The Principle of Double Effect: A doctrine of good, evil, and intentions

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History

“Thomas Aquinas is credited with introducing the principle of double effect in his discussion of the permissibility of self-defense in the Summa Theologica (II-II, Qs. 64, Art.7).”

Intended killing is wrong.
Self-defense is not wrong.
Self-defense which unintentionally (although foreseeably could) results in the death of the assailant is not wrong.
The good of surviving an attack outweighs or at least is morally proportionate to the loss of life that occurred.


The Principle (Doctrine) of Double Effect

Determine the permissibility (ethical/moral/legal) of taking an action from which two or more effects result, some of which are good and intended and some of which are “bad” and foreseeable but unintended
Conditions that must be met

• The act itself must be morally good or at least indifferent.
• The agent may not positively will / intend the bad effect but may permit it. If he could attain the good effect without the bad effect he should do so.
• The good effect must flow from the action at least as immediately as the bad effect. In other words the good effect must be produced directly by the action, not by the bad effect. Otherwise the agent would be using a bad means to a good end, which is never allowed.
• The good effect must be sufficiently desirable to compensate for the allowing of the bad effect (the bad effect must not outweigh the good effect)

Intention as morally relevant
Intentional harm vs foreseeable side effects

• What was your intention when you took the act...shooting someone
  • To protect yourself from an imminent threat...but unintentionally killing
  • To protect another from an imminent threat...but unintentionally killing
  • Killing a potentially dangerous person...intentionally killing to save / protect another...that is different...or is it?

• What about stabbing?
  • Is stabbing in and of itself a morally good or bad act? Or, is it morally neutral and the intention makes it "good" or "bad"?
    • Stabbing with the intention to hurt
    • Stabbing in order to do surgery

The Trolley Problem

• You see a runaway trolley moving toward five tied-up (or otherwise incapacitated) people lying on the tracks. You are standing next to a lever that controls a switch. If you pull the lever, the trolley will be redirected onto a side track and the five people on the main track will be saved. However, there is a single person lying on the side track. You have two options:
  • Do nothing and allow the trolley to kill the five people on the main track.
  • Pull the lever, diverting the trolley onto the side track where it will kill one person.
  • Which is the more ethical option?
The Big Guy Trolley Problem

As before, a trolley is hurtling down a track towards five people. You are on a bridge under which it will pass, and you can stop it by putting something very heavy in front of it. As it happens, there is a very big man next to you—your only way to stop the trolley is to push him over the bridge and onto the track, killing him to save five. Should you proceed?

What—if anything—make these scenarios different?

Beginning of Life

- Genetic Testing
- Abortion
- Emergency Contraception
- Ectopic Pregnancy
Genetic Testing

• Genetic testing in and of itself is not morally evil or bad
• If the intention is to gather information necessary to care for a child versus gathering information with the intention of aborting a fetus if certain abnormalities are detected (ERD 50)
  • Before we just look at Catholic institutions...what about sex selection bans on abortions...such as in Pennsylvania? How would that pass through PDE?

Intention side note...

Had no idea the genetic testing permissibility thing was even a thing...
  invincible ignorance—didn’t know what I didn’t know
Don’t ask don’t tell—do know it’s a thing but don’t want to deal with it
  vincible ignorance—you are culpable or blameworthy
Knew it was a thing but patient told you one thing and did another
  not blameworthy

Ectopic Pregnancy (ERD 48)

Salpingostomy
A linear incision is made in the isthmus tube
Fallopian tubes are severed and removed
The incision is left to heal without being sutured

Salpingectomy
Removal of Fallopian tube
Hysterectomy vs Direct Abortion

It is permissible to remove a diseased organ with a previable fetus inside (sometimes referred to as indirect abortion)—if the disease organ threatens the life of the mother (ERD 47).

It is not permissible to directly remove that same fetus from the uterus prior to viability—even to save the life of the mother (ERD 45).

Emergency Contraception

• Preventing an unwanted pregnancy from an unjust aggressor
• If the intention is to prevent pregnancy...ok
• If the intention is to end pregnancy...no go
  • The problem is...in the absence of a positive pregnancy test you can’t know.......so, err on the side of life
  • Other issue, the mechanisms of action of emergency contraception and discussion of when pregnancy begins still debated
  • Somewhat irrelevant with Plan B (still may make things more difficult for rape victims)

A Case

22 y/o woman pregnant with twins presents to the ED of a Catholic Hospital at 18 weeks with ruptured membrane of one sac. Outside MFM doc consulted and recommends induction of labor and delivery of both twins. They are previable. ED doc consults ethics.
End of Life

• Withholding and Withdrawing
• Administration of Pain Medication
• Physician Aid in Dying

Pain Medication (end of life)

• Proscribing pain medication
• Intending to palliate pain, potential to hasten death is foreseeable
• The good and intended effect (pain relief) results from the administration of the pain medication
  • The good effect cannot be caused by the bad effect
• The good effect must outweigh or the bad effect (or be proportional)

Patient doesn’t die in pain.

Withholding / Withdrawing (end of life)

• Withdrawing ventilator support
• Relieve patient of unwanted, excessively burdensome treatment or medically ineffective treatment, recognizing that the action may also result in death
• The good effect is the result of being liberated from the ventilator, not of dying
• Dying comfortably vs Dying
Physician Aid in Dying

- Prescribing sedating medicine (Seconal)
- Assist patient in dying—both intended and foreseeable side effect
  - It does not pass the second condition, thus impermissible

Questions? Concerns? Criticisms?