

Intention in Ethics

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The use of intention in ethics has been the subject of intense debate for many years, but no consensus has emerged over whether intention is morally relevant, or even how it should be understood. In this paper I wish to make a thorough, though by no means exhaustive, examination of the concept and the concepts around it, some to be seen as near-synonyms, and some as contrasting ideas. My interest is in the ethical use of the concept, though my own analysis of it will be indebted to discussions in the philosophy of action. The most famous ethical use, which will not, however, be my direct focus here, is the 'principle of double effect,' which states that an agent may cause or allow something bad as long as, first, no evil is intended as an end or a means; and, second, that the foreseen bad is not out of proportion with the anticipated good. It is important to note the principle's testimony to the plausibility of prohibitions expressed in terms of intentions (indicated by the first condition), and, alongside these, a general prohibition on doing inordinate harms even without intention (indicated by the second condition).

My aim in this paper is to give a precise definition of intention, such as can be used in the way intention is usually used in ethics, as by the principle of double effect. Generally speaking intention is discussed without any articulated definition, leading to a great deal of confusion about what it should be taken to include. Again, it is sometimes objected against the use of intention that the concept is imprecise or over-complicated.¹ I will try to show that a systematic consideration of relatively

1 E.g. Thomas Nagel 'War and massacre,' in *Mortal Questions*, Thomas Nagel. ed. (Cambridge: Cambridge University Press 1979) 53-74, at 60.

uncontroversial features of intention can establish a definition which is both fairly simple and unambiguous.

Although I shall argue that this definition is true to the way intention is most widely used and understood, it allows very fine distinctions to be made between different aspects of what an agent brings about, some of which can be intended without others being intended. Fine-grained accounts of intention have the reputation of generating morally absurd results, so I have a considerable task to establish even a *prima facie* case for my account. I do this by giving arguments against a series of miscellaneous concepts which have been confused with intention, and by explaining the apparently counter-intuitive results of my account in three groups of cases.

The order of presentation will be as follows. I shall first distinguish intention from a number of related concepts (Part I), then consider, and reject, a proposed criterion for intention, the 'counterfactual test' (Part II), before setting out my own definition (Part III). I shall then examine how it fares in a number of cases where it might seem to give the 'wrong' answer to ethical questions (Part IV).

I What Intention is Not

A preliminary characterisation of intention can most simply be made by reference to a list of near-synonyms. Of the possible upshots of our actions and deliberate omissions we can distinguish some that we intend from others that we do not intend: those we intend are those that we were, in doing or withholding from an action, *trying* or *attempting* to bring about, or *aiming* at; they are the upshots that are the *point* or *purpose* of the action; they are part of our *plan*; if they fail to materialise, they would render the action, as originally conceived, a *failure*: our intention would have been thwarted. Before attempting a more precise definition it would be well to run through a list of things that, it is widely understood, should be distinguished from it, both by ethicists and by philosophers of action. The main concepts that can usefully be contrasted with intention are these: foresight, cause, desire, motive, moral responsibility, and intentional action. Suppose Agent does an action ϕ with outcome O. The question is whether Agent's foresight, cause, desire, or moral responsibility of or for O, or whether Agent's being motivated to perform ϕ by the prospect of O, is necessary or sufficient for Agent's intending of O; or whether the fact that Agent brought O about by intentionally ϕ ing, is necessary or sufficient for Agent to intend O.

1. Intention is not foresight

We do not necessarily intend those things that we foresee (as likely to occur); nor do we necessarily foresee what we intend. Before dealing with substantive disagreement about this, it is necessary to straighten out some terminology. Jeremy Bentham distinguished 'direct' (or 'lineal') intention from 'indirect' (or 'oblique') intention, stipulating that one intends a result 'directly' if the prospect of it was a reason for (he says 'cause of') one's action, and indirectly if one merely foresees it.² This represents only a verbal difference with the usual understanding of intention as not being implied by foresight: Bentham just gives it a different name ('direct intention'). This is a potential source of confusion, and is an unhappy terminological proposal.³ The meaning of Bentham's geometrical metaphor ('lineal' vs. 'oblique') is obscure; more importantly, his terminology risks confusing the ordinary use of the word 'intention' with a certain use in the modern English law (and other common law systems), and also with the notions of 'direct' (usually meaning 'intended') and 'indirect' (usually meaning 'unintended') killing as used in Catholic moral theology. The legal use is the principle that the infliction of grievous bodily harm, when foreseen to lead to the death of the victim, allows juries to convict the perpetrator of murder, despite the definition of murder in terms of 'intent to kill.'⁴ The legal terminology is best seen as stipulative, and I shall not get involved in that debate here,⁵ except to point out that the law distinguishes intention from foresight in other contexts, as I shall illustrate in Part V below.

2 Jeremy Bentham, *The Principles of Morals and Legislation* (London, 1781) Ch VIII VI, 84

3 Jonathan Bennett, *The Act Itself* (Oxford: Oxford University Press 1995), 203; Michael Bratman *Intention, Plans, and Practical Reason* (Cambridge, MA: Harvard University Press 1987), 142

4 H.L.A. Hart, 'Intention and Punishment' in *Punishment and Responsibility: Essays in the Philosophy of Law*, H.L.A. Hart, ed. (Oxford: Clarendon Press 1968) 113-35, at 118, 120; Anthony Kenny 'Intention and Purpose in Law,' in *Essays in Legal Philosophy*, Robert S. Summers, ed. (Oxford: Basil Blackwell 1970) 146-63, at 147.

5 See John Finnis, 'Intention in tort law,' in *Philosophical Foundations of Tort Law*, D.G. Owen, ed. (Oxford: Clarendon Press 1995) 229-47; Finnis, 'Intention and Side Effects,' in *Liability and Responsibility: Essays in Law and Morals*, R.G. Frey and Christopher W. Morris, eds. (Cambridge: Cambridge University Press 1991) 32-64, at 48, 60f; cf. the 'Felony Murder' rule, in Christopher Boorse and Roy Sorenson, 'Ducking Harm,' *Journal of Philosophy* 85 (1988) 115-34, at 123, n. 12

An attempt to deny that one could foresee but not intend something was apparently made by Henry Sidgwick, who declared that

it is best to include under the term 'intention' all the consequences of an act that are foreseen as certain or probable; since it will be admitted that we cannot evade responsibility for any foreseen consequence of our acts by the plea that we felt no desire for them, either for their own sake or as means to ulterior ends: such undesired accompaniments of the desired results of our volitions are clearly chosen or willed by us.⁶

This is an interesting passage for a number of reasons, and I shall return to it. It has also been influential. Going beyond the question of legal terminology, the legal theorist Glanville Williams claimed that in ethics 'When a result is foreseen as certain, it is the same as if it were desired or intended.'⁷ The idea that intention ought to be understood as equivalent to foresight was taken up again by Roderick Chisholm outside a specifically ethical context.⁸

This approach has been overwhelmed by counterexamples. Joseph Boyle and Thomas Sullivan replied to Chisholm with the example of 'Peter' who is determined to defend his dead father's honour, but foresees — with dread — that he will stutter when he speaks. He obviously cannot be said to have intended to stutter; indeed, since he struggles against it, he actually intends not to.⁹ Gilbert Harman gave the example of the sniper who foresaw that in shooting an enemy soldier, he would alert the enemy to his location, but clearly could not be said to have intended to do so.¹⁰ Examples along these lines are easy to multiply.

In both these cases the point is emphasised by the fact that, as Boyle and Sullivan put it, 'the foreseen consequence is at odds with one's purpose.'¹¹ This underlines the linguistic intuition that the agents do not intend these results, let alone, *pace* Williams, 'desire' them. Even more

6 Henry Sidgwick, *The Methods of Ethics*, 7th ed. (London: Macmillan 1907), 202

7 Glanville Williams, *The Sanctity of Life and the Criminal Law* (London: Faber and Faber 1958), 286; cf. R.G. Frey, 'Some aspects of the doctrine of double effect,' *Canadian Journal of Philosophy* 5 (1975) 259-83, at 264

8 Roderick M. Chisholm, 'The Structure of Intention,' *Journal of Philosophy* 67 (1970) 633-47; cf. Onora Nell (O'Neill) *Acting on Principle: An Essay on Kantian Ethics* (New York: Columbia University Press 1975), 71

9 Joseph M. Boyle Jr. and Thomas D. Sullivan, 'The Diffusiveness of Intention Principle: A Counter Example,' *Philosophical Studies* 31 (1977) 357-60, at 358

10 Gilbert Harman, 'Practical Reasoning,' *Review of Metaphysics* 2 (1976) 431-63, at 433

11 Boyle and Sullivan, 359

tellingly, it brings 'functional considerations'¹² against a theory of intention that makes the concept cover all foreseen upshots. Peter opens his mouth to defend his dead father's honour, and does whatever he can to not stutter, while expecting to stutter all the same. It would be incoherent and irrational for Peter to have an expectation that he will stutter while simultaneously having an expectation that he will not; it will similarly be incoherent and irrational for him to have an intention to stutter and simultaneously an intention not to. It is, on the other hand, perfectly coherent and rational (indeed, in this case sensible) for him to have an expectation that he will and an intention that he will not. When Chisholm claims that expectations and intentions are one and the same thing, he implies that Peter is being irrational when he is not.¹³ Accordingly, Chisholm's analysis of intention is not only counter-intuitive, but incoherent.

Not only is intention not covered by foresight, but it does not imply it.¹⁴ This is less often brought out, but is included in the stuttering example: Peter does not expect to succeed in his attempt not to stutter, but still intends to succeed. Another good example is John Finnis's: a golfer who can win a game only if he gets his ball into the hole in one shot attempts to do so with little expectation of success.¹⁵ The small expectation of success shows that the golfer cannot be said to have foreseen, or expected it. He clearly, nevertheless, intended the ball to go into the hole: that was the purpose, point, and aim of his action; what he was trying or attempting to bring about; and so on. It is usually said, as a matter of linguistic propriety, that one does not intend to win the lottery when one buys a ticket, but the grounds for this are not the mere unlikelihood of winning, but the fact that in buying a ticket one is not in any kind of control of whether one wins or not.¹⁶ It cannot be said to be a result that one is striving, by some deliberated means, to bring about; one just consigns the matter to chance. It is not clear whether this is a matter of the concept of intention or of conversational convention; in either case, little seems to hang on it.

12 The phrase is Alfred Mele's: Alfred Mele, 'Recent Work on Intentional Action,' *American Philosophical Quarterly* 29 (1992) 199-217, at 205

13 Cf. Jorge L.A. García, 'The New Critique of Anti-Consequentialist Moral Theory,' *Philosophical Studies* 71 (1993) 1-32, at 7

14 Cf. *ibid.*, 8f

15 Finnis, 'Intention in Tort Law,' 243

16 See Mele, 'Recent Work,' 200f; Mele, 'Acting for Reasons and Acting Intentionally,' *Pacific Philosophical Quarterly* 73 (1992) 355-75, at 363-72

2. *Intention is not causation*

Having established that one can foresee that one will bring about a result without intending it, it is enough to observe that this is true even when one is the cause of the result in question, in whatever sense of 'cause' one may wish to use. The reverse is also true: one can intend to bring about a result non-causally, as when one commits oneself to a contract by signing it, or fulfils an expectation, or persuades another person to perform a free action.¹⁷ In these cases it has become conventional to say that the process is one in the order of reasons, not the order of causes: the fact that one has signed is the reason for one to be obliged, but this is quite different from a physical cause. My point is just that this distinction makes no difference to intention. One can intend to bring about anything that one believes one is making more likely, but one does not necessarily intend to bring about something just because one is bringing it about: this is all regardless of the distinctions there may be about the different ways of bringing things about.

A more complex relation between intention and causation has been suggested by some versions of the principle of double effect. A standard formulation of this principle would be, as already noted, that it may be permissible to produce an evil (such as a death) if it is not intended (as an end or as a means), and if it is not out of proportion with the good brought about by the action. Some classical versions, however, such as Jean Gury's,¹⁸ use the notion of a causal sequence, in a sense which presumably covers all bringings-about, to identify what is intended, or even to stand in for the concept of intention. Such a formulation would say that it may be permissible to initiate a causal chain which causes an evil, as long as the end of the action is not evil, and as long as the end aimed at is not the result of an evil, and as long as proportionality is respected. This may be understood as indicating that actions are intended if they are either the 'end' — the goal, or motive of the action — or if they are causally prior to that end — a means to it.

This is followed by Michael Costa. Taking the end of the action as obviously intended, he rejects the idea that the intention or non-intention of any other upshot of the action can be established directly by reference

17 P.A. Woodward, 'Nancy Davis and the Means-End Relation: Toward a Defense of the Doctrine of Double Effect,' *American Catholic Philosophical Quarterly* 77 (2003) 437-57, at 442f; Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press 1977), 124

18 Jean Gury, *Compendium Theologiae Moralis* (1853), Volume 1, Caput II, Articulus Primus, §2, Principia

to 'differences in attitude,' and appeals instead to 'difference in means relations.'¹⁹ Slightly differently, Paul Ramsey seems to limit the application of the term 'intention,' when he claims that the principle of double effect rules out both having an evil end, and involving an evil which is '(in fact, ... not simply in intention) the means to the good effect.'²⁰

To illustrate, it is wrong for Adam to attempt to harm enemy morale when the causal path chosen to this (let us suppose, laudable) end is the (let us suppose, forbidden) killing of enemy civilians. Costa and Ramsey would say that the reason this is wrong is not, or not only, because of Adam's psychological relation to the deaths, but because the deaths are a means to his end.

It is not precisely clear what references to a means-end relationship is supposed, by these authors, to add to the concept of intention. Their treatments suggest that ends that are being actively pursued are, necessarily, intended, and this is true, but means are in the same position: if something is not intended, it cannot have been chosen by the agent as a means to anything. Indeed, Adam can be seen to be intending the means in exactly the same way as he can be seen to be intending the end:²¹ we can apply all the near-synonyms listed earlier equally to both cases. Adam is trying or attempting to bring the deaths about; he aims at them; the deaths are the point and purpose of some of his actions (opening the bomb hatch and so on); and they are part of his plan. He is trying to kill just as much as he is trying to undermine enemy morale. After all, Adam intends to harm enemy morale *by* killing civilians.²² Conversely, if something is neither a means nor an end, it cannot be intended: if an agent is trying to bring something about, aiming at it, and so on, it must be an end, or a means to an end. It follows that Gury's formulation of the principle of double effect, in terms of ends and the causal sequence leading to it, is functionally equivalent to formulations in terms of intentions, as long as we assume that the 'causal sequence' here is to be understood in terms of the means chosen by the agent.

19 Costa, 'The Trolley Problem,' 298; cf. Gerald Dworkin, 'Intention, Foreseeability and Responsibility,' in *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, Ferdinand David Schoeman, ed. (Cambridge: Cambridge University Press 1987) 338-54, at 341

20 Paul Ramsey, *War and the Christian Conscience: How shall Modern War be Conducted Justly?* (Durham NC: Duke University Press 1961), 48

21 Joseph M. Boyle Jr., 'Towards Understanding the Principle of Double Effect,' *Ethics* 90 (1980) 527-38, at 531; Frey, 'Some Aspects,' 280

22 Cf. Boyle Jr., 'Towards Understanding,' 531

If that is not assumed, then it will throw up counter-intuitive results, for the objective causal relationship is neither necessary nor sufficient for the application of the concept of intention. For an agent, say Beatrice, would not be intending the means to an end if she were ignorant or mistaken about the workings of the causal mechanism of which she was taking advantage. Suppose she noticed that her Sunday afternoons were more peaceful if she played Mozart on her hi-fi; she imagined that her neighbours were enjoying the music. In fact, the hi-fi produced some electro-magnetic interference which put their lawn-mowers out of action. The objective causal sequence is simply irrelevant to assessing what Beatrice intended and what she did not. What she intended can be established independently: of each upshot we can ask whether it was something she was trying or attempting to do, whether she aimed at it, and so on. A reconstruction of her practical reasoning (the 'subjective' means-end relation) will help an observer to answer these questions.

It is worth noting that, as causal sequences need play no part in defining or identifying intention, temporal sequences are equally irrelevant.²³ In particular an unintended upshot may precede an intended one,²⁴ as the pain of surgery precedes the intended good of recovery. It may be equally be simultaneous or posterior. Traditional reliance on cause and effect to model means and ends has sometimes obscured this point.²⁵

It may be asked how 'objective' the notion of intention can be if it relies entirely on the agent's practical reasoning. The answer is that in a certain technical sense it is subjective: it is a matter of the agent's mental states. It does not follow, however, that it is arbitrary, difficult for outsiders to reconstruct, or easily manipulable in artificial ways. We have to intend the means to our ends; if we want the end, and don't want to break a prohibition against a means, we cannot simply pretend we are not using the means, but must change the means in reality. Our means are not simply a matter of how we think, but of how we are getting what we want, as our planning is put into execution; as a result our means and ends are frequently clear enough to observers.

23 Cf. Judith Lichtenberg, 'War, Innocence, and the Doctrine of Double Effect,' *Philosophical Studies* 3 (1994) 347-68, at 353

24 See *New Catholic Encyclopaedia*, 'Double Effect, Principle of,' and Dworkin, 'Intention, Foreseeability,' 341

25 See Francesco Roberti, *Dictionary of Moral Theology* (London: Burns and Oates 1962); Roberti, 'Effect, Double'; Ramsey, *War and the Christian Conscience*, 48

The point about the intention of means has been well made by Thomas Nagel, in his example of the person who, for good reasons, wants to commandeering an old woman's car, and considers torturing a child to get the keys: the torture, which is the means chosen to advance the good ultimate goal, is intended, and so falls foul of the principle of double effect.²⁶ This cannot be hidden by focusing on the good ultimate goal: as Nagel says, the bad means are the focus of our efforts while we are using them, and it is this aiming at evil which is forbidden by constraints formulated in terms of intentions.²⁷

3. *Intention is not desire*

Or at least it is not desire as the word is most commonly used in the ethical debate. It is sometimes said that what is (held to be) important in excusing an agent from responsibility for one of the results of an action is that the agent did not desire that particular result; this is then read back into the notion of intention, which is defined by reference to what we desire. Thus, Charles wanted to please his mother by buying flowers, and had no desire to displease his father by spending too much money on flowers; and it is for this reason that Charles, foreseeing some chance of both upshots, should be said to have intended the former and not the latter. This approach is found in Glanville Williams, as quoted above; in combination with his insistence that upshots foreseen as certain are intended, this established a peculiar, double-barrelled theory of intention, defining what we intend as what we either desire or foresee.²⁸ It is then pointed out, by critics of intention, that Adam the bomber probably did not desire the deaths of civilians, although he used them as a means to an upshot he did desire.²⁹

As an argument against the use of intention in ethics, this fails, since intention need not, and indeed should not, be understood by reference to desire in this sense. There is another confusion at work here, however, which is worth bringing out. What Adam and Charles are said to desire, in these discussions, are things that they regard as of intrinsic value:

26 Thomas Nagel, *The View From Nowhere* (Oxford: Oxford University Press 1986), 176

27 *Ibid.*, 181

28 See Finnis, 'Intention and Side-Effects,' 34f

29 Bennett, *The Act Itself*, 215; Lichtenberg, 'War, innocence,' 351; Donald B. Marquis, 'Four Versions of Double Effect,' in *The Doctrine of Double Effect*, P.A. Woodward, ed. (Notre Dame, IN: University of Notre Dame Press 2001) 156-85, at 167

Charles's mother's happiness; Adam's victory over unjust aggressors. The difference between the bad upshots in the contrasting cases is that in Adam's case, but not in Charles's, it is regarded as something of extrinsic, or instrumental, value or desirability. When Adam intends the deaths of civilians, he regards the upshot of their being dead as valuable in this sense: valuable as a means. In a certain sense, then, he can be said to desire it, or at least to regard it in a favourable light: this is what Sigdwick, in the passage quoted above, wished to make clear by referring to the agent desiring something 'as an end or as a means.' Its desirability in this sense is why Adam does his best to bring it about. This explains the temptation to assimilate intention to desire: intending a thing involves a certain pro-attitude towards it. It also explains why the claim that Adam does not desire the deaths of civilians might be thought to have force against the ethical use of intention. By equivocating, it uses the truth, that Adam does not see their deaths as intrinsically valuable or desirable, to suggest the falsehood, that Adam does not have any pro-attitude towards them at all. So, intention does not imply desire, where that is understood as a preference for something for its own sake. It does imply desiring a thing in a wider sense, either as an end or as a means.

Conversely, desire does not imply intention, for it may be a desire that the agent has not acted, or omitted to act, in order to satisfy; in that case it would be what is often called a 'mere wish.' A desire may still be a mere wish even if the wisher is bringing about the satisfaction of the wish by an action or omission, if what the agent does is not aiming at that upshot.³⁰ For example, Daphne the examiner may want Edward the examinee to pass his exams, and know that by a scrupulously fair marking of the anonymous scripts in front of her she will bring that about — since Edward is an excellent candidate. Daphne marks scrupulously, however, out of sheer professionalism. The anticipated and desired upshot, Edward's pass, is not the intention of her action, since it is not the aim, point, or purpose of her action.

This point can cause confusion, because of the natural appeal to efforts to stop an upshot as a demonstration that an agent did not intend it.³¹ Peter, of the earlier example, tried to stop himself stuttering, and that makes it very clear that he did not intend to do it. This is a sufficient condition for not intending a thing, but not a necessary condition, for a

30 Kenny, 'Intention and Purpose in Law,' 155

31 David S. Oderberg, *Moral Theory: A Non-Consequentialist Approach* (Oxford: Blackwell Publishers 2000), 105

number of reasons. Not all unintended upshots are bad, so we can't expect agents always to go to the trouble of trying to stop them. Again, sometimes it is simply impossible to make any effort to stop them. A final category is that of callous and imprudent people, who may not bother to try to stop them even when they can. That an anticipated upshot, good or bad, is pleasing or a matter of indifference to an agent bringing it about, does not show that the agent was aiming at it, that its occurrence was the point or purpose of the action, or that it was part of the plan or success conditions of the action as originally conceived.³²

4. *Intention is not motive*

One's motive for an action is the goal the action is directed towards realising one's final end. This is paradigmatically the thing, to use the terminology established in the last sub-section, which is held to be intrinsically valuable and desirable. Intentions, as just argued, cover not only the end, but all the means employed in attaining it. The ultimate aim is not less important than the means used to attain it,³³ but wicked ultimate aims are less common and less controversial than wicked means, so examples tend to focus on the latter.

It is worth noting that although the traditional three- or four-condition formulations of the principle of double effect mentions both ends and means, they mention them only to put them into the same category: one must not have an evil end, and one must not use evil means. The distinction, therefore, between ends and means, is of no account. This is fortunate because what is described as an end is relative to one's chosen scale in describing the action. Adam the bomber opens the bomb hatch in order to release the bombs: the release of the bombs is the end, on this description. But equally he can be said to open the hatch to bomb the city, to cause fear and dismay among the survivors, to win the war, to restore the rule of law and peace to Europe, or to advance the Summum Bonum. As opening the hatch is the means to releasing the bombs, so releasing the bombs is a means to bombing the city, and all these are means to causing fear and dismay, and this as well as the earlier items is a means to winning the war, and so on. Only the most exalted and final end of action is immune from redescription as a means, and only the

32 Cf. Joseph Shaw, 'Intentions and Trolleys,' *Philosophical Quarterly* (forthcoming).

33 Pace Fischer and Ravizza, 'Introduction,' in *Ethics: Problems and Principles*, John Martin Fischer and Mark Ravizza, eds. (Fort Worth, TX: Harcourt Brace Jovanovich 1992), 8

most immediate goals resist redescription as a motive: it would be odd to say that Adam was motivated, in opening the hatch, by the thought of releasing the bombs, but less odd to say his motive was creating fear and dismay, winning the war, or restoring the rule of law. It is therefore essential that the concept of intention covers ends, motives and means indiscriminately.

*5. Intention is not moral responsibility
(or a necessary condition for it)*

It is a common argument against any role for intention in ethics to point out that we blame people for upshots of their actions (or omissions) which they did not intend.³⁴ This fails, however, since the standard uses of intention in ethics, and especially the principle of double effect, are explicit in saying that agents act wrongly if they intend good results at too great (or 'disproportionate') a cost in unintended bad effects.³⁵ It is natural to say, in this kind of case, that the agent is morally responsible, as well as blameworthy, for bringing about the bad upshots.³⁶ These upshots may not even be the results of deliberate actions.³⁷ It is also perfectly coherent to say that bringing about or allowing such upshots

34 Donagan, *The Theory of Morality*, 127; John Martin Fischer, Mark Ravizza, and David Copp, 'Quinn on Double Effect: The Problem of "Closeness",' *Ethics* 103 (1993) 707-25, at 720f; Lichtenberg, 'War, Innocence,' 355; Dworkin, 'Intention, Foreseeability,' 347; Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon Press 1989), 183; Neil Delaney, 'To Double Business Bound: Reflections on the Doctrine of Double Effect,' *American Catholic Philosophical Quarterly* 75 (2001) 561-83, at 579

35 E.g. Charles Fried, *Right and Wrong* (Cambridge, MA: Harvard University Press 1978), 21, 41; García, 'The New Critique,' 3; Whitley R.P. Kaufman, 'On a Purported Error About the Doctrine of Double Effect: A Reply to Sophie Botros,' *Philosophy* 75 (2000) 283-95, at 291; Philippa Foot, 'Morality, Action, and Outcome,' in *Morality and Objectivity: A Tribute to J.L. Mackie*, Ted Honderich, ed. (London: Routledge and Kegan Paul 1985) 23-38, at 26; cf. Joseph Shaw, 'Proportionality and the Duty of Aid,' *American Catholic Philosophical Quarterly* (forthcoming)

36 E.g. John Finnis, Germain Grisez, and Joseph M Boyle Jr., "'Direct'" and "'Indirect'": A Reply to Critics of our Action Theory,' *The Thomist* 65 (2001) 1-44, at 4; Germain Gabriel Grisez, *The Way of the Lord Jesus Vol. I: Christian Moral Principles* (Chicago: Franciscan Herald Press 1983), Ch 9 QF, 239; Oderberg, *Moral Theory*, 89; Henry Davis, *Moral and Pastoral Theology, Volume I: Principles*, 3rd ed. (London: Sheed and Ward 1938), 13; *pace* Timothy Chappell, 'Two Distinctions that Do Make a Difference: The Act/Omission Distinction and the Principle of Double Effect,' *Philosophy* 77 (2002) 211-33, at 225

37 *Pace* Bratman, *Intention, Plans*, 125

without intention may be just as bad as, or even (in a particular case) worse than, an intentional attack on the same goods.³⁸ These are cases of negligence (unknowingly but faultily creating an unreasonable risk to oneself or others) and recklessness (knowingly and faultily creating an such a risk).³⁹ Although not usually brought into this discussion, the separation between intention and moral responsibility can also be illustrated by a different kind of case, also explicitly acknowledged in the classical moral theories which make use of intention, that of 'co-operating' in, or being an accessory to, a wrongful deed.⁴⁰ Clearly, in many cases of being an accessory, by providing the equipment needed for a crime, by remaining silent when questioned, by sheltering the criminal, and so on, the accessory may not intend or even wish the success of the crime. Nevertheless, an action co-operating in a wrong act contrary to a particular value is itself a wrong against that value.⁴¹ Again, it is perfectly compatible with the use of intention to say that the accessory has guilt equal to that of the principal agent, or again, in possible situations, even more guilt. This might occur if the guilt of the principal agent was mitigated by compulsion or non-blameworthy ignorance, for example.

These observations do not undermine the role of intention in ethics. The standard use of it is to say that one may not intend the death of an innocent, or to intend to ϕ , when to ϕ is to break one of a number of prohibitions. In this way intentions are used in the formulation of common-sense prohibitions, such as those against killing the innocent or stealing. Any defensible moral theory which adopts this as its paradigm of wrong action will also need to say that there are other ways of acting wrongfully against the value of life, or whatever it might be. It will need to say, as classical non-utilitarian theories do say, that there is a prohibition on being an accessory to wrong actions, and that a 'principle of proportionality' sets limits on negligent and reckless action. The constraint against acting on certain kinds of intentions is essential to this picture; as I have described it, the other two elements depend upon it.

38 Fried, *Right and Wrong*, 52; Warren Quinn, 'Reply to Boyle's "Who is Entitled to Double Effect?"' in Warren Quinn and Philippa Foot, *Morality and Action* (Cambridge: Cambridge University Press 1993) 194-6, at 196

39 Joel Feinberg, *Doing & Deserving: Essays in the Theory of Responsibility* (Princeton, NJ: Princeton University Press 1970), 193; Kenny, 'Intention and Purpose in Law,' 158

40 Davis, *Moral and Pastoral Theology Vol. I* 341-52; cf. John Casey, 'Morality and the consequences,' in *Morality and Moral Reasoning: Five Essays in Ethics*, John Casey, ed. (London: Methuen 1971) 155-205, at 163

41 Davis, *Moral and Pastoral Theology Vol. I*, 342

This shows that one can be morally responsible for a bad upshot without having intended to produce that upshot. The only kind of case in which an agent might intend a bad upshot without being morally responsible for it, would be a case of mistaken conscience.⁴² If Fiona the utilitarian should kill and eat her fellow passengers on the life-raft, on the mistaken but sincere and carefully considered view that that was the right thing to do, she would of course be causally responsible, but on certain traditional views would not be morally blameworthy.⁴³ So (on such a view) an agent's moral responsibility for an upshot is neither necessary nor sufficient for that agent's intention of the upshot.

6. *Intention is not 'what is done in an intentional action.'*

This can be made to sound paradoxical: in David Bostock's example, someone blows up the Queen intentionally, but it was not his intention to blow up the Queen.⁴⁴ There is nothing genuinely odd about this. Michael Bratman and others in the philosophy of action have pointed out that intentional action is purposive action; an intention, on the other hand, is one or more things among the upshots of such an action which the agent was trying to bring about. The simplest way of putting the relation between the two concepts would be to say that intentional action is action done with some intention or other.⁴⁵ The relationship is therefore simple and natural. Intentions are found among upshots; intentional actions are actions, and these can be described in a wide range of ways.

In Bostock's example, the blowing up of the Queen, as an upshot, was not the bomber's intention: the bomber was not interested in the effect his explosives would have on her, but was concerned solely with killing her horse. Nevertheless, 'blowing up the Queen' is a natural way to describe what he did, especially if we do not know his intentions, and the action describable in this way was an intentional action: to be precise, it was an action done with the intention to kill the Queen's horse. Bostock's paradox therefore relies on an equivocation between 'blowing

42 See *ibid.*, 67.

43 See *ibid.*, 17.

44 David Bostock, *Aristotle's Ethics* (Oxford: Oxford University Press 2000), 104; cf. Chappell, 'Two Distinctions,' 229f

45 Bratman, *Intentions, Plans*, 119; cf. Oderberg, *Moral Theory*, 137; Chappell, 'Two Distinctions,' 223; Woodward, 'Nancy Davis and the Means-End Relation,' 449; T.M. Scanlon, 'Intention and Permissibility,' *Aristotelian Society Supplemental Vol. 74* (2000) 301-17; at 306; John Casey, 'Morality and the Consequences,' 192

up the Queen' as the description of an upshot, and 'blowing up the Queen' as the description of an action. I will bring greater precision to these issues when I discuss the nature of upshots (III.2).

II The Counterfactual Test

These clarificatory points need making, but although I have noted various disagreements, I believe that according to the broad thrust of both the ordinary understanding, and the standard philosophical analyses, intention should not be subsumed to any of the concepts just discussed. Next I will consider a 'test' or criterion for intention, the 'counter-factual test.' In fact there are at least three counter-factual tests for intention employed in the contemporary literature (and confusingly, other counterfactual tests are associated with the Act-Omission Distinction).⁴⁶ The simplest one is to ask what the agent would do if the victim were not present, but the other circumstances were the same.⁴⁷ Thus if the civilians were known to be absent, Adam would call off his bombing raid, but a 'tactical' bomber, who wanted to destroy a factory and regretted civilian casualties, would not. This underlines the difference of intention between them, but the test is of limited value as the situation often cannot usefully be imagined without the victim. This is particularly clear in blackmail cases and medical examples.⁴⁸ If the victim were not present, it would not have been possible for the blackmailer to blackmail us; if the patients were not present, the dilemma over saving the life of one of them rather than another would not arise, and so on. Accordingly, this test could not be a criterion for intention in all cases, and is not much use.

I shall consider the other two versions together. They are supposed to distinguish upshots that an agent genuinely intended from those he did

46 See Richard L. Trammell, 'Saving Life and Taking Life,' in *Killing and Letting Die*, 2nd ed., Bonnie Steinbock and Alastair Norcross, eds. (New York: Fordham University Press 1994) 290-7, at 296; H.M. Malm, 'Killing, Letting Die, and Simple Conflicts,' *Philosophy and Public Affairs* 18 (1989) 238-58, at 255; Kagan, *The Limits of Morality*, 94-9

47 Alec Walen, 'Doing, Allowing, and Disabling: Some Principles Governing Deontological Restrictions,' *Philosophical Studies* 80 (1995) 183-215, at 197; Kagan, *The Limits of Morality*, 140f; Quinn, 'Actions, Intentions and Consequences: The Doctrine of Double Effect,' in Quinn, *Morality and Outcome* 149-74, at 187

48 John Finnis, 'The Rights and Wrongs of Abortion: A Reply to Judith Thomson,' *Philosophy and Public Affairs* 2 (1973) 117-45, at 137

not, by asking of each upshot whether, if for some reason (perhaps 'by a miracle') it had not materialised, the agent's plan would have been thwarted (in the first version);⁴⁹ or if the prospect of its non-occurrence would have made the agent change his mind about doing the action (in the second version).⁵⁰ Thus Henry wants to kill his aunt to inherit her money; he therefore poisons her tea. If she survived, by some chance, Henry's plan, his intention would have been frustrated. Again, if Henry had decided that the arsenic he had been proposing to put in auntie's tea would be insufficient to kill her, he would not have bothered putting it in. By contrast, Isabel proposes to blow up an enemy installation in time of war, anticipating the deaths of civilians living nearby, as an unintended side-effect. If, by chance, the civilians were to survive, Isabel's plan or intention would not, by that fact, have been frustrated. If she had decided that, in all probability, there would not be civilian casualties, Isabel would not have been put off undertaking the plan.

The use of these tests has been heavily criticised. It has been pointed out that a bomber might use visible collateral damage as a guide to assessing whether the real, less visible, target had been destroyed.⁵¹ If Isabel drops her bombs from her plane and makes another pass to assess what impact they have made, she may be dismayed if she sees the local population carrying on their lives as if nothing had happened. The situation would be particularly confusing if it were indeed 'miraculous,' in that the target was destroyed and nothing else was so much as scratched, contrary to every reasonable expectation. However, this epistemic observation misses the point of the test. The test is a thought experiment to enable us to distinguish what is essential to the plan, in terms of means employed and anticipated results, and what is inessential. To apply the test, we must have full and correct information: if the civilians were spared, and if other things happened as expected, Isabel, if she knows these things, would not think of the bombing raid as having failed, and nor would she have abandoned it in advance if she had thought that things would work out that way.

This way of putting it brings out another criticism, based on the notion of holding other things constant in applying the test. If Adam the terror

49 See John R. Searle, *Intentionality: An Essay in the Philosophy of Mind* (Cambridge: Cambridge University Press 1983), 103

50 See Bennett, *The Act Itself*, 216; cf. Fried, *Right and Wrong*, 24; Germain Grisez, 'Towards a Consistent Natural-Law Ethics of Killing,' *American Journal of Jurisprudence* 15 (1970) 64-96, at 95

51 E.g., Bratman, *Intentions, Plans*, 142 n.6 (191f); Bennett, *The Act Itself*, 217

bomber, of my earlier example, was told that his bombs had failed to kill anyone, but that everything else had happened as he had planned, then his plan would not have been a failure if 'everything else' included the things he had hoped to bring about by means of the deaths, namely a loss of morale by the enemy, an end to the war, and so on.⁵² Like Isabel, he would have been pleased to make the omelette without breaking the eggs, since (*ex hypothesi*) he did not have a personal vendetta against his targets, merely wishing to bring something about by means of their deaths. On this interpretation of the test, it would seem to show, falsely, that Adam did not intend the deaths.⁵³ However, it is the interpretation that is at fault here, for the purpose of the test requires us to imagine not only that a particular upshot *A* does not take place, but that the upshots *B*, *C* and *D* that follow or result from *A*, do not take place. If Adam's victims survived his bombing, then he would have failed because he will not have been able to bring about the loss of morale which he had hoped to bring about by means of those deaths. Otherwise, we would have the absurd result that we were to imagine that Adam's victims survived unharmed, but that they were nevertheless buried by their weeping friends and relations.

A final criticism of the test is more serious. An agent might intend one result, but be satisfied with another, especially if it occurred by 'some miracle.'⁵⁴ This could happen because an alternative causal chain brought about the ultimate objective, or because what would happen if the planned means failed to work would be just as good, though perhaps something that the agent did not wish to bring about by intention.⁵⁵ On the first, suppose that Adam's bombs turned into harmless fire-works on their way down to their intended victims, by 'some miracle.' Taking this to be a miracle indeed, Adam's enemies undergo a profound religious conversion, and immediately lay down their weapons. On the second, suppose that Isabel's bombs miss the military target altogether,

52 Cf. John Finnis, Germain Grisez, and Joseph M Boyle Jr., "'Direct'" and "'Indirect'", 39

53 See Bennett, *The Act Itself*, 216f

54 Nancy Davis, 'The Doctrine of Double Effect: Problems of Interpretation,' *Pacific Philosophical Quarterly* 65 (1984) 107-23, at 119; Donald B. Marquis, 'Four Versions of Double Effect,' in *The Doctrine of Double Effect*, P.A. Woodward, ed. (Notre Dame, IN: University of Notre Dame Press 2001) 156-85, at 171

55 Woodward, 'Nancy Davis and the Means-End Relation,' 445; Dworkin, 'Intention, Foreseeability,' 341, 345; Marquis, 'Four Versions,' 171; Kwong-Loi Shun, 'Intending as a Means,' *Pacific Philosophical Quarterly* 66 (1985) 216-23

by 'some chance,' and devastate the residential district. Isabel's enemies find their morale destroyed, and sue for peace. The counter-factual tests suggest that Adam did not really intend civilian deaths, because his ultimate objective has been realised without them, and anticipating this result, he would not have changed his plans. In Isabel's case the two versions of the test come apart: she need not regard the action as a failure ('all's well that ends well'), but anticipating this chain of events she would have called off the raid. This is because the only reason that she could have for dropping the bombs, when she knows that they will miss the military target and kill civilians, is in order to kill civilians.

Timothy Chappell has pointed out that in these kinds of examples the agent has a different intention in the counter-factual situation from what he has in the real situation.⁵⁶ Thus Adam originally planned to win the war by killing civilians; in the counterfactual case he plans to win the war in a quite different way. This explains why the counter-factual tests fail to give the correct result in these cases; contrary to Chappell, it does nothing to restore their fortunes. The tests are supposed to give us a criterion by which to distinguish between the upshots intended by Adam and those not intended by him, by asking him whether he would regard his action as a failure, or would call it off in advance, if an upshot did not or threatened not to materialise. As it turns out, it is perfectly possible for Adam to see his action as a success, and not to want to call it off, if something he genuinely intends fails to materialise, as long as it is replaced by something else just as good. The only way, and the way adopted by Chappell, to distinguish the intended from the unintended in this kind of case is to appeal directly to the concept of intention and its near-synonyms: we can see that Adam intended civilian deaths in the non-counterfactual version of events, because he was aiming at it, trying to bring it about, it was the point or purpose of his prior actions, and so on. The counterfactual tests fail to deliver a criterion of intention without having to appeal to the concept of intention in a certain range of cases. In other words, as well as being unnecessary — since intentions can be identified without reference to them — the tests don't work in all cases. An unreliable test, of course, is not much use.

56 Chappell, 'Two Distinctions,' 231

III A definition of intention

1. Intentions and reasons for action

I wish now to see if it is possible to go beyond my initial characterisation of intention by reference to a list of near-synonyms. The term 'intention' is not usually given a precise definition, but it has become common to link it to motivation and reasons for action.⁵⁷ This is helpful, as it avoids any reliance on the notion of causation, and focuses attention on our purposes, rather than on what we may desire in and of itself. Further, it emphasises that the explanation of action at issue is not the kind which might be given by a neuroscientist, in terms of chemical reactions and brain states. It is an explanation from the point of view of the agent's own practical reasoning,⁵⁸ about what gave the agent *reason* to do or not do an action. As Anscombe remarked, intentions provide the answer to a particular kind of 'Why?' question:⁵⁹ Why did you do that?

The kind of reason relevant here is the kind that actually gets the agent to do the action in question, looking at it from the agent's point of view. It is not the objective reason in favour of the action (sometimes called the 'normative reason'), but the subjective reason, a mental state such as a belief or desire, which is at issue: the 'motivating reason.'⁶⁰ This will, of course, be connected to the objective reasons: I go to the appointed place because of my belief that I will meet my friend there (and my desire to do so); this reflects, I hope, the fact of the matter about whether my friend is waiting for me. Thus, a motivating reason is a reason, recognised in prospect or recognisable in retrospect by an agent, which in point of fact has motivated that agent to do or omit the action in question.

Intentions are about the future, and the simplest thing to say would be that we intend the things about the future which give us reasons to act.⁶¹ However, we may be motivated to act by the anticipation of things which we do not need to bring about ourselves. If I go to London to see

57 E.g. Bennett, *The Act Itself*, 194f; Scanlon, 'Intention and Permissibility,' 306; Donald Davidson, 'Intending,' in *Essays on Actions and Events*, Donald Davidson, ed. (Oxford: Oxford University Press 1980) 83-103, at 84; cf. Roberti, *The Dictionary of Moral Theology*, 'Intention'; Bentham, *The Principles of Morals* Ch VIII VI, 84

58 Oderberg, *Moral Theory*, 89

59 Anscombe, *Intention*, 9, 15f; cf. Fried, *Right and Wrong*, 22

60 See Philip Stratton-Lake, *Kant, Duty, and Moral Worth* (London: Routledge 2000), 20-3

61 Cf. Bennett, *The Act Itself*, 216

the Queen drive by in her golden carriage, I am motivated to go by the anticipation of the event 'the Queen driving by in her golden carriage.' Clearly, however, I do not intend it, since I do not lift a finger, or omit from lifting a finger, to bring that event about. As Charles Fried puts it, one intends a result when 'one acted (or failed to act) in order to produce that result.'⁶² What I intend in this example is something I do bring about: my seeing the Queen drive by in her golden carriage. Accordingly, it is necessary to add an extra clause to the definition, which can henceforth serve as my official one, specifying that, at the least, the upshot in question must be one that the agent believed the action or omission in question made more likely:⁶³

Of the upshots which agent A believes he makes more likely by acting or omitting to act, A intends those the anticipation of which provide motivating reasons for his action or omission.

It should be noted that the anticipation of unintended consequences that I may bring about can also influence what I decide to do. This is consistent with the definition. Suppose I decide not to bomb an enemy installation because I am concerned about killing civilians: in that case, in omitting to act I intend to spare the lives of those civilians. I may also aim more carefully, or drop fewer bombs, in an effort to mitigate the loss of civilian life, in which case, in omitting to drop more bombs, or in aiming with greater care, I intend to reduce the number of deaths. In some circumstances I may act on the basis that the bad unintended consequences will be off-set by some good unintended consequences.⁶⁴

2. *Intentions and upshots*

The definition talks about 'upshots,' the results or consequences of an action; when there is a foreseen set of upshots which will follow a particular course of action, an agent may intend some and not others. More needs to be said about upshots, however, since the way they are conceived will determine what kinds of discriminations can be made by intentions. Various possibilities have been canvassed, and the literature

62 Fried *Right and Wrong*, 22

63 Bennett, *The Act Itself*, 53

64 See F.M. Kamm, 'The Doctrine of Triple Effect and Why a Rational Agent Need Not Intend the Means to his End,' *Aristotelian Society* 74 (2000) 21-39; and Shaw, 'Intentions and Trolleys'

tends to oscillate between accounts which allow only coarse-grained discriminations of upshots, in terms of actions or events,⁶⁵ and fine-grained accounts in terms of descriptions of one or other of these.⁶⁶

To illustrate, consider four cases, in which the agents are aware in advance of the applicability of each description.

Case 1: John asks for money, as he puts it, as a condition for Baptism. This could also be described as asking for payment (which is prohibited as simony).⁶⁷

Case 2: Kirsten moves a knife though a certain space, occupied, as she knows, by someone's neck.⁶⁸ She describes it to herself as a bodily movement. It can also be described as killing.

Case 3: Liam, a doctor, gives a patient a large dose of morphine. Liam describes this as relieving the patient's pain. It can also be described as shortening the patient's life.

Case 4: Peter makes a stuttering defence of his dead father. He describes this as defending his dead father. It can also be described as making a fool of himself.

The two consistent positions available here would seem to be either that each agent must be understood to intend the action or event he or she knowingly caused or performed under any coherent description; or that the intention is understood to be limited to the description of the action or event in terms of which the agent considered and chose the action. On the first proposal each of the agents has a faulty intention (of simony, murder, and so on); on the second it seems that none of them has faulty intentions.

65 Cf. G.E.M. Anscombe, 'Medallist's Address: Action, Intention, and Double Effect,' in *The Doctrine of Double Effect*, P.A. Woodward, ed., 50-66, at 63; Alison McIntyre, 'Doing Away with Double Effect,' *Ethics* 111 (2001) 219-55, at 244-6; Michael Costa, 'Another Trip on the Trolley,' in *Ethics*, Fischer and Ravizza, eds., 303-8, at 305; Philippa Foot, 'The Problem of Abortion and the Doctrine of Double Effect,' in *Killing and Letting Die*, Steinbock and Norcross, eds., 266-79, at 268

66 Chappell, 'Two Distinctions,' 212; cf. Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press 1989), 34; G.E.M. Anscombe, *Intention*, 2nd ed. (Oxford: Basil Blackwell 1963), 35, 66

67 See Anscombe, 'Medallist's Address,' 63

68 *Ibid.*, 63

One set of problems with act/event accounts centers on the possibility of determining exactly when different descriptions are, and are not, descriptions of the same action or event. This is a much discussed issue, and the difficulties faced by those who, like Donald Davidson, wish to regard events (or actions) as a 'fundamental ontological category,'⁶⁹ seem to be intractable.⁷⁰ However, even allowing, for the sake of argument, that actions and events are correctly individuated by common sense and linguistic convention, where these are fairly clear, there is clearly something wrong with an account of intention which holds that Peter intends to make a fool of himself in Case 4. Act/event views are in fact closely related to the view, considered earlier, that intentions should be identified with intentional actions. All such views have it that an action done with a particular intention should be held to be done with the intention to bring about a indefinitely large number of foreseen consequences, since the 'intentional action,' or the action or event, can be understood or described in such a way as to make reference to those consequences. The only difference between this and the denial of any difference between intention and foresight is that, arguably, some foreseen consequences cannot sensibly be described in terms of actions done by the agent. An example might be this: in running to the shops, I knowingly use up a certain amount of oxygen. If foreseen consequences are all intended, then I intend to use that amount of oxygen. However, perhaps 'using oxygen' is not an 'action' I perform. This is small comfort to those holding the act/event view, however, since it would still have me intending to wear out my shoes, make a thumping noise with my feet, alert bystanders to my haste, and so on, however far these results may have been from my real intentions, or even if they were contrary to my intentions and I, like Peter, struggled against them. The same result occurs with reference to states of affairs,⁷¹ since the state of affairs I knowingly bring about is one in which my shoes are worn down, and so on.

The attractiveness of the act/event view lies in the problems which beset the description view. Clearly, if the agent is allowed to choose the description under which the action is intended, and if moral prohibitions are expressed in terms of intentions, then it would be easy to evade a prohibition by a tendentious description of the action. Attempts have been made to tighten up the description account, by demanding descrip-

69 Davidson, 'Individuating Events,' in *Essays on Actions and Events*, Davidson, ed., 163-80, at 180

70 See Bennett, *The Act Itself*, 27-45 and *passim*

71 Pace Boyle, 'Towards Understanding,' 535; cf. Marquis, 'Four Versions,' 168

tions which are appropriate or sincere,⁷² but this is unhelpful. What is appropriate depends in part upon what discriminations between intentions are possible, and we do not yet have an account of this. And the sincere may still be tendentious, if an agent is confused. Somewhat clearer is Finnis' proposal that one intends 'what one chose, under the description which makes it attractive to choice.'⁷³ All the same, John of Case 1 might well find it more attractive to make money a precondition of Baptism rather than demanding a fee for it, especially if this makes his action permissible.

Finnis in fact deals with this very case by saying that the two descriptions 'express one and the same proposition.' We cannot intend one and not the other 'because intention is propositional.'⁷⁴ Clearly, however, the same proposition can bear more than one description, and Finnis's last remark suggests a distinct account of upshots. This possibility is also suggested by John Searle and Jonathan Bennett, who refer to 'facts.'⁷⁵

Facts are expressed by propositions; there is only one fact, and one proposition, if two sentences expressing it are logically equivalent. It should be made clear that two facts are not necessarily the same, not logically equivalent, if they are necessary and sufficient for each other, or mathematically equivalent. This is a contentious area, and I do not wish to become embroiled in the individuation of mathematical expressions; but for ethical purposes facts can be divided up by reference to what it is possible simultaneously to know and be ignorant of. I can know that the number of matches before me is 360, but not know that there are thirty times a dozen matches in front of me. I can know I am talking to Sir Walter Scott, and not know I am talking to the author of *Waverly*. Agents intend only what they know they make more likely; unknown implications of their intentions cannot be intended. Further, however, with this notion of facts in hand, agents can intend one fact and not another, however closely linked they might be, even if they do know about the link. What they cannot do is intend a fact under one description and not under another.

72 Anscombe, *Intention*, 63; Bruce Russell, 'On the Relative Strictness of Negative and Positive Duties,' *American Philosophical Quarterly* 14 (1977) 87-97, at 95; cf. Barbara Herman, *The Practice of Moral Judgement* (Cambridge MA: Harvard University Press 1993), 140

73 Finnis, 'Intention and Side-Effects,' 57; cf. Chappell, 'Two Distinctions,' 224

74 Finnis, 'Intention and Side-Effects,' 58

75 Bennett, *The Act Itself*, 208; Searle, *Intentionality*, 100f

To illustrate, two things may be different descriptions of the same fact if the words or phrases were synonymous, or if one description included the other. The first rules out intending to get married without intending to participate in a conjugal union, and things of that kind, including Case 1. These are ruled out not because the different phrases describe the same action (although they do), but because these phrases refer to the same fact. Whatever words I might use myself, the fact of the matter that I know and intend can be expressed in either way.

The second is at issue when the relevance of a prohibition to an action is disguised by using a more or less specific description. The practice of castrating boys to be singers infringes the prohibition on mutilation. This is not because 'castration' is synonymous with 'mutilation' (it isn't), but because castration is a kind of mutilation.⁷⁶ If I know that this agent is intending to castrate, it follows that I know he is intending to mutilate — if I know what the word 'mutilate' means. Again, if someone were to say 'I intend to cause a bodily modification,' having castration in mind, this would infringe the prohibition, not because all bodily modifications are mutilations, but because the kind of modification intended here is a mutilation. If I know exactly what the agent intends, I will know that it is a mutilation.

By contrast, Liam the doctor in Case 3 both dulls pain and causes death. There is only one action here, and Liam does it, but there are two facts about what will happen: that the patient's pain will be dulled, and that the patient will die more quickly. They must be different facts, because it is possible to know that the drug dulls the pain without knowing that it kills, and vice versa. It follows that Liam can intend one without the other in full knowledge that the drug will have both effects.⁷⁷

This is even clearer in Case 4. Peter is well aware that defending his father's honour will cause him to stutter, and so to make a fool of himself. The two things are not the same fact, however, and it is obvious that he can intend the first without intending the second. Indeed, he cannot intend the second, since, to repeat the point, it is actually contrary to his intention.

Case 2 may seem more puzzling. That Kirsten moves her knife though a certain space, and that she cuts a throat or kills, are separate facts, and she may intend the one without intending the other. This should be clear,

76 Cf. Germain Grisez and Russell Shaw, *Beyond the New Morality* (Notre Dame, IN: University of Notre Dame Press 1974), 141f

77 Pace MacIntyre, 'Doing away,' 234; for a contrary view see Davis, 'The Doctrine of Double Effect,' 119

since it is possible to move a knife in ignorance of what occupies the space it is traversing. The puzzle is not with the distinction of the facts, but that Kirsten seems to be let off from having a wrongful intention. It is, of course, a rather strained example: it is not likely that anyone should move a knife through someone's throat knowingly but without intending to do it. If anyone should do such a thing, however, it would be a particularly gross example of recklessness, and would be wrong for that reason. There is no need to attribute a fictional intention to kill to Kirsten in order to condemn her.

It may be objected, by a partisan of the description view, that in some cases an agent may be sincerely and properly focused on one description, and that the other description of the same fact is not morally relevant. Perhaps an example would be this:

Case 5: Michael takes a lamb from his neighbour's flock. He describes it as 'grabbing a lamb.' It can also be described as theft.

The question here is not about the possible exceptions to the prohibition on theft generated by extreme want and so on; it is, rather, whether Michael's exclusive focus on his favoured description, on its own, makes a moral difference here. It must be borne in mind that a person who intends a fact under a particular description cannot be ignorant of the fact, and it is the fact which is important. Nor is it a matter of being aware of the meaning of words or phrases: moral prohibitions may conventionally be expressed one way or another, but on my view they should be regarded as prohibiting (when prohibiting intentions) the intention of facts. In this case, the reason Michael's action can be described as theft is that theft is the taking of what belongs to another, and Michael's action is an example of this. Since he is aware that the lamb belongs to another, and that he is taking it, the words he uses cannot head off the conclusion that he has infringed the prohibition.

One possible source of confusion here is that what look like different descriptions of the same fact may in fact refer to different facts, at different stages of the chain of intentions. Thus if Michael referred to his activities as 'getting dinner,' we should ask, not what else would be a description of that fact, but *how* Michael is going to get dinner. If he is getting dinner by taking a lamb from his neighbour's flock, we have two facts, both intended, one a means to the other; only the 'taking' intention infringes the prohibition on theft.

Before closing this section it will be useful to note that reference to facts also helps to clarify how intentions can be conditional, conjunctive or disjunctive. A person who rigs up a booby-trap intends to injure someone: 'that a person is injured' is the fact the anticipation of which acts as

a motivating reason for this agent. It may be, however, conditional upon a victim walking this way, and so on.⁷⁸

In describing intention, I can now specify that the reference to ‘upshots’ in my definition should be understood by reference to facts, and not descriptions, actions, events, or states of affairs. I am encouraged in this by accounts, which seem attractive, of reasons as facts, and of causes as facts, although it would involve too great a digression to follow out the parallels here, or to defend those more general views. The reason that writers in ethics who defend the importance of intention do not avail themselves of this elegant solution is that it seems to land the usual uses of intention on the wrong side of various hard cases. I shall therefore consider some apparently counter-intuitive uses of the concept of intention, when understood as I propose to understand it, where wrongful actions seem in danger of being made permissible by fine-grained distinctions between intentions, such as I propose.

IV Some hard cases

1. *Treason: the Steane case*

At the end of the Second World War a certain Steane, a British subject, was prosecuted for treason, for having made broadcasts for the Germans during the war.⁷⁹ The statute under which he was prosecuted specified that it was treasonable to do actions ‘likely to assist the enemy, with the intention to assist the enemy.’ His defence was that his intention, in making the broadcasts, was not to assist the enemy, but to avoid being beaten up, along with his family. The case went to the House of Lords, and the Law Lords, agreeing with the Court of Appeal, accepted his argument.⁸⁰ This case illustrates many of the points that I have been making.

It makes very clear the separation of intention from foresight, even in a legal context. It also implies that it is possible to discriminate between intentions more finely than one can discriminate between actions or events. Clearly, what Steane did was an action which is naturally described as ‘helping the enemy.’ Again, he intended to bring about something sufficient to satisfy his superiors, to stop them from ordering

78 See John Finnis, ‘Intention in Tort Law’

79 *R. v. Steane* (1947) K.B. 997; see Hart, ‘Intention and Punishment,’ 125-7

80 See Finnis, ‘Intention and Side-Effects,’ 45 n.

him to be beaten up, and that was presumably something like 'a broadcast helpful to the German war effort.' Again, he intentionally performed an action of helping the enemy. The reason he was acquitted of treason was that he did none of these things with the intention of helping the enemy.

To say that an agent did an action of 'helping the enemy' intentionally, is just to say that he performed an intentional action that, as it happened, was helpful to the enemy. This would be true of a commander who takes a military risk, such as posting only a few soldiers to guard a weak part of the front. That kind of action is treason if it is done with the intention to help the enemy, but usually it is not done with that intention. To say that an agent did an action under the description 'helping the enemy,' is to say that the agent foresaw that an action would be helpful, and that its helpfulness was somehow important. That would be true of a double agent who gave his handlers some genuine information in order to get them to trust him. It is possible that he would think a small enemy victory necessary to his project, and intend it, but another case is also possible. In this case he considers the genuineness and the potential usefulness of the information to be necessary, but not that the enemy may actually benefit from it. As before, the non-treasonous nature of this case is clear from the fact that, although the double agent did an action appropriately describable as assisting the enemy, he did not do so with the intention to assist the enemy. To reiterate, with reference to my definition, it is possible to see what intentions the agents had in these cases by asking what facts the agents thought they made more likely, and which of these gave them their reasons to act. In these cases it was not the raised probability of enemy successes that motivated them to act, but something else which, in the circumstances, might bring enemy success.

It is to make these distinctions that the statute was worded as it was. It excludes harmless crackpots from its coverage: people who intended to help the enemy but not in a way likely to help the enemy. It was even more important to exclude risk-takers and double agents: people who act in such a way as helps the enemy, but are aiming at something else. The way to do this is by using the concept of intention. Whether cases such as those of Steane were anticipated by the drafters of the statute is not clear, but the distinction they made is clear, and under it Steane was not guilty of treason.

The Law Lords' decision was controversial, since it was pointed out that Steane would have had just as good a case if he had helped the enemy with the intention to earn a packet of cigarettes. If we sympathise with his plight, it is because of the fact that he was coerced, and that could have been made a defence by the statute. However, coercion is no defence against a charge of murder, and it would be strange if it were a defence in the case of treason. There are other reasons why this is a

peculiar case. Steane's actions assisted the larger project of German war aims, but those directing that project, the German commanders, were not committing treason in doing so, since they were serving their own state. Steane could not, therefore, be accused of being an accessory to anyone else's treason. In a more usual case, including many cases of treason, acting to assist others for a non-criminal reason — fear or hope of gain — would be no defence, because not intending the crime itself would not stop the agent's being an accessory to it. In Steane's case, however, he was an accessory to actions which were not treasonous; to have been convicted of treason, therefore, it had to be established that he had treasonous intentions himself. It is for that reason that his case is so interesting.

It is perhaps worth pointing out that in cases where intention is crucial to conviction for a crime, it is still perfectly possible to establish, to a legally appropriate level of certainty, that a person had a particular intention. William Joyce, 'Lord Haw Haw,' did essentially the same job as Steane. The difference was that he had been an enthusiastic British fascist, and had volunteered for the job. His ideological commitments and his actions were sufficient to establish that his intention was to assist the enemy, and so he was convicted and hanged.

The concept of intention may be thought to give the ethically 'wrong' answer in the Steane case, or at least it may be thought that it would have done if Steane had made the broadcasts for money rather than out of fear. Worries about the 'wrong answer' are subject to two kinds of mistake, however. One is the assumption that a concept that we understand clearly enough in paradigm cases will never surprise us when applied to a less familiar case. It was presumably by considering paradigm cases, and what they implied about the concept of intention, that the Law Lords decided that intention was lacking in Steane's case. If the result is initially surprising, that does not necessarily impugn the analysis. This often happens with clearly understood concepts. When asked to guess, and not actually calculate, the answer to the following sum, '1 x 2 x 3 x 4 x 5 x 6 x 7 x 8,' most people are surprised by how far from the truth they are.⁸¹ That is not because they don't understand the numbers or operators; it just shows that understanding the parts does not enable one to anticipate, without thinking hard, the results of a combination. Philosophy is full of the surprising implications of combinations of well-understood concepts.

81 The answer is 40,320

The second mistake is to expect the concept of intention to do more than it can do, and especially to be a necessary condition for moral responsibility. As noted above, intention and responsibility are not the same thing. If Steane had broadcast for the Germans for a packet of cigarettes, he would have done the wrong thing, and been morally responsible for the bad results of his propaganda, not because of his intention, but as being an accessory to the wicked enterprise of German aggression, disloyal to his country in time of war, and negligent and reckless of the consequences of earning his pay. The English law chose not to punish him for those things, but that is not a reason to criticise the concept of intention.

2. Anscombe's examples

Another useful example of an initially counter-intuitive result is Elizabeth Anscombe's well-known case of the man who pumps poisoned water into the drinking-water system of a house, in the knowledge that this will lead to the deaths of its occupants; it will be useful to make clear how my position differs from that of Anscombe. She considers various intentions the man might have in performing this action (pumping); one is simply to earn his pay.⁸² His job is to pump, and that is what he does. Anscombe claims that on this story he intends to pump, but he does not intend to poison anyone, and indeed 'his act of replenishing the house supply with poisoned water was [not] intentional.'⁸³ The first two claims are true, on my view, since the pumping or replenishment of the water supply and the poisoning are separate facts, and one may be intended without the other; the last claim is another matter. Presumably, since Anscombe wants to link intentional action to intentions, she is here allowing actions to be distinguished by reference to descriptions: hence she can say that 'very roughly' 'a man intends what he does,'⁸⁴ on the basis that it is wrong to say that what the workman is doing is pumping poisoned water, or poisoning. However, this seems extremely counter-intuitive: whatever we might say about his intentions, what he actually *does* is to pump poisoned water, and so on. My position accommodates this intuition: on my view it is actions which are intentional, and it is permissible to attribute any sensible description to them, as long as it is

82 Anscombe, *Intention* §25, 41

83 *Ibid.* 42

84 *Ibid.* 45

recognised that intentions are not simply concerned with what is done in intentional action, however described, but relate to upshots, understood as facts.

Anscombe goes on to point out that the workman's intentions won't absolve him from 'the guilt of murder,' and claims for this reason that the discussion has no 'ethical or legal interest.'⁸⁵ This suggests the now familiar mistake of thinking that if intention comes apart from moral (or legal) responsibility, then it is a failure as a moral (or legal) concept. She is correct, of course, in pointing out that the workman's guilt arises *in spite* of his not having intended any harm: it comes from recklessness, or being an accessory to crime, or to some combination of the two.

Anscombe's influence on these issues has been considerable, but unfortunately it does not always seem to be pushing the debate in the same direction. In her book *Intention*, where the pumping example is discussed, she seems to combine a 'description' view of intentions with a dismissal of their moral relevance. However, in a series of pamphlets and papers she makes a powerful polemical case for the opposite view: that intentions are of the utmost moral relevance, but that they should not be distinguished in terms of descriptions. It is surprising to see that these ethical works were composed before, at almost the same time, and after the book.⁸⁶ What they have in common with the book is a tendency to assimilate intentions to intentional action. In the book, the workman's intention is agreed not to be one of poisoning, and Anscombe concludes that his action is not one of 'pumping poisoned water.' In the pamphlets and papers Anscombe notes that acts of bombing and starving civilians were intentional — the foreseen results of actions which were done deliberately⁸⁷ — and concludes that they must have been intended. In the last of these papers, she remarks that 'intention may relate to the intentionality of the particular action that is done, as well as to the purpose for which it is done.'⁸⁸ She therefore focuses on the question, for example, of whether an agent 'was doing the killing on purpose.'⁸⁹

85 *Ibid.* 45

86 *Intention* was first published in 1957; 'The Justice of the Present War Examined' in 1939; 'Mr Truman's Degree' in 1957; 'War and Murder' in 1961; 'Medallist's Address' was delivered in 1982.

87 Anscombe, 'The Justice of the Present War Examined,' 79; 'Mr Truman's Degree,' 66; 'War and Murder,' 59

88 Anscombe, 'Medallist's address,' 59

89 *Ibid.* 58

Her motive for this conclusion is a moral intuition that the actions at issue are wrong, and it is worthwhile to consider the case she makes against a view, like mine, which allows finer distinctions to be drawn. I shall consider two of her examples. The first is the policy of blockading Germany in wartime, undertaken (as the British claimed)⁹⁰ with a view to undermining the German war effort by depriving the German armed forces of food. It must have been obvious that this policy would have, as it did have, a very serious effect on the civilian population, and indeed that soldiers would be the last to suffer.⁹¹ The second is bombing dikes in Holland to impede enemy troop movements, and/or to drown enemy troops, it being foreseen that many civilians would be drowned.⁹² In both cases, Anscombe denies that those carrying these policies out could legitimately claim that they intended harm only to enemy combatants. Leaving aside the possibility (considered by Anscombe) that, in the blockade case, the suffering of civilians was in fact intended as a means to demoralise the army, her reasoning is the same in each case: that one cannot claim to intend harm only to a group of combatants G if the 'target' or 'object of attack' is a larger group, H, where H includes not only G but lots of innocent civilians.⁹³

The key problem for Anscombe's position is how she proposes to separate the cases she wishes to condemn from those she allows, as of killing a few civilians in the course of bombing a legitimate target.⁹⁴ It just seems that when the numbers of civilians are large enough, 'you cannot very well say they died by accident.'⁹⁵

The permissible and impermissible cases are separated by Anscombe's moral intuitions, with which I have no dispute; the lack of any criterion for applying intention consistently in the two groups of cases suggests, however, that something else needs to be in place to explain these intuitions. My suggestion is that, like the workman pumping poisoned water, the blockade and the dike-bombing are wrong, not because of some mysterious intention to kill civilians, such as (*ex hypothesi*) played no part in the practical reasoning of those who ordered

90 See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2nd ed. (New York: Basic Books 1992), 173

91 Anscombe, 'The Justice of the Present War Examined,' 76

92 Anscombe, 'Mr Truman's Degree,' 66

93 Cf. Nagel, 'War and Massacre,' 61; Ramsey, *War and the Christian Conscience*, 65

94 Anscombe, 'Mr Truman's Degree,' 66

95 Ibid.

these actions, but for other reasons, notably recklessness. As noted before, a lack of intention does not imply a lack of moral responsibility, since, in this case, recklessness can establish an agent's moral responsibility for outcomes. The blockade case is a particularly good example of recklessness. Whereas the usual examples involve bringing about the death of a few civilians to get at a much larger number of soldiers, or to do some proportionately serious damage to the enemy's ability to wage war, here the policy causes harm to literally tens of millions of civilians, to cause rather less harm to a much smaller number of combatants. The harms and benefits are therefore grotesquely unbalanced.

Michael Walzer has adopted an argument similar to Anscombe's, saying, with blockades in mind, that a soldier 'can only shoot if he has a reasonably clear shot':⁹⁶ clear, that is, of civilians. He does not claim that a soldier who shoots without a 'clear shot' necessarily intends the deaths of the civilians who get in the way, so this must be taken to be a point about recklessness. It is a poor way of expressing it, however, for recklessness depends on expected outcomes, not on whether, in a physical or causal sense, a soldier has been able to 'take careful aim *at* his target and *away from* non-military targets.' This point is worth emphasising. Suppose there was a danger of a commercial airliner being crashed, by terrorist hijackers, into a large building full of people. It might be proposed to shoot the airliner down, before the hijackers could reach their target. This would kill the passengers, numbering in the hundreds, but save the occupants of the building, numbering in the thousands. If no action is taken both groups would be killed. The intention of the action is to get at the terrorists, and/or to halt or destroy their improvised weapon, the airplane, before it can be used. There is no intention to kill the innocent in this case, but Anscombe and Walzer might say, respectively, that the deaths of the passengers was not 'accidental' but 'on purpose,' and that there was no possibility of a 'clear shot.' This is not an example of reckless wrongdoing, however, since, in contrast to the blockade case, the expected outcome of the action is overwhelmingly positive compared with the alternatives. This analysis also covers cases of a villain using 'human shields,' even if (as Shelly Kagan imagines) one has to shoot through the body of the innocent shield to kill or stop the villain.⁹⁷ Without intending to kill the shield, the permissibility of actions in these cases comes down to avoiding recklessness and negligence.

96 Walzer, *Just and Unjust Wars*, 174

97 Kagan, *The Limits of Morality*, 138f; cf. Fried, *Right and Wrong*, 44; Quinn, '... the Doctrine of Double Effect,' 188

3. Bennett on 'reversal of change'

My final examples illustrate Bennett's 'reversal of change' problem, which seems to be inspired by the failure of the counter-factual tests considered in Part III. If an agent's intended result can be picked out in a fine-grained way, Bennett claims, then what he calls the 'intention principle' throws up 'outright crazy' results.⁹⁸ A bomber might target civilians with the intention that their appearing dead will weaken enemy morale, but this does not require them to be dead permanently. Again, an arsonist might 'not intend the building to be permanently destroyed, just that it be reduced to ashes for long enough for the insurance company to pay up.'⁹⁹

Bennett fails to ask the bomber and the arsonist *how* they propose to bring about their hoped-for end-results: what means they will choose to employ. The bomber might reply to such a question that he will gas his victims with some Sleeping Beauty drug which will make them appear dead for long enough for his purposes. The method Bennett seems, in context, to have in mind is that of dropping high explosives onto the civilians, causing them to be killed; this will reliably have the result that they will appear dead for the necessary time, even under the most sophisticated medical examination — since they will *actually* be dead. However, if this is the idea, then the bomber clearly does intend the deaths of the civilians, as the means to his goal.¹⁰⁰

Again, the arsonist might try to create an illusion that the building is destroyed, using smoke and mirrors. What Bennett has in mind, however, seems to be the plan to create the appearance that the building is destroyed by the simple expedient of creating the reality of the destruction of the building.

It is worth noting that even if these agents did avoid killing or burning their actions would still be very seriously wrong. Knocking people out for 'a year or two'¹⁰¹ is one of the more seriously nasty things that one can imagine doing to people, and a moral theory which forbids inten-

98 Bennett *The Act Itself*, 210

99 Ibid. 211; cf. Russell, 'On the Relative Strictness,' 95; Finnis, 'The Rights and Wrongs of Abortion,' 136; Quinn, '...the Doctrine of Double Effect,' 179

100 F.M. Kamm, *Morality, Mortality Vol. II* (New York: Oxford University Press 1993), 155; Kamm, 'Non-Consequentialism, the Person as an End-in-Itself, and the Significance of Status,' *Philosophy and Public Affairs* 21 (1992) 354-89, at 377; Delaney, 'To Double Business Bound,' 577

101 Bennett, *The Act Itself*, 211

tionally killing non-combatants in a war will almost certainly forbid inflicting other serious harms on them by intention, including that.¹⁰² With the other example the destruction of the building may not be a wrongdoing at all, in itself; the crime here is in defrauding the insurance company. This is performed by claiming that the building burnt down by accident when it did not: whether it was burnt down on purpose by the owner, or whether it only appears to have been burnt down, makes no difference.

These points illustrate the importance of remembering that intention will have a use only in the context of a complete moral theory, with a complete set of moral principles. A moral theory which forbids killing, but allows inducing a drugged sleep of years' duration, will throw up 'outright crazy' results; so will a theory which forbids burning down buildings, but not insurance fraud. This craziness, however, has got nothing to do with intention and its role in the theories.

As it happens, this particular craziness is not thrown up on the most natural reading of Bennett's own examples, since the civilians really are killed, and the building really is burnt down. Bennett's idea seems to be that if the agent does not mind the changes (killings, burnings) being reversed, after some time has elapsed, this undermines the idea that the changes were intended. However, this does not even follow from the counterfactual tests, which ask whether an agent would bother doing an action, or would regard it as a failure, if a particular upshot did not occur. If the killing and the burning never took place, Bennett's agents would find their plans frustrated; this suggests (for what it is worth) that they did intend them.

It might seem that a reversal of change could have significance in showing whether an agent desires an upshot for its own sake. The terror bomber who would not care if his victims are revived once the war is won is a person who doesn't see their deaths as intrinsically valuable, but only instrumentally so. But this is not quite right. I might value getting to the top of a mountain, and not mind that, after admiring the view, I have to go down again. This does not mean that I only value being at the top of the mountain instrumentally; it just means that what I value is being at the top for a short while. What would be shown by not caring about a reversal of change is that I did not value a thing, either intrinsically or instrumentally, as a permanent state of affairs. However, intentions are not limited to permanent states of affairs, and to my knowledge no one has ever suggested that they are.

102 See John C. Ford, SJ, 'The Morality of Obliteration Bombing,' in *War and Morality*, Richard A. Wasserstrom, ed. (Belmont, CA: Wadsworth 1970) 261-301, at 228

This brings into focus an important point about the nature of the moral principles at issue in these examples. Bennett is concerned with a prohibition on killing, understood in terms of intention. His claim, that the possibility of a reversal of change would reveal that the terror bomber did not infringe the principle, suggests that the prohibition he has in mind is something like this: 'It is wrong to intend the death of civilians as a permanent state of affairs.' This would indeed produce 'outright crazy' results, but it is not a natural reading of common-sense moral principles. A more natural formulation would be 'It is wrong to intend the deaths of civilians.' Agents who would be happy to see their victims return to life have still intended them to be dead in the first place.

If, on the other hand, death (unlike the destruction of a building) is defined as being a permanent state, then what the terror bomber intends is some state of his victims *S* which is either death or looks just like it for a few years. A theory which forbade intending the deaths of innocent civilians, but did not forbid intending that they be put into state *S* would produce Bennett's 'outright crazy' results, but this would not be because of the use of intention, but because of the limitation on the theory's set of moral principles.¹⁰³

V Conclusion

What I have attempted to provide in this paper is a clear account of intention, such as can be used in ethics. To do this I argued, first, from a common-sense notion of intention based on a list of near-synonyms: we intend the results of action we are trying or attempting to bring about, or aiming at; they are the upshots which are the point or purpose of the action; they are part of our plan; if they failed to materialise, they would render the action, as originally conceived, a failure, and so on. This is enough to show that intention should not be confused with foresight, cause, desire, motive, moral responsibility, and intentional action. Although this is in accord both with our natural usage, and with widely accepted philosophical analyses, a great deal of confusion would be avoided if these points were kept more in mind.

The main attempts to provide a positive criterion for intention have centred around the 'counter-factual tests.' However, these have been widely criticised, and, I have argued, ultimately fail. My own positive account has been based on two pillars: the connection between intentions

103 Cf. Shaw, 'Intentions and Trolleys'

and reasons, and the analysis of intended upshots in terms of facts. On the first, intentions are the correlates of the reasons for action we act upon: if I act because I want a coat to keep me warm, the coat, as means, and warmth, as end, provide me with reasons, and are my intentions, in acting. On the second, I reject both of the most widely held views about what kind of things we intend. One identifies what I intend with the actions or events which I bring about; to a great extent this eliminates the distinction between intention and foresight. The other identifies what I intend with the description I give of such actions or events; this makes for a situation where common-sense formulations of moral principles can be evaded by anyone describing his intentions in different terms. Understanding intentions in terms of facts about the future, which provide the agent with motivating reasons for acting, allows sufficiently fine-grained distinctions to be made for the paradigmatic uses of the intention principle and the 'principle of double effect,' but do not give moral relevance to arbitrary redescriptions of what we are doing.

One kind of objection to this account would be that it is too restrictive, in the kinds of distinctions we can allow between intentions. I have argued that, if moral principles are understood in terms of the intention of facts about the future, it is hard to see what kinds of distinction would be wrongly ruled out. Another kind of objection, and one more likely to be made, would be that my account is too permissive, in that according to it acts of killing, for example, can be done for some other reason, without infringing the prohibition on intended killing. In reply I have considered a number of cases where this seems to be the case: the man who betrayed his country to avoid being beaten up; the workman who poisoned a house-full of people to earn his pay; and military actions which kill large numbers of civilians to get at a much smaller number of enemy combatants. In general, it should be pointed out that intention-theorists need to allow acts which kill, sometimes, not to have an intention to kill: this is happening in the famous 'morphine' case and in legitimate 'tactical' bombing. In response to cases of non-intended but wrongful killing I have emphasised that the judgement of wrongfulness can readily be explained in other terms, notably in terms of recklessness and negligence. This is always recognised when the intention is incorporated into the principle of double effect, since that couples a prohibition on intending evil outcomes with the 'principle of proportionality,' which forbids causing or allowing bad outcomes which are not intended, if these are out of proportion with the good the action brings about.

Finally, I have considered Bennett's 'reversal of change' argument, which is also aimed at fine-grained accounts of intention, on the basis that they might allow killings where the agent would permit the victim to come back to life after some time has elapsed. I argue that this misrepresents the nature of ordinary prohibitions on killing, and harm-

ing in other ways, by intention, which do not limit themselves to permanent harms.

Taken as a group, these cases illustrate a number of common objections to the use of a finely-grained account of intention in ethics, and also serve to reiterate how intention comes apart from a range of other concepts, notably foresight, intentional action and moral responsibility. I hope I have shown that, although my account makes intention narrower in application than is often assumed, this conception is not only clearly definable, but useable in ethical (and legal) contexts. There are certainly other objections and hard cases which still need to be addressed,¹⁰⁴ if intention is to be vindicated in the role that it often has in non-utilitarian moral thinking; the present paper has gone some way to establish a firm basis for tackling those remaining problems: namely, with a clear account of what intention is.

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104 Notably the 'Craniotomy' case: see Joseph Shaw, 'Killing in the Catholic Tradition — I: Craniotomy,' *Downside Review* 123 (2005) 180-204

