

I argue that the option morally required is (i) and that although (iii) is morally allowed few would take it and therefore, practically, the choice is between (i) and (ii). I hold that under no circumstances should one take option (ii) therefore the moral option is (i).

The arguments I will advance for the view that option (ii) is immoral are:

- a) Every human has an infinite worth
- b) No individual should be placed in a position to judge the value of another, even if it is a numerical calculation (which I argue, in terms of relational ethics, it is not)
- c) The reason for (b) is that there is uncertainty in every moral problem and when we sanction sacrificing the one (B) to save five (A) *solely* because we trust the calculation of the switch flipper, we ignore the fallibility of human knowledge.
- d) More crucially, the person with the ethical power to choose who lives or dies is in a position to make a value judgement about the lives of other people, the consequences of which they will not experience – a problem I term the ‘detachment bias’. I will argue that our calm acceptance of a vacuum in which one ‘pin figure’ is enabled to make a cost benefit analysis about the lives of others reflects a real world reality – and that this reality is morally problematic because our ‘pin-figure’ should not be flipping switches if they cannot conceive of ever being on the tracks.

The utilitarian, consequentialist and deontological arguments around the trolley problem are well known. All these traditions view the issue as a conflict of rules versus interests, or a logical difficulty to be solved. The unaddressed aspect of the trolley problem, however, is the question of ethical power: who has choice over whom.

It is relevant that the problem is first articulated by Philippa Foot in Oxford (1967), one of the historical and current centres for training our politicians, leaders and judges. The context of this problem is, thus, moral privilege. One argument frequently levelled against the trolley problem is that it is detached from reality. However, this is the opposite of the truth for those the problem was devised *for*. Those who study philosophy at Oxford often go on to wield unusual power and responsibility. The trolley problem arises out of a system of moral education that *prepares* students to take decisions about the lives of others – including decisions that sacrifice the lives of some in the interests of preserving the lives of others.

I start from the premise that one cannot ever choose who will live or die. First, I hold that every person on the tracks has an infinite value as a human life. If we agree that every person is infinitely valuable then the equation ceases to be mathematically manageable as the sum of 6 infinities is still infinity, so we cannot argue that by saving five lives we have secured a greater overall value.

Moreover, if we reject this argument, believing that human beings each have a separate, finite value and that therefore the value of five is greater than the value of one, there is still the problem of allowing one person to choose who lives and who dies.

In the literature surrounding the trolley problem there are many examples given that attempt to simplify the problem by adding factors that help the switch flipper determine the moral value of everyone on the tracks. In some variants, an individual is

responsible for the deadly situation; in others, one of the parties is described as 'evil' and the single autonomous agent is expected to act, morally, on the strength of their judgement to save the 'good' parties at the expense of the 'evil' parties. This assumes the capacity of the agent to judge moral worth with life/death consequences which I believe is a faulty assumption.

However, even if we believe that the crime (or 'evil') of B may be sufficient to warrant the death penalty, then there is still a problem with one person assuming the role of both judge and jury.

I argue it is particularly dangerous to give one individual the ethical power to determine who lives and who dies when the person wielding that ethical power will not be affected by the choice. This is what I term the 'detachment bias': when our position as privileged bystanders capable of effecting life or death and flipping switches causes a failure of imagination. We are unable to imagine what it is like on the tracks. Given that we are unable to imagine being on the tracks, we are even less able to imagine being on the tracks and being the person who is chosen to die.

Yet why is 'detachment bias' grounds for rejecting the prevalent view on how the switch flipper should act? Surely, if the problem is simply a question of weighing up the pro's and con's of each course, a desensitised, uninvolved pin figure calmly counting individuals and acting on their calculation is best. The appeal of the trolley problem is that, in the intellectually manufactured contextual vacuum there is clear and *certain* information to evaluate and a binary moral choice. In such a context a rational but unimaginative moral agent seems the most morally capable.

I disagree with this analysis on two counts: firstly, if the morality of flipping the switch relies entirely on the outcome of the action, then in a world where knowledge is flawed, I suggest that one would always be uncertain of the eventual outcome of the route chosen. In a utilitarian model I would argue that we have no way of calculating the 'overall benefit' of either route because we cannot predict the long term consequences.

My second objection to the perception that our switch flippers should be detached pins rationally determining who should die is that any 'effective' (ie. rapid and rational) response to the trolley problem in real life relies on assessing and accepting the available information without question. In a scenario where seconds count, one cannot waste time questioning what information to believe, which means that sometimes our real-life switch flippers act on flawed information.

In 2017 a maverick psychologist conducted an unorthodox pilot experiment which, although not passed by an ethics review board or peer reviewed, nevertheless contributes some understanding of the *human* responses to the problem.

Seven individuals are placed in an artificial situation (experienced as real) in which they must flip the switch, choosing between A and B. Five participants did not switch the train; two did.

I note that the psychologists interviewing, post-experiment, considered those who did not flick the switch as not having 'acted'. They suggested those participants had 'frozen'. This contradicted the statements of those who *chose* not to act, refusing to 'touch the switch'. In *Eichmann in Jerusalem*, Arendt argues that 'non-action' is also

a moral choice, sometimes the best one. Where one *cannot* act morally, *not acting* is ethical.

Perhaps most thought-provoking was the response of test subject Cory, whose reaction was the most rapid, efficient and whose response afterward the most emotional. Cory is left in the switch room. Much sooner than the other participants, he assesses a potential risk to the workers on the 'live' track footage and his concerns are confirmed when a train is shown on screen travelling on the track and an alarm begins to sound. Within seconds he attempts to find help, then adjusts quickly to the reality that he is alone: it is his decision. Within another few seconds he flicks the switch. Interviewed after, he is the only one of the participants to show signs of emotional distress: his voice breaks and tears show, in clear contrast to his earlier calm appraisal of the situation. On the surface he has acted as the 'perfect' moral agent, rapidly and accurately processing all the information and coming to a logical conclusion. However, as he responds to the researchers' questions it becomes clear that he was not in fact a pin figure viewing other pin figures. "That was really tough," he manages to get out. "Either, like, five families or one family." The researchers interviewing him are perturbed by his tears. We do not expect our moral actors in thought experiments – especially not those who rationally choose the 'right' course (in the prevailing view) to break down at the thought of having caused the destruction of a family. The whole point of the trolley problem is that it is an exercise in logic, existing devoid of human interaction. Yet it appears that *truly* moral decision making engages something more than our logical faculty.

In her 1982 study Carol Gilligan challenged the prevailing understanding of morality, viewed through male structures and lenses. The problem with Kantianism, Utilitarianism and Consequentialism (philosophies usually used on the trolley problem) she argued, is they view morality as a series of linear decisions reached by logical evaluation, not as a process of understanding and preserving human relationships. Cory, unlike the test subjects who are good representatives of male-shaped schools of philosophy, sees the decision as involving real human beings with lives and a network of people affected by his choice. There is something valuable to be drawn from his response to the experiment that is not present in the abstract problem, the need to have a strong emotional conception of the harm you are doing in order to be a moral actor. Gilligan exposes *her* test subjects to another famous conundrum (Kant's drug question) and asks them to articulate their responses. The conclusion she draws is that the educated male response to moral decision making is logical, even mathematical whereas the female response is to view the question not as two conflicting principles, or interests, but in terms of the human relationships involved. According to Gilligan, a woman looking at the tracks should see the problem in terms of human relationships and the desire to preserve them not in terms of numbers. There are flaws with Gilligan's study, and in the pilot trolley experiment it is male Cory who employs relational ethics. This is not, however, a point about gender but about seeking a more human approach to the problem. The pilot experiment relied on the subjects not *knowing* it was an experiment. Quite probably, those who participated had never heard of the trolley problem and never encountered such a decision before. In that way, Cory, who modelled an emotional response, was different to those who might encounter the trolley problem in government or law, on a larger scale – say hundreds or even millions. Those who might encounter it in government will almost overwhelmingly have been trained in the trolley moral

discourse that encourages ‘detachment’ and the binary rather than relational approach. If most of our MPs study philosophy, and in their first year are *taught* to relate to these types of problems as rational calculations into which one cannot factor emotional or long-term cost, then that is how they will approach real life equivalents. Moreover, unlike Cory, they will likely be exposed many times to a situation demanding that they prioritise one group over another and will grow desensitized becoming the very pin figures that rational morality claims are effective moral agents – and I claim are not so.

Nevertheless I do argue that our switch flipper may exercise moral autonomy over their own life (option (iii)), as they are unlikely not to engage emotionally with their own families or consider the people who will be hurt by their choice. Their choice, therefore, lacks the ‘detachment bias’ so I argue, despite the impossibility of foreseeing long-term consequences, they may choose to take option (iii).

In conclusion, I support option (i) in the awareness that few take option (iii) (and if it were an option, it would void option (ii)). I argue that there are real life problems with option (ii) and they present the need to acknowledge our finite knowledge and grasp emotionally the consequences of action.

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