

Thomson, *Killing, Letting Die, and the Trolley Problem*

Introduction to Ethics (PHIL0300)

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1 KILLING AND LETTING DIE

1. Judith Jarvis Thomson begins by asking: what might it mean to say that killing is worse than letting die?
2. Some people that want to dispute the claim that killing is worse than letting die present cases that are in all respects alike except that in one the agent kills and the other the agent lets die, arguing that there is no difference in moral status between the two cases. For instance, we consider
 - (a) Alfred hates his wife and wants to murder her, and so puts cleaning fluid in her coffee.
 - (b) Bert hates his wife and would like for her to be dead. He sees her mistakenly put cleaning fluid in her coffee instead of cream. He has the antidote that would save her, but opts instead to let her die.
3. That is, critics of the idea that killing is worse than letting die take the fact that we don't think Bert is any better than Albert to show that killing cannot be worse than letting die.
4. Thomson thinks that this is a bad argument. Whatever people mean when they say that killing is worse than letting die, it can't be that "for every pair of acts, actual or possible, one of which is a letting die, the other of which is a killing, but which are so far as possible in all other respects alike, the second is worse than the first."

2 LET THE CASES BEGIN

5. Thomson presents a *lot* of cases in this paper. Here are two that she takes to confirm the general sentiment that killing is worse than letting die.
 - (a) Charles is a surgeon whose patient will die without a new heart. This patient also has a relatively rare blood type. He hears of a

healthy patient with that very blood type. He has the choice of letting his patient die or killing the healthy patient to use his heart.

- (b) David has five patients who will die unless they receive new organs. They each need a different organ and are of the same rare blood type. David learns of a healthy specimen that has that rare blood type. He has the choice of killing the healthy specimen to take his organs, or letting all of his patients die.
6. However there are some cases in which it does seem permissible to kill. One example is the tram driver (now Americanised as 'trolley driver') cases that Foot mentioned.
 - (a) Edward is driving a trolley whose breaks have failed. There are five people ahead of him on the track. There is a switch that allows him to turn the trolley onto a different track where there is only one person. He can turn the trolley, killing the one, or he can refrain from turning the trolley, killing the five.
7. So if killing *is* worse than letting die, why is it that Edward is allowed to turn the trolley? Recall that Foot's answer invokes the difference between our positive and negative duties.
8. Thomson thinks that this answer is too simple. Consider the following case.
 - (a) Frank is a passenger on a trolley. The driver shouts out that the breaks have failed and then promptly dies of shock. On the track ahead are five people, but there is a switch that allows him to turn the trolley onto a different track where there is only one person. He can turn the trolley, killing the one, or he can refrain from turning the trolley, killing the five.

Thomson suggests that the conflict for Frank is between the negative duty to refrain from killing one and the positive duty to save five, and that

Frank is thus in the same situation as David, who we think cannot cut up the healthy specimen to save five.

9. This turns on whether we think that Frank's doing nothing is best described as *killing five people* or *letting five people die*.
10. This is brought out by some more cases.
 - (a) George is on a footbridge over the trolley tracks and notices an out of control trolley heading for five people. He knows that if he pushes a nearby overweight man onto the trolley, killing him, he can save the five people.
 - (b) Harry is president, and is told that the Russians have launched a nuclear weapon towards New York. The only way to prevent it from hitting New York is to deflect it, but the only available path will take the bomb onto Worcester. Harry can do nothing, letting the bomb kill everyone in New York, or he can press a button and deflect the bomb, killing everyone in Worcester.
 - (c) Irving is president, and is told that the Russians have launched a nuclear weapon towards New York. The only way to prevent it from hitting New York is to for Irving to order one of his own nuclear weapons launched on Worcester. Irving can do nothing, letting all of New York die, or he can press a button and launch a bomb on Worcester, killing all of Worcester.
11. The idea is that we seem to think that George cannot push the overweight man onto the trolley, Harry may deflect the bomb, but Irving may not launch the bomb on Worcester. The question Thomson wants to ask is: why?

3 CLAIMS

12. Thomson thinks that the key to working through some of these difficulties has to do with recognising the various loose *claims* that we might have on certain resources or to be protected from certain harms.
13. Thomson puts forward the case of the *Health-Pebble*. The Health-Pebble cures what ails you, and there is a group of five people who only need one-fifth of it, and one person that needs the whole thing. They are stranded on a beach and dying. It happens that the Health-Pebble is drifting towards the one, but we are swimming nearby and could deflect its course towards the five if we so choose.

14. The idea is that whether or not this is permissible depends on the *claims* that the various people involved might have on the pebble. If the one has been somehow given his affliction by the five, who themselves are villains of some kind, then perhaps the one does indeed have a claim (if not a right) to the Health-Pebble. In such a case it may even seem permissible for us to deflect the pebble *away* from the five and *towards* the one.
15. How does this help with some of the above cases? Well we may have claims *against* certain harms. Take a variant on the trolley case.
 - (a) The five on the track are regular track workmen. They have been warned of the dangers of their job and in fact paid especially well in order to compensate them for the risks involved. One the other track, one person is sitting and having lunch at a specially designed picnic spot that the Mayor has launched, in which they are guaranteed safety from trolleys. If this safety had not been guaranteed, the one would never have thought to have lunch there.
16. The thought is that in such a case the person having lunch has a greater *claim* against the harm of the trolley than do the workmen, and this may even make it permissible for the driver of the out of control trolley to do nothing and kill the five workmen.
17. What makes it seem in the cases presented earlier as though it was permissible for Harry to deflect the bomb and for Edward to divert the trolley was contingent on our assuming that *none of the people involved had a more compelling claim against the harm than the others*. But if we change this, we might find that our intuitions shift markedly.

4 THREATS

18. Thomson notes that some of the cases involve not only deflecting threats away from one group and onto another but creating a whole new threat to bear on one group.
19. Why is it impermissible, for instance, for David to cut up his healthy specimen?
20. In short, Thomson says:

“If the one has no more claim on the good than any of the five has, he cannot complain if we do something to *it* in order to bring about that it is better distributed; but he can complain if we do something to *him* in order to bring about that it is better distributed.”

21. The idea is that distributing the harm of the trolley in the best way in Edward or Frank's case *simply involves* turning the trolley onto the track with one person on it. However in the case of George, bringing about the better distribution of harm does not involve merely turning the trolley but *doing something* to the overweight man.
22. The concluding note that Thomson strikes is as follows. Although the idea that killing is worse than letting die is probably confirmed by the kinds of cases Thomson considers, the version of the thesis that survives is not the kind of thing we can *automatically apply* in order to solve problem cases. We will need to look at the details, the claims involved, what the threats actually are, and so on, in each individual case.

5 WRITING ASSIGNMENT QUESTIONS

23. Carefully explain what Thomson means when she talks about someone's 'claim' on a good or against a harm. How does this explain why Edward can turn his trolley onto the track but that the driver of the trolley in the variant in 15(a) cannot?