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The Trolley Problem

The Trolley Problem attempts to justify our instinct that it is permissible to turn a trolley into one person to save five. As first set out by Phillipa Foot, then adapted and challenged by Judith Thomson, it presents three choices at the hand of the moral agent as a tram hurtles out of control.

  (i)   You do nothing, the tram continues and kills five workmen.
  (ii)   You flip a switch to the right, and instead the tram turns to kill one workman.
  (iii)   You flip a switch to the left, and instead the tram turns to you, killing you.

Our moral sense is tugged in various directions not just to the three choices but to their prioritisation according to different duties. Philippa Foot first attempted to resolve the dilemma through her evaluation of the usefulness of the Doctrine of the Double Effect in two hypothetical cases.

<u>Judge's Two Options</u>

Rioters hold five hostages, threatening to kill them without the execution of an innocent.
The judge may:
  (i)   Let the rioters kill the five hostages.
  (ii)   Frame and execute an innocent.
We are instinctively averse to (ii).

<u>Driver's Two Options</u>

A driver is driving along a track that has five men ahead and notices a track to the right which has only one workman.
The driver may:
  (i)   Continue ahead, killing the five men.
  (ii)   Turn right and kill one man.
We lean towards (ii).

Why are our verdicts different on these two cases, when both frame the deaths of one versus five? Foot explains this distinction as a tug between "what we owe to people in the form of aid" in other words, our positive duties, "and what we owe to them in the way of non-interference" or our negative duties. Non-interference is weighed heavier than aid. So, the Judge decides to let five die instead of killing one whereas the driver decides to kill one instead of killing five.[1]

These duties do seem intuitively plausible, but I do not find them entirely convincing. Foot's assertion that negative duties weigh more than positive duties rests upon a distinction between moral action and inaction that might not exist. Is there truly a difference between allowing someone to die and killing them? I appreciate that there is an unexplainable sentiment that gives the agent considerably greater ease in condemning the already condemned than in condemning an innocent. Yet, as the Judge chooses to let the rioters kill the five, he chooses really to kill the five and what is the difference then between the rioters' or his own hand on the trigger? I might also raise doubt, as Thomson suggests, of the second principle that you should kill one instead of

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[1] Thomson finds this proposal attractive, adding the idea of *ceteris paribus*, that more information about the victims would influence the agent's decision.

killing five, with John Taurek's assessment of the moral relevance of numbers in cases of distributing a benefit.[2]

In his paper, "Should the Numbers Count?" Taurek sets out the situation that for the purposes of continuity, I shall call 'The Doctor's Two Options.' He hypothesis that there is a lifesaving drug without with six people will certainly die. Here, one of the six requires all of the drug and the other five only require one-fifth.

Doctor's Two Options

(i)   Give all of the drug to one person, letting five die
(ii)   Distribute one-fifth of the drug to five people, letting one die

Taurek states he cannot accept the view that one ought to save the greater number because this stance cannot be reconciled with the consequentialist's other beliefs. He attacks the *ceteris paribus* defence. Those who hold this defence state that special considerations – the five being "drivelling old people or five idiot infants, loved by no one" or the one person being on the brink of discovering a wonder drug – would influence the decision. Without these, the death of five innocent persons is a greater evil than the death of only one innocent. This is intuitively plausible: one is morally required to prevent the worst if these are the only options. Yet, Taurek argues that special considerations are more complex than this. He sets out what I will label 'The Friend's Two Options,' that the one person is David, a friend of the agent and the five are strangers.

Friend's Two Options

(i)   Give all of the drug to David, letting five strangers die
(ii)   Distribute one-fifth of the drug to five strangers, letting your friend die

Taurek argues that the inclination to help David is a different sort of special consideration and one that should perhaps be put aside in this context. The fact that David is a friend would not make his death a worse thing in comparison to the deaths of five, because it is only by chance that he does knows and likes him. However, the proximity between David and his friend may incur a deeper mutual obligation, presenting an ambiguity as to what the agent is morally required to do in this situation. Say instead, there was only one stranger who also needed the drug - the agent would choose David. But why? It would be justified by the preference that he happens to know and like him, but this does not force a moral obligation onto the agent. Taurek posits that it is the absence of a moral obligation to save a stranger rather than David which makes his preferential choice morally permissible.

Taken back to the trolley problem, reasserting *ceteris paribus*, it is possible to use the framework of Taurek's idea of the absence of moral duty to a stranger onto the last two options: killing one workman or yourself. Many would immediately eliminate (i) of the Trolley Problem, with the utilitarian defence of the greatest happiness principle and the value of numbers in distributing benefits. It is probably true that this option would disappear through Bentham's hedonic calculus. There is an obvious validity in this reasoning, and for the time being we shall assume that this holds. There are now two options, killing yourself or the workman. Following Taurek,

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[2] Lawlor suggest that there are two sides to this dilemma: either numbers matter and we should save the greater number or numbers do not matter and there is a moral value in the distribution of an equal chance of survival. He claims that we do not always have to make a choice by either always choosing the greatest number or tossing a coin. It begs a balanced analysis, which Taurek also supports.

there is a kind of special consideration here that is not taken into account: preference. It is true that you know yourself far better than a stranger, value your own life and want to survive. It is also true that the stranger will have this same perspective for you, but the switch is not in his hands, so this is rendered irrelevant. At this point, where numbers no longer matter because the decision's ratio is 1-1 and where there are no additional facts to incur a moral obligation to save this stranger, the agent is permitted to choose (ii) and turn the switch onto the one workman.

Judith Thomson dissents: no solution is needed because it is unacceptable to drive the trolley into the one. If this is true, our efforts to justify the instinct that it is permissible to turn a trolley into one person to save five and impermissible to push one person in the way to save five are not important.[3] Thomson states morality does not require self-sacrifice and thus, I am permitted not to choose (iii). However, then I cannot choose (ii) because I cannot force a stranger to pay a price that I am unwilling to pay. Thus, the problem is actually solvable from the outset because the other two options are obsolete.[4]

This solution rests upon the two possibilities either I am:
  A) Unwilling to turn the trolley into myself
  B) Willing to turn the trolley into myself

If you are A, which most of us are, then Thomson states the moral agent cannot "decently regard himself as entitled to make someone else pay" what he could not. If you are B, then turning into the one violates his consent. There is another alternative (i) and so (ii) is not allowed. Robert Shaver argues that B is unconvincing; just because there is a moral cost of killing the one does not mean there is not also a cost in (i) - five deaths in fact have a large weight. I would add that there is also a lack of consent for the five workmen, so the consent problem remains regardless of the willingness of the agent to self-sacrifice.

A is stronger but pivots on the inference that "I cannot decently regard myself as entitled to do X" means "my doing X is not permitted." Shaver denounces this: if I was unwilling to pay a small cost (he suggests a blackened toenail), Thomson would infer that I cannot decently regard myself as entitled to blacken someone else's toenail to save five lives. I would agree that in this case, you are required to impose this cost rather than to let five die. His stronger rebuttal is that there are many cases in which I cannot decently regard myself as entitled to do something which I am nonetheless permitted (or even required to do). If you avoided the draft in your youth and now you become president during war, enacting a draft is not only morally permissible but your duty as leader to save the lives of the nation.

I think an interesting admission is that we will not think well of my character if I chose (ii) and kill a stranger, especially if I was unwilling to bear this cost myself. Yet, this does not completely invalidate it as a choice. People with flawed characters can perform right actions (Shaver). I also recognise a sanctity in numbers, that five lives do weigh heavily against the life of one. Our instinct towards this is rational, and I believe makes impermissible option (i). We are left with killing ourselves and killing the one, both of which I believe are morally permissible and neither

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[3] The Bystander's Two Options sets out that the well-known case of pushing a fat man in front of the trolley to save the workmen. Most people have the intuition that this is wrong. Yet, this adds an element of deontological complexity to the utilitarian defence because at its surface-level, it is only a question of 1-5 deaths. There is a need to explain the instinct not to push this man to save the five. It is quite similar to the Judge's Two Options.

[4] Alexander Friedman also suggested that none of the solutions to the trolley problem worked. In fact, the question is posed in a non-answerable way – the bystander cannot choose (ii) in the Bystander's Two Options, following Foot's *Letting Five Die Vs. Killing One* Principle.

morally required. To make the self-sacrifice would indeed be a noble thing to do, but an impossible burden to require morally. Killing the one would weigh on the conscience, indicative of a worsened character, but this weight would be lighter than the deaths of five. Perhaps you should shut your eyes and switch blindly left or right.

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