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Joshua Stuchlik, "Intention and Wrongdoing: In Defense of Double Effect"

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Joshua Stuchlik. *Intention and Wrongdoing: In Defense of Double Effect.* Cambridge University Press 2021. 220 pp. \$99.99 USD (Hardcover ISBN 9781316516522).

Stuchlik's new book is a welcome addition to the growing literature on the principle of double effect (PDE), a principle that has experienced a substantial revival in recent decades, becoming increasingly part of mainstream deontological ethics, though it continues to face surprisingly vehement opposition from some moral philosophers. The principle makes a simple and common-sensical distinction between the intended and the merely foreseen negative results of one's action, holding that there is a stricter standard against causing intended harm versus merely foreseen harm. It accords with common sense and traditional practice, including notably the laws of war.

Stuchlik provides a comprehensive defense of the PDE, grounding it in familiar ethical concepts, and addressing the most common criticisms of the principle. He also presents a new basic justification for the PDE, grounding it in what he calls the ethics of solidarity. Stuchlik devotes a chapter to addressing the notorious 'closeness' problem for the PDE, of how to determine what is intended and what is merely foreseen, arguing that the closeness problem is significantly exaggerated and not a serious challenge to the PDE. In another chapter, he defends the PDE against the common charge that the distinction between what one intends and what one foresees is morally irrelevant. Stuchlik ends his book with a chapter on Joshua Greene's dubious evolutionary psychology claim that deontology is merely a result of evolutionary intuitions, whereas consequentialism is a rationally-based ethics. He makes a good case for rejection of Greene's argument, though if anything he is far too easy on Greene's wildly speculative use of evolutionary psychology.

Stuchlik's book is concise, clear, well-written, and well-informed on the literature, and it is a plausible and convincing defense of the PDE against its critics. One might question the very restrictive account of the PDE that he defends, which involves only 'serious' harm; traditionally the PDE governed any harm at all (with the exception of trivial harm), nor does Stuchlik tell us what counts as 'serious' harm, or why one may intentionally inflict non-serious harm on people. One might also question Stuchlik's insistence that the PDE does not govern harm that is merely allowed (9). In fact, the PDE very nicely explains our intuitions with regard to allowed harm: it is in general wrong to allow harm when one intends the harm to occur, but permissible when one foresees the harm but does not intend it.

Stuchlik also provides a useful survey of the range of rationales for the PDE that have been offered by various defenders, demonstrating the challenges that each of them faces. In my view, the most plausible of these is the Kantian principle prohibiting using people merely as a means. To intend harm to someone for some further purpose is a clear violation of this principle. Stuchlik however disagrees. He objects that this principle cannot rule out harming someone as an end in itself, as the sadist or the revenger does. This is a very strange objection. Recall that the full Kantian principle requires that one treat the person as an end in himself, not merely as a means. But to deliberately harm someone is a clear violation of this principle; in fact, one could hardly imagine a clearer case of failing to treat someone as an end (and this is in addition to the fact that



revenge or sadism *does* involve harming as a means, to pleasure or satisfaction). His second objection to the principle is no more plausible. Harming someone ‘without concern for their good’ (33) is an equally obvious violation of the Kantian principle that one must always treat people as ends in themselves.

Stuchlik’s ambitious effort to provide a new fundamental rationale for the PDE is also less than fully convincing. Stuchlik argues that the moral significance of the intend/foresee distinction can be derived from the basic moral principle of ‘solidarity,’ the idea of belonging to a moral community and respecting others as members of that community. According to this view, solidarity entails that each person ‘is someone who matters’ (79). He acknowledges that the notion of solidarity is quite vague and open-ended, and it is hard to derive specific moral principles from it. Yet I think he understates how difficult it is to get from the highly abstract notion of solidarity to the very specific principle that harming someone intentionally is worse than harming them incidentally. Stuchlik asserts that intentionally harming people as a means ‘grossly deviates from the standard of human solidarity’ (150), but this is mere assertion, with a little foot-stomping (‘grossly’) for emphasis. For why should solidarity entail that intentionally harming someone is worse than incidentally doing so? For the utilitarian, solidarity entails that we are to consider everyone’s happiness equally, and hence we violate that solidarity when we inflict pain on others, regardless of whether that pain is intended or merely foreseen (unless of course that pain produces a greater good). I would agree with Stuchlik that a more plausible notion of solidarity involves something like the Kantian notion of respect for individual agency. But it seems that it is the Kantian principle that is doing the work here, not the vague notion of ‘solidarity.’ Moreover, at the heart of the Kantian doctrine is the idea of treating people as ends and not merely as means, the very principle that Stuchlik rejects as a grounding for the PDE. Indeed, Stuchlik himself resorts to the means principle to justify the PDE (e.g. 68).

In his defense of the solidarity principle, Stuchlik too frequently succumbs to a temptation common among philosophers: the tendency to use emphasis as a substitute for argument. By putting a relatively mundane claim in italics, that is supposed to make it sound more technical and even profound. Examples include his claim that solidarity requires that ‘our actions *manifest* or *express* our concern’ for the good of others (52), or that ‘being in solidarity is a matter of being somehow *united* with’ others (53), or that the terror bomber does wrong in harming his victims because ‘he *comes out against them* in it’ (64). To my mind, this resort to argument by italics demonstrates how Stuchlik implicitly recognizes the weakness of the rationale.

In the end, I’m inclined to think that all of the various rationales for the PDE, Stuchlik’s included, are basically saying the same thing, expressing an intuition that is difficult to pin down precisely. That is, Stuchlik’s solidarity principle is not exactly wrong, but just one more imperfect effort to articulate the basic intuition that people must be respected as agents, not treated as passive recipients of happy feelings, and that using them as means fails to do so. I can predict with some confidence that Stuchlik’s solidarity rationale will not become the default grounding for those who support the PDE (let alone convince opponents of the PDE to change their mind). For myself, the Kantian means principle remains the by far the best articulation of the intuition behind the PDE.

Nonetheless, Stuchlik is broadly correct in the notion that the PDE is grounded in a general moral duty we owe to persons, and one can perfectly well call it solidarity. Altogether, this book makes a valuable contribution to the defense of the PDE, and provides a major challenge for those moral philosophers who continue to object to moral significance of the intend/foresee distinction.

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