

INTENTION AND WRONGDOING: IN DEFENSE OF DOUBLE EFFECT. By Joshua Stuchlik. New York: Cambridge University Press, 2022. Pp. xiv+207. Hard Cover \$99.99, ISBN: 978-1-316-51652-2; Paper \$29.99, ISBN: 978-1-009-05713-8.

Joshua Stuchlik's *Intention and Wrongdoing* provides a rigorous, comprehensive defense of the coherence of double-effect reasoning and its importance to moral philosophy. Imagine a military commander who orders an attack that will kill or otherwise harm a large number of civilians. According to the Principle of Double Effect (PDE), the justice of this order depends, in part, on whether the harm to civilian populations is intended as an end or a means to an end. One way that the harm to civilians could not be intended is if the commander is *unaware* that the attack will have this effect: in Stuchlik's terminology, in this case the harm to civilians will have been *accidental* (though not necessarily excusable—since the ignorance may have been the commander's own fault). Alternatively, even if the commander knows that the attack will harm civilians, this harm might not be intentional because it is only *incidental*, since it was not brought about as an end or a means. The PDE says that an attack that harms innocent persons can be permissible, assuming it satisfies several other important conditions, *only* if this harm is either accidental or incidental. As Stuchlik explains in his introduction, reasoning according to PDE appears to be part of ordinary moral thinking and is also a tenet of traditional just war theory and contemporary statements of international humanitarian law. It is, therefore, important to assess whether such reasoning is sound. Stuchlik's book aims to show that it is.

Chapter two lays out an important challenge to philosophers who are committed to double-effect reasoning. While it is generally acknowledged that PDE yields intuitive verdicts about various real-life and fictional cases, proponents of this reasoning face what Stuchlik calls a *grounding challenge*, which is to account in a substantive and systematic way

for the supposed moral significance of the distinction between intentional and merely incidental harm. It is, Stuchlik argues, not enough to observe that the PDE is supported by our intuitions. We also need to articulate the deeper rationale for the position.

Chapter three presents Stuchlik's own response to the grounding challenge. This response centers on the concept of *solidarity* with one's fellow human beings. Briefly, the central idea is that to harm another person intentionally—that is, as an end or a means to an end—is to act in a way that expresses a malevolent desire and thereby deviates from the standard of solidarity that is the measure of human conduct. Stuchlik's careful explication of the concept of solidarity in this chapter is one of the most original and important parts of the book. He connects this concept to its historical sources in Aristotle and Aquinas as well as to contemporary debates that he shows can be illuminated by it.

In chapter four, Stuchlik takes a step back from moral theory and discusses the action-theoretic distinction between intentional and incidental effects of an action. For G. E. M. Anscombe, whose work Stuchlik cites as central to the contemporary revival of interest in double-effect reasoning, doing this was a matter of the first importance: Anscombe recommends that we should investigate concepts like that of intention “simply as part of the philosophy of psychology and [by] *banishing ethics totally* from our minds” (“Modern Moral Philosophy,” *Philosophy* 33 (124), p. 15). Anscombe began to attempt this project in her book *Intention*, and Stuchlik draws from recent scholarship on Anscombe's seminal text in developing his own position in this chapter. One of the most illuminating parts is Stuchlik's explication of the way that an agent's intention sets a standard of success for her action—a central idea in Anscombe's book that it can be very difficult to articulate clearly. Stuchlik's presentation of this idea provides a clear and careful interpretation of Anscombe's text while also showing how her position sheds light on some puzzling cases.

Having laid out his positive position in the first half of the book, beginning in chapter 5 of *Intention and Wrongdoing* Stuchlik works to defend this position against some challenges. The first of these challenges concerns the so-called “closeness problem.” Briefly, that problem arises because on an account like Stuchlik’s the content of a person’s intention can be extremely fine-grained: to use a common example, if a pregnant woman has uterine cancer then the surgeon who performs a hysterectomy may be said not to *intend* the consequent death of the fetus, even though removal of the uterus is certain to bring this about. This suggests it may be possible to escape responsibility for harmful effects as long as one’s intentions are sufficiently narrow: for example, in a case due to Jonathan Bennett, a commander who orders the bombing of a city might claim to intend only to make the civilians *appear* dead (since that would be enough to get the targeted nation to surrender), while their actual death is merely incidental to his strategy. Since this conclusion is absurd, it seems to present the defender of PDE with a dilemma: she must either (i) deny that intentions really are this fine-grained, by saying instead that they encompass all effects that are significantly “close” to the agent’s plan of action, or (ii) deny that the concept of intention is as important to moral reasoning as she had claimed.

Stuchlik’s response to the problem of closeness is as follows. First, he makes a strong case that the fine-grained conception of intention is defensible, and that it does not generate the absurd consequence highlighted by the case of the strategic bomber pilot. Second, he appeals to a range of real and hypothetical scenarios to argue that the distinction we draw in employing this concept is indeed central to serious moral thinking. The argument in this chapter is strengthened by Stuchlik’s consistent refusal to let himself off the hook. He canvasses the literature exhaustively and gives careful consideration to *all* the ways that critics of the PDE have used the problem of closeness to undermine his position. He deals patiently, and convincingly, with each of these lines of criticism, and thereby develops his

own position further. For my own part, as someone who used to find the problem of closeness to be an extremely serious challenge to double-effect reasoning, I came away from this chapter thinking that this problem is most likely spurious.

Chapter six considers several other popular objections to the PDE, including the argument that the distinction between intentional and incidental harms is deliberately irrelevant—that is, that it is not a distinction that should make a difference in our individual or collective deliberations about what to do. According to this objection, if one is considering whether to perform an act that will harm some person or persons, it should make no difference whether these harms are intentional or not—since thinking that it did would mean putting a concern for one’s own moral character on a par with concern for the welfare of others. However, the objection continues, a morally serious person will not have such a self-directed concern. The conclusion one might draw from this is that the notion of intention is morally relevant only in the context of detached moral evaluation, either of the actions of others or of things that one has done in the past, but never in the context of practical deliberation about what to do. And this conclusion seems undesirable, if not outright paradoxical, since it bars the PDE from playing any role in our decision-making.

Unlike Stuchlik’s response to the problem of closeness, I found Stuchlik’s response to this last problem to be unconvincing in the end, though nevertheless very illuminating. Drawing on his earlier argument that the moral significance of the PDE is grounded in the principle of solidarity, Stuchlik explains that on his view, “the reason against intentionally killing noncombatants is that doing so grossly deviates from the standard of human solidarity that measures one’s conduct in relation to them” (p. 151)—whereas, by contrast, killing noncombatants knowingly but *incidentally* may not deviate in the same way from this standard. However, this seems to me to put the emphasis in the wrong place. The true reason against intentionally killing noncombatants in war is not that doing so would deviate from a

moral standard, but simply *that they are innocent human persons*—and any appeal to a second-order consideration like the need to conform to the principle of solidarity will therefore involve, as Bernard Williams famously put it, on “one thought too many” (“Persons, Character, and Morality,” in J. Rachels, ed., *Moral Luck* (Cambridge, 1981), p. 18). This is not to deny that the principle of solidarity will be part of what explains how the moral significance of intentional harm gets a hold in our practical deliberation, but I do think the objection poses a real difficulty for Stuchlik’s particular way of accounting to this. Nevertheless, the argument of this chapter is illuminating at many points and constitutes real philosophical progress on this issue.

Chapter eight of *Intention and Wrongdoing* considers a quite different kind of objection to the PDE, one that appeals to empirical research on moral judgment in a way that is supposed to “debunk” deontological ethics. The argument of this chapter is interesting and creative, and, by my lights, totally compelling. Finally, the conclusion summarizes its main lines of argument and identifies some important questions that are so far left unanswered.

Stuchlik’s book is essential reading for anyone doing research into double-effect reasoning or adjacent topics in philosophy and theology. It is accessible enough to be read by graduate students or advanced undergraduates, and will also be beneficial to specialists in the area. It ought to set the agenda for future research on these topics.

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