3 The doctrine, which is usually traced to Thomas Aquinas, Summa Theologiae, II-II, Q. 64, art. 7, is typically put as a set of necessary conditions on morally permissible agency in which a morally questionable bad upshot is foreseen: (a) the intended final end must be good, (b) the intended means to it must be morally acceptable, (c) the foreseen bad upshot must not itself be willed (that is, must not be, in some sense, intended), and (d) the good end must be proportionate to the bad upshot (that is, must be important enough to justify the bad upshot). The principle that follows in the text, which I henceforth treat as if it were itself the doctrine, is really what I find most important and plausible in its first three conditions. I ignore the fourth condition both because it is probably best understood in a way that makes it noncontroversial and because I am concerned here not so much with how choices with a 'second effect' can be justified as with whether, ceteris paribus, the structure of intention makes a justificatory difference. That seems to me the fundamental question.
4 The principle is sometimes put in terms of the difference between a harmful result that is "directly" intended and one that is "indirectly" (or "obliquely") intended. But it also might be put in terms of the difference between a directly and an indirectly intended act of harming. In either variant, the point of calling the merely foreseen result or action "indirectly intended" is to mark a species of linguistic impropriety in an agent’s asserting, with a completely straight face, that a clearly foreseen harm or harming is quite unintended. If I have no desire to wake you but simply do not care that my fiddling will have that effect, I cannot say that your waking or my waking you is purely unintentional. Whether there is any natural sense in which they are intentional is a debated point. In the final analysis, I shall sidestep this controversy, concerning myself with a species of intention that an agent clearly does not have toward a merely foreseen result of his agency—namely, the intention that the result occur, or that he bring it about, as a means of achieving his purpose.
some kind of intending of an objectionable outcome as conducive to the agent’s end, and it discriminates in favor of agency that involves only foreseeing, but not that kind of intending, of an objectionable outcome. That is, it favors and disfavors these forms of agency in allowing that, ceteris paribus, the pursuit of a great enough good might justify one but not the other. The doctrine is meant to capture certain kinds of fairly common moral intuitions about pairs of cases which have the same consequential profile—in which agents bring about the same good result at the same cost in lives lost and harm suffered—but in which the character of the intention differs in the indicated way.

One such pair of contrasting cases is drawn from modern warfare: In the Case of the Strategic Bomber (SB), a pilot bombs an enemy factory in order to destroy its productive capacity. But in doing this he foresees that he will kill innocent civilians who live nearby. Many of us see this kind of military action as much easier to justify than that in the Case of the Terror Bomber (TB), who deliberately kills innocent civilians in order to demoralize the enemy. Another pair of cases involves medicine: In both there is a shortage of resources for the investigation and proper treatment of a new, life-threatening disease. In the first scenario doctors decide to cope by selectively treating only those who can be cured most easily, leaving the more stubborn cases untreated. Call this the Direction of Resources Case (DR). In the contrasting and intuitively more problematic example, doctors decide on a crash experimental program in which they deliberately leave the stubborn cases untreated in order to learn more about the nature of the disease. By this strategy they reasonably expect to do as much long-term medical good as they would in DR. Call this the Guinea Pig Case (GP). In neither case do the nontreated know about or consent to the decision against treating them.

Another pair of medical examples is found in most discussions of double effect. In the Craniotomy Case (CC) a woman will die unless the head of the fetus she is trying to deliver is crushed. But the fetus may be safely removed if the mother is allowed to die. In the Hysterectomy Case (HC), a pregnant mother’s uterus is cancerous and must be removed if she is to be saved. This will, given the limits of available medical technology, kill the fetus. But if no operation is performed the mother will eventually die after giving birth to a healthy infant. ...

Take TB and SB. In the former case, but not the latter, the bomber undeniably intends in the strictest sense that the civilians be involved in a certain explosion, which he produces, precisely because their involvement in it serves his goal. He may not, if Bennett is right, intend their deaths. But his purpose requires at least this—that they be violently impacted by the explosion of his bombs. That this undeniably intended effect can be specified in a way that does not strictly entail...
their deaths is, on the view I am proposing, beside the point. What matters is that the effect serves the agent’s end precisely because it is an effect on civilians. The case with SB is quite different. The bomber in that case intends an explosion, but not in order that any civilians be affected by it. Of course he is well aware that his bombs will kill many of them, and perhaps he cannot honestly say that this effect will be “unintentional” in any standard sense, or that he “does not mean to” kill them. But he can honestly deny that their involvement in the explosion is anything to his purpose.

The same contrast is found in the medical cases. The doctor in CC strictly intends to produce an effect on the fetus so that the mother can be saved by that effect. But the doctor in HC has, as we have seen, no such intention. Even if he cannot deny that, in some ordinary sense, he “intends” the fetus’s death, he can rightly insist that the effects on the fetus of his surgery are nothing toward his medical purpose. Similarly, the doctors in GP intend, as something toward their further goal, that the disease in the untreated patients work its course. And this could be true even if, wishing to investigate only the effects of the disease within cells, they had no interest in the pain and loss of function it also causes. But in DR nothing that happens to the untreated patients serves the doctors’ further goal.5

The important way in which the cases differ should not be obscured by the following complication. We have seen that a doctor in HC might intend to use the special anesthetic “safest for a pregnant patient.” Would it follow from this allusion to the fetus that the doctor does, after all, strictly intend something for it? No. The medical relevance of the patient’s pregnancy does not mean that any of the surgical effects on the fetus are medically useful. Something similar holds in SB. Suppose the bomber wants, for moral reasons, to target factories in the least populated district of a certain city. If so, the formulation of his strictly intended means contains an indirect reference to the civilians whom he may kill. But this hardly turns him into a terror bomber. The impact of his bombs on those civilians is still nothing to his military purpose.

This clear distinction between the intentional structures of the contrasting cases is the key to a new and better formulation of the doctrine. To put things in the most general way, we should say that it distinguishes between agency in which harm

5 Not even, I would argue, the fact of their not receiving the treatment. What really furthers the goal is the treatment received by the other, more tractable cases. The nontreatment of the first group contributes, at most, in an odd and secondary sense. This point applies, I think, to a wide range of intentional expressions. Suppose we decide to combat a disease by spending our limited resources on education rather than on inoculation. Education, and not noninoculation, will then be our means of combat; and the way we fight the disease will be by educating, not by not inoculating.
comes to some victims, at least in part, from the agent’s deliberately involving them in something in order to further his purpose precisely by way of their being so involved (agency in which they figure as intentional objects)\(^6\) and harmful agency in which either nothing is in that way intended for the victims or what is so intended does not contribute to their harm.\(^7\) Let us call the first kind of agency in the production of harm direct and the second kind indirect. According to this version of the doctrine, we need, ceteris paribus, a stronger case to justify harmful direct agency than to justify equally harmful indirect agency.\(^8\) Put this way, the doctrine solves the original problem of showing a genuine difference in the intentional structures of our contrasting cases, even under a strict interpretation of what is intended. And it makes no appeal to the problematic notion of “closeness.” For direct agency requires neither that harm itself be useful nor that what is useful be causally connected in some especially close way with the harm it helps bring about.\(^9\) There is another, related advantage. With this version of the doctrine, we can sidestep all potentially controversial questions about whether the agents in our

\(^6\) I might instead have said “agency in which harm comes to victims ... from the agent’s deliberately producing some effect on them in order to further his purpose precisely by way of their being so affected.” But there is a certain kind of ingenious case, attributed to David Lewis, that such a formulation might seem to miss. Suppose that another terror bomber wishes to demoralize enemy leaders by bombing a major center of population, and suppose he knows that these leaders will be convinced that the city is destroyed by seeing, from afar, the explosion of his bombs over it. The explosion occurs an instant before the fatal effects below. So in this case the bomber does not, strictly speaking, intend to blow up the civilians, or produce any physical effects on them, as a means to his end. Yet the case seems, morally speaking, to be like TB rather than SB. But notice that while such a strategy does not aim at physically affecting its victims, it does strictly aim at exploding bombs in their vicinity. Whether or not this change in their situation could be counted as an effect on them, as I think it could, the bomber strictly intends to involve them in something (to make his bombs explode over them) in order to further his purpose precisely by way of their being involved.

\(^7\) This way of drawing the distinction excludes a pair of cases sometimes used to illustrate double effect: in one we give powerful analgesics to lessen the terrible pain of a dying patient, where we foresee that he will die as a side effect. In the other we relieve his suffering by intentionally killing him with the same or other drugs. In both cases we are to suppose that life is no longer a good and that we act with his explicit or correctly presumed consent. So we cannot see ourselves as infringing, justifiably or unjustifiably, any of his moral rights. For this reason I see these cases as really quite different from the others, in which there is conflict between the moral claims of different people. Indeed, I think that the doctrine is misapplied in nonconflict cases. I see, for example, no difference between amputating someone’s leg to save him and proceeding with some life-saving treatment that, as a side effect, results in the loss of the limb. And by parity of reasoning it seems to me that if stopping pain is urgent enough from the patient’s perspective to make death acceptable as a side effect, it ought to make death acceptable as a means.

\(^8\) A terminological point: Something counts as ‘harmful direct agency’ only insofar as harm comes to the very people who are deliberately affected by the agency. Insofar as harm comes to others, the agency also counts as ‘indirectly harmful.’ A single act or omission can thus be both directly and indirectly harmful.

\(^9\) Nor, of course, does it require that the agent have particular victims in mind. It is enough, as in the case of a terrorist’s car bomb, that he intends something for someone or other.
various cases kill or harm intentionally. It is enough that we can identify the things they uncontroversially intend as contributing to their goal.

Our further bit of line-drawing remains. We have not yet defined the difference between the more pronounced moral asymmetry of DR and GP, or SB and TB, and the apparently weaker asymmetry of HC and CC. This difference may partly depend on whether the agent, in his strategy, sees the victim as an advantage or as a difficulty. In CC the doctor wants the fetus removed from the birth canal. Its presence there is the problem. In GP and TB, on the other hand, the availability of potential victims presents an opportunity. By bringing it about that certain things are true of them, the agents positively further their goals. Perhaps it would not be surprising if we regarded fatal or harmful exploitation as more difficult to justify than fatal or harmful elimination. If so, we might say that the doctrine strongly discriminates against direct agency that benefits from the presence of the victim (direct opportunistic agency) and more weakly discriminates against direct agency that aims to remove an obstacle or difficulty that the victim presents (direct eliminative agency). ...

What seems specifically amiss in relations of direct harmful agency is the particular way in which victims enter into an agent’s strategic thinking. An indirect agent may be certain that his pursuit of a goal will leave victims in its wake. But this is not because their involvement in what he does or does not do will be useful to his end. The agent of direct harm, on the other hand, has something in mind for his victims—he proposes to involve them in some circumstance that will be useful to him precisely because it involves them. He sees them as material to be strategically shaped or framed by his agency.

Someone who harms by direct agency must therefore take up a distinctive attitude toward his victims. He must treat them as if they were then and there for his purposes. But indirect harming is different. Those who simply stand unwillingly to be harmed by a strategy—those who will be incidentally rather than usefully affected—are not viewed strategically at all and therefore not treated as for the agent’s purposes rather than their own. They may, it is true, be treated as beings whose harm or death does not much matter—at least not as much as the achievement of the agent’s goals. And that presumption is morally questionable. But in a counterpart case of direct agency there is the additional presumption that the victim may be cast in some role that serves the agent’s goal.

The civilians in TB serve the bomber’s goal by becoming casualties, and the infected people in GP serve the doctors’ goal by becoming guinea pigs. If things were different, the victims might become these things only voluntarily. Suppose, for
example, the civilians had effective bomb shelters and the sick people medicines of their own. Then the bomber or doctors could succeed only with the cooperation of the victims. The service exacted would then be voluntary. But in cases of indirect agency the victims make no contribution. If the civilians in SB had shelters and if the sick people in DR had medicines, the bomber and the doctors would see no point in their refusing to use them.

The DDE rests on the strong moral presumption that those who can be usefully involved in the promotion of a goal only at the cost of something protected by their independent moral rights (such as their life, their bodily integrity, or their freedom) ought, prima facie, to serve the goal only voluntarily. The chief exceptions to this strong presumption are cases in which people have or would have strong moral obligations to give themselves to the service of a goal even at such personal costs—especially cases in which it would be indecent of them to refuse. But surely there is not, or may not be, any such obligation in the cases we have been considering: noncombatants (even those on the wrong side) are not morally obligated to serve the right side by accepting the role of demoralizing civilian casualties, victims of dangerous diseases are not typically obligated to become guinea pigs for the sake of others, and I suppose it is at least open to question whether the fetus in CC, if it could grasp its predicament, would have to accept, for the sake of its mother, the sacrifice of its life.

In these cases, but not in their indirect counterparts, the victims are made to play a role in the service of the agent’s goal that is not (or may not be) morally required of them. And this aspect of direct agency adds its own negative moral force—a force over and above that provided by the fact of harming or failing to prevent harm. This additional force seems intuitively clearest in direct opportunistic agency, such as TB and GP, where unwilling victims are not only harmed but, in some sense, used. And this must be why the doctrine seems most plausible when it discriminates against opportunistic direct agency. It must also help explain why some of the most perverse forms of opportunistic agency, like torture, can seem absolutely unjustifiable.

It is less plausible, on the other hand, to think of the victims of direct eliminative agency as used. This may be why the doctrine seems to discriminate against

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10 I am deliberately not considering cases where the sacrifice is financial. What to think in such cases partly depends on the sorts of moral rights people really have to keep money or property that is legally or conventionally theirs when others have more pressing material needs. It is quite consistent with everything I say here to deny that the doctrine speaks against liberal schemes of redistributing wealth.

11 Although it is, as we have seen, a kind of negative moral force that is activated only when other rights are present.
eliminative agency less forcefully. And it may therefore help explain why some people feel that the direct agency of CC is not much harder to justify than the indirect agency of HC. But something of the questionable character of direct opportunistic agency also seems present in direct eliminative agency. Someone who gets in your way presents a strategic problem—a causal obstacle whose removal will be a service to your goals. And this is quite unlike what we find in harmful indirect agency, where victims can be obstacles only in a moral sense.

In discriminating to some extent against both forms of direct agency, the doctrine reflects a Kantian ideal of human community and interaction. Each person is to be treated, so far as possible, as existing only for purposes that he can share. This ideal is given one natural expression in the language of rights. People have a strong prima facie right not to be sacrificed in strategic roles over which they have no say. They have a right not to be pressed, in apparent violation of their prior rights, into the service of other people’s purposes. Sometimes these additional rights may be justifiably infringed, especially when the prior right is not terribly important and the harm is limited, but in all cases they add their own burden to the opposing moral argument.

The Doctrine of Double Effect thus gives each person some veto power over a certain kind of attempt to make the world a better place at his expense. This would be absurd if the entire point of morality were to maximize overall happiness or welfare. But that is not its entire point. An equally urgent basic task is to define the forms of respect that we owe to one another, and the resulting limits that we may not presume to exceed. The doctrine embodies our sense that certain forms of forced strategic subordination are especially inappropriate among free and equal agents.

__12__ But there is a way in which the rationale I have provided is not Kantian. For it draws a sharp moral line between adversely affecting someone in the pursuit of an end that he does not share (not treating him as an end in itself) and adversely affecting someone because his being so affected is strategically important to achieving an end that he does not share (very roughly, treating him as a means). Neither the terror nor the strategic bomber treats his victims as ends in themselves, but only the former treats them as something like means. And I have argued that this difference is significant—that morality erects an extra barrier against the strategic posture of harmful direct agency. Kant might disagree, focused as he is on the alleged status of people as ends in themselves. But I have difficulty attaching any sense to that idea except via intuitions that certain forms of treatment are unacceptably disrespectful of rational beings. And the intuition that it is more disrespectful, all other things being equal, to treat someone as if he existed for purposes he does not share than simply not to be constrained by his purposes, seems to me plausible enough to be worth incorporating in a proper idea of what it means for persons to be ends in themselves. On this conception, one aspect of being an end in itself would be to have, _ceteris paribus_, a stronger right against directly harmful agency than against indirectly harmful agency.