## Philosophy 1100: Ethics

<u>Topic 8: Double Effect, Doing-Allowing, and the</u> <u>Trolley Problem</u>:

- I.Two Distinctions Common in Deontology2.The Doctrine of Double Effect (DDE)3.Why believe DDE?
- 4. The Doctrine of Doing and Allowing (DDA)
  - a. negative vs. positive duties
  - b. Foot's formulation of DDA
  - c. DDA and the earlier cases
- 5. The Trolley Problem

# Two Distinctions Common in Deontology

The Intend/Foresee Distinction embodied in "the Doctrine of Double Effect"

The Do/Allow Distinction

# The Doctrine of Double Effect

#### Foot (p. 6):

"By 'the doctrine of double effect' I mean the thesis that it is sometimes permissible to bring about by oblique intention what one may not directly intend."

#### In other words:

... the thesis that it is sometimes permissible to bring about unintentionally (though foreseeably) what one may not intend.

## The Doctrine of Double Effect

DDE: causing harm is (all else equal) more objectionable (i.e., more *prima facie* wrong) when the harm is *intended* by the agent than when the harm is merely a *foreseen but unintended* side-effect.

Does DDE imply that it is <u>always wrong</u> to intend harm?
NO → parent punishing his child
Does DDE imply that it is <u>always ok</u> to bring about harm as a mere unintended side-effect?
NO → Foot's oil merchant (pp. 7-8)

Foot's main answer (pp. 8-9):

because, for many pairs of cases, it seems to provide a good explanation of the moral difference between the pair.



Philippa Foot

# **clicker question** What should the <u>magistrate</u> do? **A.** Frame and execute an

A. Frame and execute an innocent man to prevent the angry mob from killing five innocent people.

**B.** Refrain from doing this (five innocent people will die).

# clicker question What should the <u>driver</u> do?

**A.** Steer for the less occupied track (one person will die).

**B.** Steer for the more occupied track (five people will die).

First pair of cases (Foot, pp. 8-9):

Magistrate

It seems <u>wrong</u> for the magistrate to kill one so as to save five.

- VS. -

Driver

It seems <u>right</u> for the driver of the trolley to kill one so as to save five.

#### Why should this be?

"Why ... should [we] say, without hesitation, that the driver should steer for the less occupied track, while most of us would be appalled at the idea that the innocent man could be framed"?

- Foot (p. 8)



Perhaps DDE explains why:

Perhaps the reason that it's wrong for the *magistrate* to kill the one in his case but ok for the *driver* to kill the one in his case is that ...

- if the magistrate kills his one, he will be *intending* this death,
- whereas if the driver kills his one, he won't be intending this death (the death will be a merely foreseen but unintended side-effect of his act).

## Foot's new principle

#### But then Foot's paper takes a turn (p. 10):

"At one time I thought that these arguments in favor of the doctrine of double effect were conclusive, but I now believe that the conflict should be solved in another way. ...

[T]he strength of the doctrine seems to lie in the distinction it makes between what we *do* (equated with intention) and what we *allow* (thought of as [unintended])."

## The Doctrine of Doing and Allowing

DDA: doing harm to someone is (all else equal) more objectionable than merely allowing harm to come to someone.

Although Foot puts it a little differently ....

# Foot's Formulation of the Doctrine of Doing and Allowing

First, two definitions:

A negative duty is a duty not to <u>do</u> harm to

someone.

(Negative duties are also called "duties of non-interference.")

A positive duty is a duty not to <u>allow</u> harm to come

to someone, or a duty to benefit someone.

(A duty to "do some positive act on behalf of [some] person" (qtd. in Foot, p. 11).)

#### Foot's Formulation of DDA:

Negative duties are more stringent than positive duties.

### DDA and the Earlier Cases

Magistrate vs. Driver

The magistrate's choices are between:

- (a) allowing the mob to kill five hostages, thus violating a positive duty not to allow harm to come to them;
- (b) executing an innocent man, thus violating a negative duty not to harm him.

Foot's DDA explains why the magistrate ought to do (a) by appealing to the fact that negative duties are more stringent (and thus worse to violate) than positive duties.

### DDA and the Earlier Cases

Magistrate vs. Driver

The <u>driver's</u> choices are between:

- (a) steering for the more occupied track, thus violating a negative duty not to harm five people; and
- (b) steering for the less occupied track, thus violating a negative duty not to harm one person.

Foot explains why the driver ought to do (b) by appealing to the fact that, since the driver will violate a negative duty either way, "he should do the least injury he can" (Foot, p. 12).



# clicker question In Switch: What should you do?

**A. Pull** the switch, so that one dies and five live.

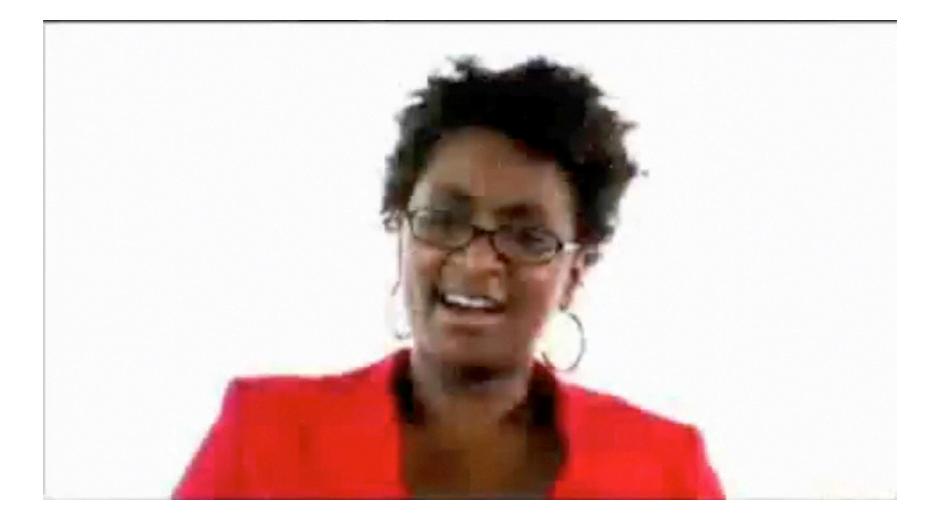
**B. Don't pull** the switch; five will die, one will live.



# clicker question In Footbridge: What should you do?

**A. Push** the large man over the edge, so that he dies and five live.

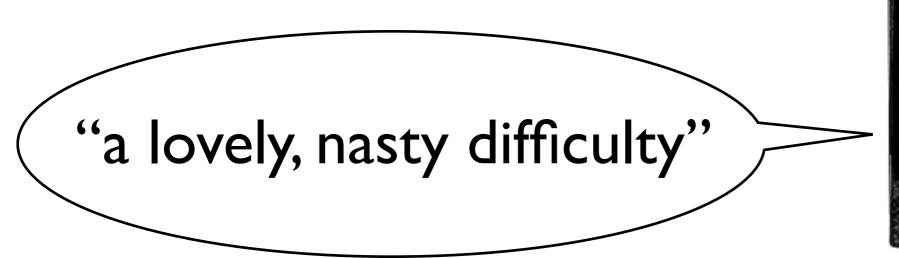
**B. Don't push** the large man over the edge; five will die, he will live.



Paraphrasing Thomson (p. 206), here is

The Trolley Problem:

Why is it that the bystander in *Switch* may turn the trolley to save five, but the onlooker in *Footbridge* may not push the large man to save five?





Judith Thomson

Some possible solutions to the Trolley Problem:

a. Physical pushing

In Footbridge, but not in Switch, if you save five, you must physically push the large man.

Reply: Trapdoor.

<u>Some possible solutions to the Trolley Problem</u>: b. Treating as a Mere Means

#### Kant:

"Act in such a way as to treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means" (p. 29).

In Footbridge, but not in Switch, if you save five, you treat the large man <u>merely as a means</u>.

Reply: Loop.

- <u>Some possible solutions to the Trolley Problem</u>: c. Involvement
  - In Switch, but not in Footbridge, all six people are <u>already involved</u>.
  - (Variant: all six are already <u>at risk</u>.)
  - Reply: Derail.

- Some possible solutions to the Trolley Problem:
- d. Reject the question.
  - (i) deny that it's ok to pull the switch in Switch. (but recall Driver, and consider Passenger)

- or -

- (ii) deny that it's wrong to push the large man in *Footbridge*.
  - $\rightarrow$  utilitarianism