

Philosophy 1100: Ethics

Topic 8: Double Effect, Doing-Allowing, and the Trolley Problem:

1. Two Distinctions Common in Deontology
2. 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 always wrong to intend harm?

NO → parent punishing his child

Does DDE imply that it is always ok to bring about harm as a mere unintended side-effect?

NO → Foot's oil merchant (pp. 7-8)

Why believe DDE?

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 magistrate do?

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 driver do?

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

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

Why believe DDE?

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

Magistrate

It seems wrong for the magistrate to kill one so as to save five.

- vs. -

Driver

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

Why believe DDE?

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)



Why believe DDE?

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 do harm to someone.

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

A **positive duty** is a duty not to allow 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 driver's 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).

The Trolley Problem



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.

The Trolley Problem



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.

The Trolley Problem



The Trolley Problem

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?

“a lovely, nasty difficulty”



Judith Thomson

The Trolley Problem

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*.

The Trolley Problem

Some possible solutions to the Trolley Problem:

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 merely as a means.

Reply: *Loop*.

The Trolley Problem

Some possible solutions to the Trolley Problem:

c. Involvement

In *Switch*, but not in *Footbridge*, all six people are already involved.

(Variant: all six are already at risk.)

Reply: *Derail*.

The Trolley Problem

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*.

↳ utilitarianism