The Relevance Thesis and the Trap of Mistakenly Strict Principles about Abortion

Lawrence Masek, Ohio Dominican University

*Abstract*. I argue that physicians can save women from life-threatening pregnancies by performing a craniotomy, placentectomy, or salpingotomy without intending death or harm. To support this conclusion, I defend the relevance thesis about intentions (a person intends X only if X explains the action). I then criticize the identity thesis (if a person intends X and knows X is Y then the person intends Y) and three mistakenly strict moral principles: (1) one may not intend something that is a serious harm for an innocent person, (2) one may not intend to terminate pregnancy before viability, which would prohibit, and (3) one may not act on a person’s body in a harmful way in order to benefit another person. (1) would prohibit procuring organs from living donors, (2) would prohibit treating hepatic pregnancies and other ectopic pregnancies, and (3) would prohibit procuring organs from living donors and performing many prenatal surgeries.

When Elizabeth Anscombe criticizes pacifism, she writes, “Principles that are mistakenly high and strict are a trap; they may easily lead in the end directly or indirectly to the justification of monstrous things.”[[1]](#footnote-1) Anscombe’s point is that people might think, “War is wrong, but we must do something to fight the Nazis, so we may as well go all in and bomb German cities.” Of course, Anscombe does not propose weakening sound principles to make them more palatable to people tempted by consequentialist arguments. She argues that pacifist principles are false and that a correct understanding of intentions shows that people can rule out murder without ruling out all acts of war. As pacifists can end up persuading people to accept war without limits, opponents of abortion can end up persuading people to accept abortion with few or no limits. Suppose that opponents of abortion consider the case from St. Joseph’s Hospital in Phoenix and have an intuition that the procedure was wrong.[[2]](#footnote-2) To support their intuition about this case, they propose a principle so strict that it prohibits treatments for ectopic pregnancies. (I discuss examples of such principles below.) Voters and lawmakers who consider the principle might think, “Abortion might be wrong, but we can’t let women die from ectopic pregnancies, so I’ll vote to leave decisions about abortion up to women and their doctors.” Similarly, a physician might think, “If I agree with opponents of abortion, then I would have to allow patients to die, so I’ll follow my conscience and perform an abortion whenever it’s the lesser of two evils.”

I do not claim that opponents of abortion should propose false principles to reduce the number of abortions, but I argue that a correct understanding of intentions shows that physicians can rule out intending to kill or harm a human embryo or fetus without ruling out procedures that would save women in cases of life-threatening pregnancies, including the controversial craniotomy, placentectomy, and salpingotomy cases.[[3]](#footnote-3) In these cases, the threat to the woman comes from the child’s growing outside the uterus or being stuck in the birth canal, not from the child’s being alive or unharmed, so physicians can separate the child from the woman without intending to kill or harm the child.[[4]](#footnote-4)

The relevance thesis

Many defenders of the placentectomy, salpingotomy, and craniotomy defend a strict definition of intended effects. One way to state the strict definition is to say that a person intends an effect if and only if it is part of a true and complete answer to the question, “What are all the changes that I need to bring about in order to achieve my goal?”[[5]](#footnote-5) Different versions of the strict definition use different terms (e.g., plans, proposals, effects, states of affairs, upshots, etc.), but I will not defend any particular version here.[[6]](#footnote-6) Instead, I defend what I have identified as the essential characteristic of the different versions: a person intends X only if X explains the person’s action.[[7]](#footnote-7) I refer to this principle as the relevance thesis.

One way to clarify whether something satisfies the relevance thesis is to ask, “If everything stayed the same except that the effect did not occur, would I still achieve my goal?” A “yes” answer is evidence that the effect is not relevant to the agent and therefore is not intended. Suppose that a woman takes mifepristone to end her pregnancy and knows that mifepristone will end her pregnancy by causing her child’s death, not by expelling the child from her body. In this case, the child’s survival would impede the woman from achieving her goal, because she still would have a child living inside her, so her child’s death is relevant to her. By contrast, when physicians perform the craniotomy, placentectomy, or salpingotomy, the child’s survival would not impede the physicians from saving the woman, which is evidence that the child’s death is irrelevant to them.[[8]](#footnote-8)

Someone could dismiss the conclusion that a physician can crush a living person’s skull without intending death as counterintuitive. My introspection could be unreliable, but I do not find that I have intuitions about what a person intends, as I do not have intuitions about which large odd numbers are prime. Perhaps others can intuit that physicians in a specific case intend death or that 7,039 is prime, but I cannot. I can, however, make inferences about what a person intends by thinking about what is likely to explain the action. I suspect that intuitions about intentions are really moral intuitions, because most counterexamples to the strict definition of intended effects are cases in which critics believe that a person does something wrong even though the strict definition entails that the person does not intend death or harm.[[9]](#footnote-9)

Objections to the relevance thesis and the strict definition of intended effects

Steven Jensen argues that, according to the strict definition, the rules against adultery and theft have few applications because most adulterers do not intend to commit adultery and most thieves do not intend to steal.[[10]](#footnote-10) This argument depends on the premise that a person commits a kind of action only if the person intends to perform that kind of action.[[11]](#footnote-11) As a counterexample to this premise, note that a person can commit a felony without caring that the action is a felony, or even knowing that the action is a felony as opposed to a misdemeanor. For example, someone who robs a bank merely as a means of getting rich commits no less of a felony than someone who robs a bank as a means of being convicted of a felony and receiving free meals in prison. As intending to commit a felony is not an element of a felony, intending to commit adultery or theft is not a necessary condition of adultery or theft. Knowingly having sexual relations with someone other than one’s spouse suffices for adultery, so a married person who has sexual relations with a stranger merely as a means of satisfying sexual desires with no regard to marital status commits no less an act of adultery than a married person who has sexual relations with a stranger as a means of commiting adultery and getting revenge on a cheating spouse. Similarly, knowingly depriving other people of their property suffices for theft. Other examples of wrong actions that a person can commit without intending to perform that type of action include kidnapping, littering, loitering, promise-breaking, and trespassing. These actions, like adultery and theft, are not defined by what the agent intends, so a strict definition of what people intend does not entail that rules against these actions have few applications.

For another challenge to the strict definition, consider a case proposed by Alexander Pruss:

An eccentric, literalistic but always truthful magnate tells Sam he will donate to famine relief, saving a hundred lives, if and only if Sam follows his directions to the iota. Sam is to purchase a gun, sneak at night into a zoo owned by the magnate, and kill the first mammal he sees. Unfortunately the first mammal Sam sees is the zookeeper, and he shoots her. When Sam is charged with murder, he argues that he did not intend to kill the human there, but only to kill the mammal. After all, it was irrelevant to rationally explaining his action that the mammal was human—the only relevant fact was that it was the first mammal he saw, and it just happened to be human.[[12]](#footnote-12)

Sam is guilty of murder, because intending to kill someone because of the victim’s humanity is not an element of murder as intending to harm someone because of the victim’s race is an element of a hate crime. A mobster who kills a potential witness might not care whether the victim is human or extraterrestrial, but I see no reason to deny that the mobster is as guilty of murder as a misanthrope who intends to kill a human being as a means of reducing the human population. Not every unjust killing is an example of intending to kill a human being.

Assuming that Sam acts unjustly and is guilty of murder, does he intend to kill a human being? The answer depends on unstated details about the case.[[13]](#footnote-13) Suppose that Sam recognizes the zookeeper as human, judges that killing a human would count as killing a mammal, and decides for that reason to kill her. In this version of the case, Sam intends to kill a human being as a means of killing a mammal. Suppose, however, that Sam sees an animal in the dark and judges that it is too large to be a bird or reptile and must be a mammal—perhaps a gorilla, perhaps a human, or perhaps a bear standing on two legs, but definitely a mammal. He then decides to kill the animal, aims at it, only then recognizes it as human, and pulls the trigger. In this version of the case, the victim’s being human does not explain Sam’s action. According to the relevance thesis, therefore, Sam does not intend to kill a human being in this version of the case.

Anyone who finds this conclusion about Sam’s intention to be counterintuitive should consider the possibility that what seems like an intuition about Sam’s intention is really an intuition about Sam’s guilt. (Pruss presents Sam’s argument about his intention as a defense against a murder charge.) The relevance thesis does not excuse his action or lessen Sam’s guilt, because neither the wrongness of his action nor his guilt depends on whether he intends to kill a human being or to kill a mammal known to be human. One can believe both that intentions are relevant for evaluating actions and that intentions often are not the most important consideration for evaluating actions. In some pregnancy cases, whether a physician intends death or harm might be decisive for evaluating the action, but one should not assume that the most relevant consideration in some cases is the most relevant consideration in all cases.

The identity thesis

One alternative to the relevance thesis is the identity thesis: if a person intends X and knows that X is Y then the person intends Y.[[14]](#footnote-14) According to the identity thesis, my parents intended to give me the name of a Soviet dictator when they gave me the middle name Joseph, and I intend to play catch with my second cousin’s first cousin once-removed whenever I play catch with my son. I disagree, because the identities are unlikely to explain the actions. Consider two statements in which brackets represent what a person intends:[[15]](#footnote-15)

(1) *I intend [to play catch with my son, who is my second cousin’s first cousin once-removed].*

(2) *I intend [to play catch with my son], who is my second cousin’s first cousin once-removed*.

(1) would be true if I sought to satisfy my second cousin’s request to point out his first cousin once-removed by playing catch with him, but (2) is true if my son’s relation to my second cousin is irrelevant to me. Brackets also clarify what my parents intended when they chose my middle name:[[16]](#footnote-16)

(1) *They intend [to give him a name that is his father’s and grandfather’s middle name and that is the first name of a Soviet dictator]*.

(2) *They intend [to give him a name that is his father’s and grandfather’s middle name], and that is the first name of a Soviet dictator.*

According to the identity thesis, (1) is correct, assuming that my parents knew about the identity of my middle name and Stalin’s first name. According to the relevance thesis, (2) is correct, assuming (as I do) that Stalin’s name was irrelevant to my parents.

I suspect that the identity thesis seems plausible only because it fits people’s moral intuitions about the craniotomy and other cases, but someone could propose a similar hypothesis about the relevance thesis. I am happy to conclude that physicians can perform a life-saving procedure instead of letting the woman die in the craniotomy and placentectomy cases and a less invasive salpingotomy instead of a salpingectomy. The relevance thesis seems like an axiom of action theory to me, so I will not attempt to derive it from a more basic principle.

One problem with the identity thesis is that its proponents have not explained why it applies only to known identities. Suppose that I buy something with a $100 bill (an event less common than I would prefer). I take it as uncontroversial that I intend to give someone a picture of the first Postmaster General only if I know that the bill depicts the first Postmaster General, but why? One answer is that this identity cannot explain my action if I am unaware of the identity, but this answer is an application of the relevance thesis. A proponent of the identity thesis could answer that we intend things only insofar as they are known because everything comes to the will through the intellect.[[17]](#footnote-17) I agree, but this answer is a restatement of the principle that people intend only what they know. I do not defend the relevance thesis in terms of faculty psychology, but one advantage of the relevance thesis is that it explains why nothing comes to the will except through the intellect: if a person is completely unaware of X then X is not relevant to the person and therefore does not explain the person’s action.

Another problem with the identity thesis is that it entails that some people simultaneously intend to cause an effect and to prevent the same effect. For example, suppose a man has a severe speech impediment and testifies on behalf of his father. The man squeezes a stress ball to reduce his stuttering despite knowing that he will stutter every syllable (e.g., to reduce the time it takes to say the “f” in “father” from five seconds to as short a time as possible).[[18]](#footnote-18) According to the identity thesis, he intends to stutter (by testifying) and to avoid stuttering as much as he can (by squeezing the stress ball). I see no reason to agree that the man intends to stutter as he struggles to avoid stuttering. Similarly, suppose that a carpenter is on a team of contractors building a shed and finds that his wife has painted all his nails pink to celebrate their daughter’s birthday. He fears that other contractors will laugh at him for using pink nails, so he sands each nail to remove pink paint before he pounds it, but he cannot remove all the paint from every nail.[[19]](#footnote-19) According to the identity thesis, he intends to pound pink nails (by pounding the only available nails) and to avoid pounding pink nails insofar as possible (by sanding the nails). I see no reason to agree that the carpenter intends to pound pink nails as he furiously sands each nail to make it *less* pink. Unlike the identity thesis, the relevance thesis does not entail that the man intends to stutter or that the carpenter intends to pound pink nails, because the stuttering does not explain why he testifies, and the pinkness does not explain why the carpenter pounds nails.

Further, the identity thesis entails that events outside a person can change the person’s intention without any other change in the person. Consider Anscombe’s example about a man who pumps poisoned water into a cistern that supplies drinking water to a house. In one version of the example, the man says truthfully, “I didn’t care tuppence one way or the other for the fact that someone had poisoned the water, I just wanted to earn my pay by doing my usual job.” Anscombe concludes that the man does not intentionally pump poisoned water.[[20]](#footnote-20) Now suppose that another person adds a filter to the line that removes the poison from the water and that the person switches the filter on and off as the man pumps. According to the identity thesis, whether the man intends to pump poisoned water changes as the other person flips the switch.

Some opponents of the craniotomy argue that the physician acts wrongly by intending to crush the child’s skull, which is a serious harm.[[21]](#footnote-21) I have argued that the crushed skull in the craniotomy case is not identical to harm, because the crushed skull causes harm and no effect is identical to its cause.[[22]](#footnote-22) Whether a crushed skull harms an organism depends on whether the crushing causes death or a loss of functioning. A crushing that would harm or kill a human with a fragile skull might not harm a human with a less fragile skull (or an octopus with a flexible skull). This contingency of a crushed skull’s harmfulness is evidence that harm is the death or lost functioning caused by the crushed skull, not the crushed skull itself.

Perhaps someone could define harm so that a crushed skull is identical to a harm, not merely the cause of harm, but such an interpretation would make the prohibition of intending harm too strict. Consider a kidney transplant in which physicians procure a kidney from a living donor. Opponents of the craniotomy have not explained how to define harm in a way that includes the crushed skull when physicians perform the craniotomy that does not also include a cut abdomen and lost kidney when physicians perform the kidney transplant. (I assume that the donor’s consent does not eliminate the harm to the donor, but the donor could be a child or comatose patient who cannot consent.) Someone could argue that the donor’s cut abdomen and lost kidney are less serious harms than a crushed skull and that the harms in the transplant case are proportionate to the good of saving the recipient’s life, but the principle in question is a prohibition of intending something known to be a serious harm regardless of the benefits to others. Both the kidney transplant and the craniotomy have the benefit of saving someone’s life, so opponents of the craniotomy need to explain why the rule against intending something known to be a serious harm (not merely the cause of a serious harm) prohibits the craniotomy but not the kidney transplant.

Other mistakenly strict principles about abortion

According to the United States Conference of Catholic Bishops (USCCB): “Abortion (that is, the directly intended termination of pregnancy before viability or the directly intended destruction of a viable fetus) is never permitted.”[[23]](#footnote-23) Consider a salpingectomy to treat ectopic pregnancy. Some authors argue that a physician who performs a salpingectomy intends to remove a damaged part of the fallopian tube, not to terminate pregnancy.[[24]](#footnote-24) The problem with this analysis of the salpingectomy is that removing part of the tube without removing the embryo would not end the ectopic pregnancy. To save the woman, the physician must remove the embryo from the woman’s body. In other words, the physician must terminate the pregnancy. In case of hepatic pregnancies, physicians cannot remove the liver, so they cannot save the woman without separating the embryo from the liver. I see no relevant difference between cutting an embryo from a liver and performing a salpingotomy, but I hope that opponents of the salpingotomy would not insist that physicians leave hepatic pregnancies untreated.

Some opponents of abortion claim that physicians may not act on the child’s body in a harmful way to benefit the mother.[[25]](#footnote-25) This principle also is mistakenly strict. I do not believe any opponent of abortion would oppose kidney transplants or prenatal surgeries, but the physician who procures a kidney from a living donor acts on the donor’s body in a harmful way to benefit the recipient, and a physician who cuts open a woman’s abdomen to perform surgery on a fetus’s malformed lung acts on the woman in a harmful way to benefit the child.[[26]](#footnote-26)

Conclusion

I hope that opponents of abortion will not rely on intuitions to insist that physicians sometimes must allow both a woman and her child to die even though the physicians could save the woman. Instead, I hope that opponents of abortion will be persuaded to accept the relevance thesis and the strict definition of intended effects. If they are not persuaded, then I hope that they will present an alternative definition, explain why people should accept this alternative without relying on moral intuitions, clarify how someone can apply this alternative to specific cases, and address possible counterexamples. A rule that requires physicians to allow a pregnant woman to die should not depend on mere intuitions or on a philosopher’s ipse dixit about identity. No woman should die because her physician follows a mistakenly strict principle, but I do not worry that episcopal statements or scholarly arguments will convince many physicians to leave hepatic pregnancies untreated or to stop performing prenatal surgeries. I do worry, however, that many people will see a mistakenly strict principle as a reason to accept sophistical arguments about abortion, instead of a reason to define moral principles more precisely.[[27]](#footnote-27) The relevance thesis supports a conclusion that opponents of abortion should welcome: physicians can save women from life-threatening pregnancies without intending to kill or harm the child. For opponents of abortion, this conclusion has the virtue of making it easier to defend rules against abortion. I have argued that it also has the virtue of being true.[[28]](#footnote-28)

1. G.E.M. Anscombe, “War and Murder” in Walter Stein (ed.), *Nuclear Weapons: A Catholic Response* (New York: Sheed and Ward, 1961): 45–62, 53. [↑](#footnote-ref-1)
2. For a summary of the Phoenix case, see Therese Lysaught, “Moral Analysis of Procedure at Phoenix Hospital” in *Origins* 40 (2011): 537–549. [↑](#footnote-ref-2)
3. In the craniotomy case, a physician treats impacted labor by collapsing or crushing the child’s skull so that it fits through the birth canal. In the placentectomy case, a physician treats a pregnant woman’s cardiogenic shock resulting from the placenta’s demands on the woman’s heart by cutting out the placenta and fetus. (I refer to the placentectomy case to avoid discussing the details of the Phoenix case.) In the salpingotomy or salpingostomy case, a physician treats ectopic pregnancy by making an incision in the fallopian tube and removing the embryo. [↑](#footnote-ref-3)
4. I do not claim that Anscombe agrees with my conclusions about pregnancy cases, assuming that she sees the craniotomy case as analogous to the case about blowing up a man to escape from a flooding cave. See Anscombe, “Medalist’s Address: Act, Intention, and ‘Double Effect’,” *Proceedings of the American Catholic Philosophical Association* 56 (1982): 12–25, 21–22. [↑](#footnote-ref-4)
5. Steven Jensen identifies the “fatal flaw” of the strict definition as a focus on effects instead of actions (“The Fatal Flaw of New Natural Law Action Theory,” *The Thomist* 86 (2022): 543–572, 544). He argues at length that many actions are not defined by an intended effect (550–553). I agree, but Jensen has not exposed an unintentional oversight. Although he refers to “the strict definition of *intention*” and not “the strict definition of *intended effects*,” I introduced the definition by writing, “my only goal is to distinguish intended effects from foreseen side effects in the way that is relevant for PDE [the principle of double effect]. I do not try to develop a general theory of intentional actions.” See *Intention, Character, and Double Effect* (Notre Dame: University of Notre Press, 2018), 39. In a later article I discussed theft and wrote, “Is my theft intentional, and do I intend theft? A definition of intended effects does not answer these questions, because theft is an action, not an effect.” See “The Strict Definition of Intended Effects and Two Questions for Critics,” *American Catholic Philosophical Quarterly* 95 (2021): 651–678, 657. (Note that the title refers to a definition of intended effects, not to a definition of intention.) I agree with Jensen that “actions involve an agent that brings about a change in some subject” (“The Fatal Flaw,” 563). In many cases, including pregnancy cases and other applications of the principle of double effect, I see no problem with thinking of the relevant changes as effects. According to Jensen, proponents of the strict definition “insist that intention is directed to descriptions of these effects, not to the effects themselves” (ibid), but I am unaware of any proponent of the strict definition who claims that people direct their intentions or that they intend descriptions of effects. [↑](#footnote-ref-5)
6. See, for example, John Finnis, “Intention and Side Effects,” *Liability and Responsibility: Essays in Law and Morals*, ed. R. G. Frey and Christopher Morris (Cambridge: Cambridge University Press, 1991): 32–64, 36–37; Joseph Shaw, “Intention in Ethics,” *Canadian Journal of Philosophy* 36 (2006): 187–223, 206; Christopher Tollefsen, “Response to Robert Koons and Matthew O’Brien’s ‘Objects of Intention: A Hylomorphic Critique of the New Natural Law Theory’,” *American Catholic Philosophical Quarterly* 87 (2013): 751–78, 752; Masek, *Intention, Character, and Double Effect*, 43; Patrick Lee, “The Strict and Broad Views of Intention Again,” *National Catholic Bioethics Quarterly* 22 (2022): 479–494, 483. Shaw does not defend the craniotomy, because he argues that the surgeon would intend to mutilate the child. See Shaw, “Killing in the Catholic Ethical Tradition – I: Craniotomy,” *The Downside Review*, 123 (2005): 180–204. [↑](#footnote-ref-6)
7. Jensen writes, “For some of the discussions that will follow, it will be helpful to consider briefly Masek’s attempt to capture, in a short phrase, the essence of a strict definition of intention: ‘People intend an effect if and only if they try to cause it, as an end or as a means’” (“The Fatal Flaw,” 549). In fact, I identified the relevance thesis as the essence of the strict definition: “There are different versions of the strict definition, but the essential characteristic that makes them strict is that they include only effects that are relevant to the agent’s decision to act” (“The Strict Definition of Intended Effects,” 655). In the same article, I asked what definition supports some assertions about a specific case and wrote, “*My first answer is that* people intend an effect if and only if they try to cause it, as an end or as a means” (ibid, 663, emphasis added). Jensen omits the beginning of this sentence (“My first answer is that”) without noting the omission, presents my first answer as “Masek’s own standard,” and criticizes this standard by noting that philosophers have had “arcane discussions about what it means to cause” and have disputed what it means to try (“The Fatal Flaw,” 561). I explicitly noted, however, that people cannot resolve debates about intended effects by substituting “try” for “intend” and followed my first answer with a longer answer about using counterfactuals to clarify what people intend (“The Strict Definition of Intended Effects,” 653–655). [↑](#footnote-ref-7)
8. One can avoid considering impossibilities such as the child’s surviving or being unharmed by considering counterfactual situations in which the effect has already occurred at the time of the action. See ibid, 672. [↑](#footnote-ref-8)
9. See, for example, William FitzPatrick, “The Doctrine of Double Effect: Intention and Permissibility,” *Philosophy Compass* 7 (2012): 183–196, 185–187 and 194n8. [↑](#footnote-ref-9)
10. “The Fatal Flaw,” 550. [↑](#footnote-ref-10)
11. See Steven Jensen, “Phoenix Rising from the Ashes: Recent Attempts to Revive New Natural Law Action Theory,” *National Catholic Bioethics Quarterly* 20 (2020): 525–544, 528. According to Jensen, advocates of new natural law theory “may acknowledge that most adulterers do not intend to commit adultery, but they then assert that these adulterers are nevertheless guilty of a grave moral offense (albeit not adultery proper).” I am unaware of any new natural law theorist who denies that most adulterers are guilty of adultery proper. [↑](#footnote-ref-11)
12. Alexander Pruss, “The Accomplishment of Plans: A New Version of the Principle of Double Effect,” *Philosophical Studies* 165 (2013): 49–69, 53–54. Jensen discusses this case as part of his argument against the strict definition (“The Fatal Flaw,” 554–556). [↑](#footnote-ref-12)
13. In an earlier analysis of this case, I wrote, “The man [Sam] does not regard the zookeeper’s being human as a reason for shooting the zookeeper, but *it still seems that the man is guilty of intending to kill a human being*” (*Intention, Character, and Double Effect*, 69, emphasis added). Jensen describes my analysis of the case as “evasive” because “it does not tell us whether Masek thinks that Sam intends the death of a human being” (“The Fatal Flaw,” 556). The label “evasive” seems more fitting to describe an advocate or an opponent in a debate than a philosopher. Any unclarity in my analyses results from my shortcomings as a writer or philosopher. When I wrote my earlier analysis, I thought that Sam intends the death of a human being, and I used the case as evidence that some versions of the strict definition mistakenly exclude the death of a human being from Sam’s intention. I now believe that whether Sam intends the death of a human being depends on the details of the case, as explained above. [↑](#footnote-ref-13)
14. For a statement of the identity thesis, see Jensen, “Phoenix Rising from the Ashes,” 531. According to Jensen, “If a thief intends to steal a car, and if the car is red, then he intends to steal a red car” (“Causal Constraints on Intention: A Critique of Tollefsen on the Phoenix Case,” *National Catholic Bioethics Quarterly* 14 (2014): 273–293, 283). To challenge this assertion, I contrasted a psychopath who buys a red sports car to evoke the color of blood and a philanderer who buys a red sports car to attract women. I argued that the philanderer does not intend to buy a blood-colored car because the car’s being blood-colored is irrelevant to him. Jensen replies:

    Since the action itself (buying a red sports car) has no immediate defining effect, Masek must have recourse to some further goal. This reaction is so automatic—given the paradigm of intending effects rather than actions—that Masek misses the point of the argument to which he is responding. The initial argument did not have two individuals, a psychopath and a philanderer, but only one individual, who buys a red sports car. The point of the argument had nothing to do with his motive for buying a red sports car, a motive that Masek must introduce in order to find some effect intended. The point was only to suggest that in buying a red sports car, he is also buying (and intending to buy) a car the color of blood (“The Fatal Flaw,” 570–571).

    I explicitly noted the point that Jensen says I missed (“The Strict Definition of Intended Effects,” 663n29). Whether the person buys or steals a red car is irrelevant, but Jensen’s initial argument is about a thief who “steals” or “takes” a red sports car (“Causal Constraints,” 283, 285–286, and 289). I modified the example not “to find some effect intended” or to introduce a motive but to contrast someone who intends to buy a blood-colored car (the psychopath) and someone who does not (the philanderer). I said nothing about motives, but I have argued that a person’s intention does not include everything that motivates the action (see “Intention, Motives, and the Doctrine of Double Effect,” *Philosophical Quarterly* 60 (2010): 567–85, 575–81 and *Intention, Character, and Double Effect*, 64–70). [↑](#footnote-ref-14)
15. For the use of brackets to distinguish different statements about what people intend, see Joshua Stuchlik, *Intention and Wrongdoing: In Defense of Double Effect* (Cambridge: Cambridge University Press, 2022, 122–127. [↑](#footnote-ref-15)
16. I thank my former student Rory Boyle for suggesting an example about sharing a name with a notorious villain. [↑](#footnote-ref-16)
17. I thank Steven Jensen for suggesting this answer in his commentary on my paper. [↑](#footnote-ref-17)
18. For the original stuttering case, see Joseph Boyle and Thomas Sullivan, “The Diffusiveness of Intention Principle: A Counter-Example,” *Philosophical Studies* 31 (1977): 357–60. In his commentary, Jensen replies that the man’s testimony consists of different speech acts, only some of which are acts of stuttering. In the case above, however, the man knows he will stutter every syllable and squeezes the stress ball to reduce the stuttering. [↑](#footnote-ref-18)
19. Jensen claims (1) that someone who intends to pound nails to build a shed intends to pound nails even if the person could have used screws instead and (2) that someone who intends to pound nails and has only pink nails available intends to pound pink nails (“Phoenix Rising from the Ashes,” 532 and 543–544). I disagree with (2), for the reasons explained above, but I am unaware of anyone who disagrees with (1). Jensen refers to Elizabeth Parish (“Phoenix Rising,” 532–533), who notes that she is not defending her own view. See Parish, “Two Theories of Action and the Permissibility of Abortion” in *National Catholic Bioethics Quarterly* 20” (2020): 59–72, 60–61. [↑](#footnote-ref-19)
20. G.E.M. Anscombe, *Intention*, Second Edition (Cambridge: Harvard University Press, 1963), 42. According to Anscombe, “In that case, although he knows concerning an intentional act of his—for it, namely replenishing the house water-supply, is intentional by our criteria—that it is also an act of replenishing the house water-supply with poisoned water, it would be incorrect, by our criteria, to say that his act of replenishing the house supply with poisoned water was intentional.” Jensen disagrees: “Our intuitions indicate otherwise. He intends to pump poisonous water in order that he might pump water. He knows that he must perform a concrete action of pumping, and the water available is poisonous. It is this water he intends to pump, and this water is poisonous (“Phoenix Rising,” 541). The relevance thesis supports Anscombe, because the water’s being poisoned does not explain the man’s action. [↑](#footnote-ref-20)
21. See, for example, Jensen, “Causal Constraints on Intention,” 288–289 and 292–293. Joshua Stuchlik does not defend the identity thesis, but he argues that the physician in the craniotomy case violates a constraint against intending something that is a serious harm or evil for an innocent human being (*Intention and Wrongdoing*, 127–128). [↑](#footnote-ref-21)
22. “The Strict Definition of Intended Effects,” 672–674. See Pruss, “The Accomplishment of Plans,” 60. Jensen argues that the skull-crushing is both a harm and a cause of further harms (“The Fatal Flaw,” 559). [↑](#footnote-ref-22)
23. United States Conference of Catholic Bishops, “Ethical and Religious Directives for Catholic Health Care Services,” 6th edition (2018), 18 (Directive 45). [↑](#footnote-ref-23)
24. See, for example, Benedict Guevin, “The Use of Methotrexate or Salpingostomy in the Treatment of Tubal Ectopic Pregnancies,” *National Catholic Bioethics Quarterly* 7 (2007): 249-256. The USCCB has approved the salpingectomy (see “Life Matters: Abortion RLP 2011)” but does not address the objection that the physician must intend to terminate pregnancy. As Maureen Condic and Donna Harrison explain, “it would be nonsensical to consider treating this condition by removal of the pathological segment of the fallopian [tube] without removal of the fetus (e.g., by carefully dissecting away the regions of the tube that have begun to malfunction and covering the fetus with ‘fresh’ fallopian tissue). This would be absurd precisely because it would allow the underlying cause of the pathology to persist, which is the fact that the union of the mother and fetus should not take place in the tube.” See Condic and Harrison, “Treatment of Ectopic Pregnancy: An Ethical Reanalysis,” *The Linacre Quarterly* 85 (2018), 241–251, 243. [↑](#footnote-ref-24)
25. See Edward Furton, “Tollefsen on the Phoenix Case,” *Ethics and Medics* 39 (2014): 3–4, 3. [↑](#footnote-ref-25)
26. For a similar case about an emergency c-section to save a child when the mother’s life is not in danger, see “The Strict Definition of Intended Effects,” 676. [↑](#footnote-ref-26)
27. For example, the American College of Obstetricians and Gynecologists presents ectopic pregnancies as a reason to oppose laws against abortion, including laws that include exceptions for ectopic pregnancy. See “Facts are Important: Understanding Ectopic Pregnancy,” <https://www.acog.org/advocacy/facts-are-important/understanding-ectopic-pregnancy>. [↑](#footnote-ref-27)
28. I thank Michael Dougherty, Jeremy Skrzypek, and Joshua Stuchlik for their comments on earlier drafts of this paper. I also thank Steven Jensen for his commentary at the 2023 Annual Meeting of the American Catholic Philosophical Association. [↑](#footnote-ref-28)