

Case Study 2: The Trolley Problem

1. A Common Methodology

Foot opens her article with the following summary of her general methodology:

. . . we are also confused about the general question of what we may and may not do where the interests of human beings conflict. We have strong intuitions about certain cases It is not easy, however, to see the principles involved, and one way of throwing light on the abortion issue will be by setting up parallels involving adults or children once born. So we will be able to isolate the “equal rights” issue, and should be able to make some advance. (Foot, “The Problem of Abortion and the Doctrine of Double Effect,” p. 19.)

2. The Trolley Problem

Consider the following two cases:

- *Trolley Driver*: You are the driver of a trolley, whose brakes have just failed. On the track ahead of you are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and you can turn the trolley onto it. Unfortunately there is one person on the right-hand track. You can turn the trolley, killing the one; or you can refrain from turning the trolley, killing the five.
- *Transplant*: You are a great transplant surgeon. Five of your patients need new parts—one needs a heart, two need a lung each, and two need a kidney each—but all are of the same, relatively rare, blood-type. By chance, you learn of a healthy specimen with that very blood-type. You can take that healthy specimen’s parts, killing him, and install them in your patients, saving them. Or you can refrain from taking the healthy specimen’s parts, letting your patients die.

In each case, what is at stake is whether (or not) to save the lives of five people at the expense of the life of one person. Yet most of us have an intuition that in Trolley Driver you may save the five, whereas in Transplant you may not. Assuming our intuitions are correct, what explains this moral difference?

the trolley problem: What explains why in Trolley Driver (and other cases of that ilk) it is permissible to save the five at the expense of the one, whereas in Transplant (and other case of that ilk) it is *not* permissible to save the five at the expense of the one?

Reasons to care about how the trolley problem is resolved (if indeed it can be):

- Intrinsic interest of puzzle.
- Whatever principle we use to explain our intuitions about Trolley Driver and Transplant can then be used to establish the correct moral verdict for similar cases in which our intuitions are less clear.
- Transplant is a canonical counterexample to utilitarianism.

3. The Doctrine of Double Effect

One influential proposal, popular among Catholic moral thinkers, appeals to the following distinction:

One *directly intends* something iff either one aims at that thing as an end, or one aims at that thing as a means to one’s ends.

One *obliquely intends* something iff one foresees that the thing will be a result of one’s voluntary action, but one does not directly intend it.

The basic idea is to posit a difference in the moral bearing of the effects (of an action) which one aims at, and the effects which one foresees but in no way desires.

the doctrine of double effect (Foot's formulation): It is sometimes permissible to bring about by oblique intention what one may not directly intend.

The doctrine of double effect nicely handles the Trolley Driver and Transplant cases; however, it has trouble with the following case:

- *Hospital:* Suppose that there are five patients in your hospital whose lives can be saved by the manufacture of a certain gas, but that this will inevitably release lethal fumes into the room of another patient whom (for some reason) you are unable to move.

4. Foot's Proposal

Foot's own proposal involves appealing to a distinction between *what one does* and *what one merely allows*. Applied to life or death situations, this becomes a distinction between *killing* and *letting die*.

More precisely, Foot thinks that our *negative duty* to refrain from killing people is more stringent than our *positive duty* to save people's lives. More precisely still, Foot thinks the following:

Foot's proposal: Our *negative duty* to refrain from killing *one person* is more stringent than our *positive duty* to save *five people's* lives.

If we also assume that our negative duty to refrain from killing five people is more stringent than our negative duty to refrain from killing one person, then Foot's proposal can account for our intuitions about Trolley Driver and Transplant. However, the proposal clashes with our intuitions about the following cases:

- *Bystander:* You are strolling by the trolley track, and you can see that a trolley is barreling out of control toward five people, the driver having fainted after discovering that the brakes don't work. As it turns out, there is a switch next to you which, if turned, would divert the trolley onto a track containing only one person. You can turn the switch, thereby killing the one; or you can refrain from turning the switch, thereby letting the five die.
- *Modified Transplant:* The same set-up as in Transplant. One twist: you were the one who caused the five patients to be in the situation they are in. Having fallen on extremely bad financial times, and having discovered that you are the beneficiary in your five patients' wills, you surreptitiously gave each of them a chemical that caused the relevant organ to fail. But now you repent, and would save them if you could. If you do not save them by cutting up the one, you will have killed the five.

5. A Kantian Proposal

Taking inspiration from Kant's Formula of Humanity, one might propose the following principle:

a Kantian proposal: It is always impermissible to use someone merely as a means.

This proposal is compatible with our intuitions about Trolley Driver, Bystander, Transplant, and Modified Transplant. However, the proposal clashes with our intuitions about the following cases:

- *Fat Man:* You are on a footbridge over the trolley tracks, and you can see a trolley barreling out of control toward five people on the tracks who won't be able to get off in time. An expert on trolleys, you know that the only way to stop an out-of-control trolley is to drop a very heavy weight into its path. But the only available, sufficiently heavy weight is a fat man, also watching the trolley from the footbridge. You can shove the fat man onto the track in the path of the trolley, thereby killing the fat man; or you can refrain from doing this, thereby letting the five die.
- *Loop:* Same set-up as in Bystander. One twist: the track you would divert the train onto by turning the switch meets back up with the main track fifty feet later, so that the trolley, if unimpeded, would continue on and still hit the five. However, the one man on the side track is so fat that his weight would cause the trolley to stop if it were diverted onto that side track.

6. Thomson's Proposal

Thomson's own proposal from "The Trolley Problem" runs as follows:

Thomson's proposal: It is permissible to make what threatens the five instead threaten the one, provided that the means of doing so does not infringe on any serious rights of the one.

This proposal seems like it can account for our intuitions about the seven cases we have introduced so far. However, it has been alleged that the proposal clashes with our intuitions about the following case:

- *Lazy Susan:* "The five are seated on a Lazy Susan Device toward which the trolley is headed. We push the Lazy Susan as the means of getting them away from a trolley which cannot itself be redirected; this causes the Lazy Susan to ram into a bystander, killing him" (Frances Kamm, *Morality, Mortality, Volume II: Rights, Duties and Status*, p. 154).

7. Appendix

Expressions that Foot and Thomson use to describe their (or our) intuitions about cases (emphases added):

- "We have *strong intuitions* about certain cases" (Foot, "The Problem of Abortion and the Doctrine of Double Effect," p. 19).
- "... the distinction between direct and oblique intention plays only a quite subsidiary role in determining *what we say* in these cases" (ibid., p. 29).
- "The Catholic doctrine on abortion must here conflict with *that of most reasonable men*" (ibid., p. 30).
- "We would *surely* not think ourselves justified . . ." (ibid., p. 31).
- "What Bert does is *surely* every bit as bad as what Alfred does" (Thomson, "Killing, Letting Die, and the Trolley Problem," p. 78).
- "This latter is *a fact*" (ibid., p. 79).
- "Philippa Foot says—and *seems right* to say—that it is permissible for Edward . . ." (ibid., p. 80).
- "*My intuition* tells me that . . ." (ibid., p. 81).
- "Yet I take it that anyone who *thinks* Edward may turn his trolley will also *think* that Frank may turn his" (ibid., p. 82).
- "Most people, I think, *would feel* that Harry may act in (8)" (ibid., p. 83).
- "It *seems to me* that it is permissible to deflect the Health-Pebble if and only if . . ." (ibid., p. 84).
- "Here it *seems plain* that we may not deflect that avalanche . . ." (ibid., p. 87).
- "We *certainly* may not cut him open to get it out" (ibid., p. 89).
- "*Everyone* to whom I have put this hypothetical case *says*, Yes, it is [permissible]" (Thomson, "The Trolley Problem," p. 1395).
- "... *my own feeling* is that an ordinary person, a mere bystander, may intervene in such a case" (ibid., p. 1397).
- "... and it really does *seem right* to think . . . that the agent may proceed" (ibid., p. 1403).
- "It *seems to me* that something like this must be correct" (ibid., p. 1404).
- "*Surely* it would not be permissible for us to manufacture the gas" (ibid., p. 1407).
- "Here too *it is plain* we may not proceed" (ibid., p. 1407).
- "... those acts which *intuition* tells us are clearly permissible . . ." (ibid., p. 1408).
- "... others tell me they *think it clear* the bystander may proceed in such a case" (ibid., p. 1411).