
TROLLEYS, TRANSPLANTS AND OTHER DANGEROUS THINGS: AN INTELLECTUAL EXERCISE

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1. I want to present what I take to be a tension in our moral thinking. The examples I shall use are perfectly familiar from the literature. I will try to show that there is a tension in our ordinary or common-sense moral thinking, and suggest that this is best resolved in a way that supports the views of the utilitarian.

2. The two cases I want to discuss are well-known. What I'll do is describe these cases, about which we have completely opposed moral intuitions. The challenge will then be to find some **morally relevant difference** (MRD) which explains this difference in intuition. I shall argue that there is no MRD to be found.

3. Consider the following two cases:

***Transplant:** Five patients are in a hospital, all in need of organs which could be supplied from one person. Without organ transplants, the five will die. There happens to be a healthy young man, Mr X, walking past the hospital. Let us suppose that he is the only person available at the*

time who matches all five patients. The surgeons grab him, put him under general anaesthetic, remove the various organs, which are then transplanted into the original five. End result: the five live and Mr X dies.

Trolley: *You are a bystander at a track. You see an out of control trolley heading for five people further down the track. If you do nothing, the five will die. There is only one thing you can do: pull a lever which will redirect the trolley down a siding, killing one person, Mr Y. You pull the lever: the five live and Mr Y dies.*

4. I take it to be a datum that our ordinary, untutored reaction to these examples is: it's impermissible to kill Mr X in Transplant, but permissible to kill Mr Y in Trolley. But why do our reactions to these two cases differ? What is the MRD which explains the difference in our moral judgements? After all, at one level of description, the cases seems very similar: in both we kill one person to save five. Why should this be permissible in one case but not the other? Maybe this question can be answered; so let's look at some answers.

5. Can we find a MRD between the cases which explains and justifies our difference in moral judgement? Here are five candidates:

(i) Rights: *in Transplant, but not in Trolley, the right to life of the one is violated.*

Reply: Why think that? In both cases, one person is killed in order that five live. It is hard to see any sense in which Mr X's rights are violated and Mr Y's not.

(ii) Means: *there is a sense in which the one in Transplant is used as a 'mere means' to the five surviving, but not in Trolley.*

But what does that amount to? Well, notice one difference between the cases: if Mr Y just disappeared in *Trolley*, the five would still be saved; but if Mr X just disappeared, the five would die. In other words, the death of the one is (causally) necessary for the survival of the five in *Transplant*, but not in *Trolley*.

So let's say: A is used as a 'mere means' to secure outcome B just if A secures B, but had A suddenly disappeared, B would not have been secured.

Thus, Mr X is used as a mere means in *Transplant*, unlike Mr Y in *Trolley*, and that explains the difference in our moral judgements.

Reply: This account is vulnerable to the following counterexample. Imagine that the siding in *Trolley* was a loop which would carry the trolley back over the five. In *Loop Trolley*, Mr Y is now a mere means to the survival of the five, and according to (ii) it ought to be impermissible to turn the trolley. But surely our initial judgement is unaffected – we would still judge it permissible to kill Mr Y in *Loop Trolley*.

(iii) Killing and Letting Die: in *Trolley* the choice is between killing one and killing five; in *Transplant* it is between killing one and letting five die. Killing is always worse than letting die, but killing one is better than killing five.

Reply: First, it is questionable whether killing one is worse than letting five die. People who think that killing one person is worse than letting one person die, other things equal, need not agree that killing one is worse than letting five die.

Second, the choice in *Trolley* is not between killing one and killing five; it is between killing one and letting five die. *Trolley* and *Transplant* are exactly alike with respect to killing and letting die. We are not here comparing

a case of killing with an otherwise similar case of letting die. Rather, in each case we are faced with a choice between killing and letting die.

(iv) Doctrine of Double Effect: in Transplant, the surgeon intends the death of Mr X; in Trolley, you just intend to turn the trolley (though you know that someone will die as a result).

Reply: First, the idea behind DDE implausible. Is there really a moral difference between intending someone's death and merely intending something which you know will result in their death?

Second, DDE is anyway inapplicable: the surgeon can reply that he doesn't intend the death of Mr X, he merely intends to remove his organs, knowing he will die as a result. Thus the DDE can be used to support the view that killing the one is permissible in both examples, so it can hardly explain the difference in our moral judgements.

(v) Deflect: It is permissible to deflect an already existing threat so that it threatens a smaller group instead, but impermissible to introduce a new threat to another individual.

This is an interesting attempt to give a deeper, more theoretical, rationale for our differing judgements. In *Trolley* one merely deflects an existing threat; in *Transplant* one introduces a new threat to another individual.

But is this account right? No. Consider:

Fat Man: *A trolley is heading towards five people, and there is no siding. But there is something we can do: grab a fat man standing by the track and throw him in front of the trolley, thus stopping the trolley, saving the five, but killing the fat man.*

I think most of us would classify *Fat Man* with *Transplant*: it's wrong to kill the one in both these cases. Yet, according to the present account, it should be permissible to kill fat man, since one is making an existing threat threaten one rather than five. Admittedly, by bringing the man to the threat, rather than *vice-versa*, but what moral difference does this make?

6. If there is no MRD, common-sense morality is inconsistent and must be revised. Either we say that it's permissible to kill Mr X in *Transplant* or we say that it's impermissible to kill Mr Y in *Trolley*.

We should not give up the moral principle that it's permissible to deflect a threat from a larger group to a smaller one (which is what underwrites the idea that it is permissible to kill Mr Y in *Trolley*). This seems a non-negotiable moral principle. In which case, we should revise our first belief and conclude that it is permissible to kill Mr X in *Transplant*. This is, of course, in line with the thinking of the utilitarian.