

## KILLING, LETTING DIE, AND THE TROLLEY PROBLEM

1. Morally speaking it may matter a great deal how a death comes about, whether from natural causes, or at the hands of another, for example. Does it matter whether a man was killed or only let die? A great many people think it does: they think that killing is worse than letting die. And they draw conclusions from this for abortion, euthanasia, and the distribution of scarce medical resources. Others think it doesn't, and they think this shown by what we see when we construct a pair of cases which are so far as possible in all other respects alike, except that in the one case the agent kills, in the other he only lets die. So, for example, imagine that

- (1) Alfred hates his wife and wants her dead. He puts cleaning fluid in her coffee, thereby killing her,

and that

- (2) Bert hates his wife and wants her dead. She puts cleaning fluid in her coffee (being muddled, thinking it's cream). Bert happens to have the antidote to cleaning fluid, but he does not give it to her; he lets her die.<sup>1</sup>

Alfred kills his wife out of a desire for her death; Bert lets his wife die out of a desire for her death. But what Bert does is surely every bit as bad as what Alfred does. So killing isn't worse than letting die.

But I am now inclined to think that this argument is a bad one. Compare the following argument for the thesis that cutting off a man's head is no worse than punching a man in the nose. "Alfrieda knows that if she cuts off Alfred's head he will die, and, wanting him to die, cuts it off; Bertha knows that if she punches Bert in the nose he will die—Bert is in peculiar physical condition—and, wanting him to die, punches him in the nose. But what Bertha does is surely every bit as bad as what Alfrieda does. So cutting off a man's head isn't worse than punching a man in the nose." It's not easy to say just exactly what goes wrong in this argument, because it's not clear what we mean when we say, as we do, such things as that cutting off a man's head is worse than punching a man in the nose. The argument brings out that we don't mean by it anything which entails that for every pair of acts, actual or

possible, one of which is a nose-punching, the other of which is a head-cutting-off, but which are so far as possible in all other respects alike, the second is worse than the first. Or at least the argument brings out that we can't mean anything which entails this by "Cutting off a man's head is worse than punching a man in the nose" if we want to go on taking it for true. Choice is presumably in question, and the language which comes most readily is perhaps this: if you can cut off a man's head or punch him in the nose, then if he is in 'normal' condition—and if other things are equal—you had better not choose cutting off his head. But there is no need to go into any of this for present purposes. Whatever precisely we do mean by "Cutting off a man's head is worse than punching a man in the nose," it surely (a) is not disconfirmed by the cases of *Alfrieda* and *Bertha*, and (b) is confirmed by the fact that if you can now either cut off my head, or punch me in the nose, you had better not choose cutting off my head. This latter is a fact. I don't say that you had better choose punching me in the nose: best would be to do neither. Nor do I say it couldn't have been the case that it would be permissible to choose cutting off my head. But things being as they are, you had better not choose it.

I'm not going to hazard a guess as to what precisely people mean by saying "Killing is worse than letting die." I think the argument of the first paragraph brings out that they can't mean by it anything which entails 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—i.e., they can't if they want to go on taking it for true. I think here too that choice is in question, and that what they mean by it is something which is not disconfirmed by the cases of *Alfred* and *Bert*. And isn't what they mean by it confirmed by the fact—isn't it a fact?—that in the following case, Charles must not kill, that he must instead let die:

- (3) Charles is a great transplant surgeon. One of his patients needs a new heart, but is of a relatively rare blood-type. By chance, Charles learns of a healthy specimen with that very blood-type. Charles can take the healthy specimen's heart, killing him, and install it in his patient, saving him. Or he can refrain from taking the healthy specimen's heart, letting his patient die.

I should imagine that most people would agree that Charles must not choose to take out the one man's heart to save the other: he must let his patient die.

And isn't what they mean by it further confirmed by the fact—isn't it a fact?—that in the following case, David must not kill, that he must instead let die:

- (4) David is a great transplant surgeon. Five of his patients need new parts—one needs a heart, the others need, respectively, liver, stomach, spleen, and spinal cord—but all are of the same, relatively rare, blood-type. By chance, David learns of a healthy specimen with that very blood-type. David can take the healthy specimen's parts, killing him, and install them in his patients, saving them. Or he can refrain from taking the healthy specimen's parts, letting his patients die.

If David may not even choose to cut up one where *five* will thereby be saved, surely what people who say "Killing is worse than letting die" mean by it must be right!

On the other hand, there is a lovely, nasty difficulty which confronts us at this point. Philippa Foot says<sup>2</sup>—and seems right to say—that it is permissible for Edward, in the following case, to kill:

- (5) Edward is the driver of a trolley, whose brakes have just failed. On the track ahead of him are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and Edward can turn the trolley onto it. Unfortunately there is one person on the right-hand track. Edward can turn the trolley, killing the one; or he can refrain from turning the trolley, killing the five.

If what people who say "Killing is worse than letting die" mean by it is true, how is it that Edward may choose to turn that trolley?

Killing and letting die apart, in fact, it's a lovely, nasty difficulty: why is it that Edward may turn that trolley to save his five, but David may not cut up his healthy specimen to save his five? I like to call this the trolley problem, in honor of Mrs. Foot's example.

Mrs. Foot's own solution to the trolley problem is this. We must accept that our 'negative duties', such as the duty to refrain from killing, are more stringent than our 'positive duties', such as the duty to save lives. If David does nothing, he violates a positive duty to save five lives; if he cuts up the healthy specimen, he violates a negative duty to refrain from killing one. Now the negative duty to refrain from killing one is not merely more stringent than the positive duty to save one, it is more stringent even than the positive duty to save five. So of course Charles may not cut up his one to save one; and David may not cut up his one even to save five. But Edward's case is different. For if Edward 'does nothing', he doesn't do nothing; he kills the five on the track ahead, for he drives right into them with his trolley. Whichever Edward does, turn or not turn, he kills. There is, for Edward, then, not a conflict between a positive duty to save five and a negative duty to refrain from killing one; there is, for Edward, a conflict between a negative duty to refrain from killing five and a negative duty to refrain from killing one. But this is no real

conflict: a negative duty to refrain from killing five is surely more stringent than a negative duty to refrain from killing one. So Edward may, indeed must, turn that trolley.

Now I am inclined to think that Mrs. Foot is mistaken about why Edward may turn his trolley, but David may not cut up his healthy specimen. I say only that Edward “may” turn his trolley, and not that he must: my intuition tells me that it is not required that he turn it, but only that it is permissible for him to do so. But this isn’t important now: it is, at any rate, permissible for him to do so. Why? Compare (5) with

- (6) Frank is a passenger on a trolley whose driver has just shouted that the trolley’s brakes have failed, and who then died of the shock. On the track ahead are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and Frank can turn the trolley onto it. Unfortunately there is one person on the right-hand track. Frank can turn the trolley, killing the one; or he can refrain from turning the trolley, letting the five die.

If Frank turns his trolley, he plainly kills his one, just as if Edward turns his trolley, he kills his one: anyone who turns a trolley onto a man presumably kills him. Mrs. Foot thinks that if Edward does nothing, he kills his five, and I agree with this: if a driver of a trolley drives it full speed into five people, he kills them, even if he only drives it into them because his brakes have failed. But it seems to me that if Frank does nothing, he kills no one. He at worst lets the trolley kill the five; he does not himself kill them, but only lets them die.

But then by Mrs. Foot’s principles, the conflict for Frank is between the negative duty to refrain from killing one, and the positive duty to save five, just as it was for David. On her view, the former duty is the more stringent: its being more stringent was supposed to explain why David could not cut up his healthy specimen. So by her principles, Frank may no more turn that trolley than David may cut up his healthy specimen. Yet I take it that anyone who thinks Edward may turn his trolley will also think that Frank may turn his. Certainly the fact that Edward is driver, and Frank only passenger could not explain so large a difference.

So we stand in need, still, of a solution: why can Edward and Frank turn their trolleys, whereas David cannot cut up his healthy specimen? One’s intuitions are, I think, fairly sharp on these matters. Suppose, for a further example, that

- (7) George is on a footbridge over the trolley tracks. He knows trolleys, and can see that the one approaching the bridge is out of control. On the track back of the bridge there are five people; the banks are so steep that they will not be able to get off the track in time. George knows that the only way to stop an

out-of-control trolley is to drop a very heavy weight into its path. But the only available, sufficiently heavy weight is a fat man, also watching the trolley from the footbridge. George can shove the fat man onto the track in the path of the trolley, killing the fat man; or he can refrain from doing this, letting the five die.

Presumably George may not shove the fat man into the path of the trolley; he must let the five die. Why may Edward and Frank turn their trolleys to save their fives, whereas George must let his five die? George's shoving the fat man into the path of the trolley seems to be very like David's cutting up his healthy specimen. But what is the relevant likeness?

Further examples come from all sides. Compare, for example, the following two cases:

- (8) Harry is President, and has just been told that the Russians have launched an atom bomb towards New York. The only way in which the bomb can be prevented from reaching New York is by deflecting it; but the only deflection-path available will take the bomb onto Worcester. Harry can do nothing, letting all of New York die; or he can press a button, deflecting the bomb, killing all of Worcester.
- (9) Irving is President, and has just been told that the Russians have launched an atom bomb towards New York. The only way in which the bomb can be prevented from reaching New York is by dropping one of our own atom bombs on Worcester: the blast of the American bomb will pulverize the Russian bomb. Irving can do nothing, letting all of New York die; or he can press a button, which launches an American bomb onto Worcester, killing all of Worcester.

Most people, I think, would feel that Harry may act in (8): he may deflect the Russian bomb from its New York path onto Worcester, in order to minimize the damage it does. (Notice that if Harry doesn't deflect that bomb, he kills no one—just as Frank kills no one if he doesn't turn his trolley.) But I think most people would feel that Irving may not drop an American bomb onto Worcester: a President simply may not launch an atomic attack on one of his own cities, even to save a larger one from a similar attack.

Why? I think it is the same problem.

2. Perhaps the most striking difference between the cases I mentioned in which the agent may act, and the cases I mentioned in which he may not, is this: in the former what is in question is deflecting a threat from a larger group onto a smaller group, in the latter what is in question is bringing a different threat to bear on the smaller group. But it is not easy to see why this should matter so crucially. I think it does, and have a suggestion as to why, but it is no more than a suggestion.

I think we may be helped if we turn from evils to goods. Suppose there are six men who are dying. Five are standing in one clump on the beach, one is standing further along. Floating in on the tide is a marvelous pebble, the Health-Pebble, I'll call it: it cures what ails you. The one needs for cure the whole Health-Pebble; each of the five needs only a fifth of it. Now in fact that Health-Pebble is drifting towards the one, so that if nothing is done to alter its course, the one will get it. We happen to be swimming nearby, and are in a position to deflect it towards the five. Is it permissible for us to do this? It seems to me that it is permissible for us to deflect the Health-Pebble if and only if the one has no more claim on it than any of the five does.

What could make it be the case that the one has more claim on it than any of the five does? One thing that I think *doesn't* is the fact that the pebble is headed for the one, and that he will get it if we do nothing. There is no Principle of Moral Inertia: there is no *prima facie* duty to refrain from interfering with existing states of affairs just because they are existing states of affairs. A burglar whose burgling we interfere with cannot say that since, but for our interference, he would have got the goods, he had a claim on them; it is not as if we weigh the burglar's claim on the goods against the owner's claim on them, and find the owner's claim weightier, and therefore interfere—the burglar has no claim on the goods to be weighed.

Well, the Health-Pebble might actually belong to the one. (It fell off his boat.) Or it might belong to us, and we had promised it to the one. If either of these is the case, the one has a claim on it in the sense of a right to it. If the one alone owns it, or if we have promised it only to the one, then he plainly has more claim on it than any of the five do; and we may not deflect it away from him.

But I mean to be using the word "claim" more loosely. So, for example, suppose that the five are villains who had intentionally caused the one's fatal illness, hoping he would die. (Then they became ill themselves.) It doesn't seem to me obvious that a history like this gives the one a *right* to that pebble; yet it does seem obvious that in some sense it gives the one a claim on it—anyway, more of a claim on it than any of the five has. Certainly anyway one feels that if it comes to a choice between them and him, he ought to get it. Again, suppose the six had played pebble-roulette: they had seen the pebble floating in, and agreed to flip a coin for positions on the beach and take their chances. And now the pebble is floating in towards the one. It doesn't seem to me that a history like this gives the one a *right* to that pebble; yet it does seem obvious that in some sense it gives him a claim on it, anyway, more claim on it than any of the five has. (While the fact that a pebble is floating towards one does not give him more claim on it, the compound fact that a pebble is

floating towards him and that there was a background of pebble-roulette does, I think, give him more claim. If two groups have agreed to take what comes, and have acted in good faith in accordance with that agreement, I think we cannot intervene.)

I leave it open just precisely what sorts of things might give the one more claim on that Health-Pebble than any of the five has. What seems clear enough, however, is this: if the one has no more claim on it than any of the five has, we may deflect it away from him and towards the five. If the one has no more claim on it than any of the five has, it is permissible for us to deflect it in order to bring about that it saves more lives than it would do if we did not act.

Now that Health-Pebble is a good to those dying men on the beach: if they get to eat it, they live. The trolley is an evil to the living men on the tracks: if they get run down by it, they die. And deflecting the Health-Pebble away from one and towards five is like deflecting the trolley away from five and towards one. For if the pebble is deflected, one life is lost and five are saved; and if the trolley is deflected, so also is one life lost and five saved. The analogy suggests a thesis: that Edward (or Frank) may deflect his trolley if and only if the one has no more claim against the trolley than any of the five has—i.e., that under these circumstances he may deflect it in order to bring about that it takes fewer lives than it would do if he did not.

But while it was at least relatively clear what sorts of things might give the one more of a claim *on* the Health-Pebble, it is less clear what could give the one more of a claim *against* a trolley. Nevertheless there are examples in which it is clear enough that the one has more of a claim against the trolley than any of the five does. Suppose that

- (i) The five on the track ahead are regular track workmen, repairing the track—they have been warned of the dangers of their job, and are paid specially high salaries to compensate. The right-hand track is a dead end, unused in ten years. The Mayor, representing the City, has set out picnic tables on it, and invited the convalescents at the nearby City Hospital to have lunch there, guaranteeing them safety from trolleys. The one on the right-hand track is a convalescent having his lunch there; it would never have occurred to him to have his lunch there but for the Mayor's invitation and guarantee of safety. And Edward (Frank) is the Mayor.

The situation if (i) is true is very like the situation if we own the Health-Pebble which is floating in on the tide, and have promised it to the one. If we have promised the Health-Pebble to the one and not to the five, the one has more claim on it than any of the five does, and we therefore may not deflect it away from him; if Edward (Frank) has promised that no trolley shall run down the one, and has not made this promise to the five, the one has more

claim against it—more claim to not be run down by it—than any of the five does, and Edward therefore may not deflect it onto him.

So in fact I cheated: it isn't permissible for Edward and Frank to turn their trolleys in *every* possible instance of (5) and (6). Why did it seem as if it would be? The cases were underdescribed, and what you supplied as filler was that the six on the tracks are on a par: that there was nothing further true of any of them which had a bearing on the question whether or not it was permissible to turn the trolleys. In particular, then, you were assuming that it was not the case that the one had more claim against the trolleys than any of the five did.

Compare, by contrast, the situation if

- (ii) All six on the tracks are regular track workmen, repairing the tracks. As they do everyday, they drew straws for their assignments for the day. The one who is on the right-hand track just happened to draw the straw tagged "Right-hand track."

Or if

- (iii) All six are innocent people whom villains have tied to the trolley tracks, five on one track, one on the other.

If (ii) or (iii) is true, all six are on a par in the relevant respect: the one has no more claim against the trolley than any of the five has and so the trolley may be turned.

Again, consider the situation if

- (iv) The five on the track ahead are regular track workmen, repairing the track. The one on the right-hand track is a schoolboy, collecting pebbles on the track. He knows he doesn't belong there: he climbed the fence to get onto the track, ignoring all warning signs, thinking "Who could find it in his heart to turn a trolley onto a schoolboy?"

At the risk of seeming hardhearted about schoolboys, I have to say I think that if (iv) is true, the trolley not only may be, but must be turned. So it seems to me arguable that if—as I take to be the case if (iv) is true—the five have more claim against the trolley than the one does, the trolley not only may be, but must be turned. But for present purposes what counts is only what makes it permissible to turn it where it is permissible to turn it.

President Harry's case, (8), is of course like the cases of Edward and Frank. Harry also deflects something which will harm away from a larger group onto a smaller group. And my proposal is that he may do this because (as we may presume) the Worcesters have no more claim against a Russian bomb than the New Yorkers do.

The situation could have been different. Suppose an avalanche is descending towards a large city. It is possible to deflect it onto a small one. May we? Not if the following is the case. Large City is in avalanche country—the risk of an avalanche is very high there. The founders of Large City were warned of this risk when they built there, and all settlers in it were warned of it before settling there. But lots and lots of people did accept the risk and settle there, because of the beauty of the countryside and the money to be made there. Small City, however, is not in avalanche country—it's flat for miles around; and settlers in Small City settled for a less lovely city, and less money, precisely because they did not wish to run the risk of being overrun by an avalanche. Here it seems plain we may not deflect that avalanche onto Small City to save Large City: the Small Cityers have more claim against it than the Large Cityers do. And it could have been the case that New York was settled in the teeth of Russian-bomb-risk.

The fact that it is permissible for President Harry in (8) to deflect that atom bomb onto Worcester brings out something of interest. Mrs. Foot had asked us to suppose “that some tyrant should threaten to torture five men if we ourselves would not torture one.” She then asked: “Would it be our duty to do so, supposing we believed him. . .?” Surely not, she implies: for “if so anyone who wants us to do something we think wrong has only to threaten that otherwise he himself will do something we think worse. A mad murderer, known to keep his promises, could thus make it our duty to kill some innocent citizen to prevent him from killing two.”<sup>3</sup> Mrs. Foot is surely right. But it would be unfair to Mrs. Foot to summarize her point in this way: we must not do a villain's dirty work for him. And wrong, in any case, for suppose the Russians don't really care about New York. The city they really want to destroy is Worcester. But for some reason they can only aim their bomb at New York, which they do in the hope that President Harry will himself deflect it onto Worcester. It seems to me it makes no difference what their aim is: whether they want Worcester or not, Harry can still deflect their bomb onto Worcester. But in doing so, he does the villains' dirty work for them: for if he deflects their bomb, he kills Worcester for them.

Similarly, it doesn't matter whether or not the villains in (iii) want the one on the right-hand track dead: Edward and Frank can all the same turn their trolleys onto him. That a villain wants a group dead gives them no more claim against a bomb or a trolley than these in the other group have.

Mrs. Foot's examples in the passages I quoted are of villains who have not yet launched their threat against anyone, but only threaten to: they have not yet set in train any sequence of events—e.g., by launching a bomb, or by starting a trolley down a track—such that if we don't act, a group will be harmed. The villains have as yet only *said* they would set such a sequence of

events in train. I don't object to our acting on the ground of uncertainties: one may, as Mrs. Foot supposes, be perfectly certain that a villain will do exactly what he says he will do. There are two things that make it impermissible to act in this kind of case. In the first place, there are straightforward utilitarian objections to doing so: the last thing we need is to give further villains reason to think they'll succeed if they too say such things.<sup>4</sup> But this doesn't take us very far, for as I said, we may deflect an already launched threat away from one group and onto another, and we don't want further villains thinking they'll succeed if they only manage to get such a sequence of events set in train. So the second point is more important: in such cases, to act is *not* to deflect a threat away from one group and onto another, but instead to bring a different threat to bear on the other group. It is to these cases we should now turn.

3. Edward and Frank may turn their trolleys if and only if the one has no more claim against the trolleys than any of the five do. Why is it impermissible for David to cut up his healthy specimen?

I think the Health-Pebble helps here. I said earlier that we might suppose that the one actually owns the Health-Pebble which is floating in on the tide. (It fell off his boat.) And I said that in that case, he has more claim on it than any of the five has, so that we may not deflect it away from him and towards the five. Let's suppose that deflecting isn't in question any more: the pebble has already floated in, and the one has it. Let's suppose he's already put it in his mouth. Or that he's already swallowed it. We certainly may not cut him open to get it out—even if it's not yet digested, and can still be used to save five. Analogously, David may not cut up his healthy specimen to give his parts to five. One doesn't come to own one's parts in the way in which one comes to own a pebble, or a car, or one's grandfather's desk, but a man's parts are his all the same. And therefore that healthy specimen has more claim on those parts than any of the five has—just as if the one owns the Health-Pebble, he has more claim on it than any of the five do.

I do not, and did not, mean to say that we may *never* take from one what belongs to him to give to five. Perhaps there are situations in which we may even take from one something that he needs for life itself in order to give to five. Suppose, for example, that that healthy specimen had caused the five to catch the ailments because of which they need new parts—he deliberately did this in hope the five would die. No doubt a legal code which permitted a surgeon to transplant in situations such as this would be open to abuses, and bad for that reason; but it seems to me it would not be unjust.

So perhaps we can bring David's case in line with Edward's and Frank's, and put the matter like this: David may cut up his healthy specimen and give

his parts to the five if and only if the healthy specimen has no more claim on his parts than any of the five do. This leaves it open that in some instances of (4), David may act.

But I am inclined to think there is more to be said of David's case than this. I suggested earlier that if George, in (7), shoves the fat man into the path of the trolley, he does something very like what David does if David cuts up his healthy specimen. Yet George wouldn't be taking anything away from the one in order to give it to the five. George would be 'taking' the fat man's life, of course; but what this means is only that George would be killing the fat man, and Edward and Frank kill someone too. And similarly for Irving, in (9): if he bombs Worcester, he doesn't take anything away from the Worcesters in order to give it to the New Yorkers.

Moreover, consider the following variant on David's case:

- (4') Donald is a great diagnostician. Five of his patients are dying. By chance Donald learns of a healthy specimen such that if Donald cuts him up into bits, a peculiar physiological process will be initiated in the five, curing them. Donald can cut his healthy specimen up into bits, killing him, thereby saving his patients. Or he can refrain from doing this, letting his patients die.

In (4'), Donald does not need to give anything which belongs to his healthy specimen to his five; unlike David, he need only cut his healthy specimen up into bits, which can then be thrown out. Yet presumably in whatever circumstances David may not act, Donald may not act either.

So something else is involved in George's, Irving's, and Donald's cases than I drew attention to in David's; and perhaps this other thing is present in David's too.

Suppose that in the original story, where the pebble is floating in on the tide, we are for some reason unable to deflect the pebble away from the one and towards the five. All we can do, if we want the five to get it instead of the one, is to shove the one away, off the beach, out of reach of where the pebble will land; or all we can do is to drop a bomb on the one; or all we can do is to cut the one up into bits.

I suppose that there might be circumstances in which it would be permissible for us to do one or another of these things to the one—even circumstances which include that the one owns the pebble. Perhaps it would be permissible to do them if the one had caused the five to catch the ailments because of which they need the pebble, and did this deliberately, in hope the five would die. The important point, however, is this. The fact that the one has no more claim on the pebble than any of the five do does make it permissible for us to deflect the pebble away from the one and towards the five; it does not make it permissible for us to shove the one away, bomb him, or cut him to bits in order to bring about that the five get it.

Why? Here is a good, up for distribution, a Health-Pebble. If we do nothing, one will get it, and five will not; so one will live and five will die. It strikes us that it would be better for five to live and one die than for one to live and five die, and therefore that a better distribution of the good would be for the five to get it, and the one not to. 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.

If there is a pretty shell on the beach and it is unowned, I cannot complain if you pocket it to give to another person who would get more pleasure from it than I would. But I can complain if you shove me aside so as to be able to pocket it to give to another person who would get more pleasure from it than I would. It's unowned; so you can do to it whatever would be necessary to bring about a better distribution of it. But a *person* is not something unowned, to be knocked about in order to bring about a better distribution of something else.

Here is something bad, up for distribution, a speeding trolley. If nothing is done, five will get it, and one will not; so five will die and one will live. It strikes us that it would be better for five to live and one die than for one to live and five die, and therefore that a better distribution of the bad thing would be for the one to get it, and the five not to. If the one has no more claim against the bad thing 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: i.e., it is permissible for Edward and Frank to turn their trolleys. But even if the one has no more claim against the bad thing than any of the five has, he can complain if we do something to *him* in order to bring about that the bad thing is better distributed: i.e., it is not permissible for George to shove his fat man off the bridge into the path of the trolley.

It is true that if Edward and Frank turn their trolleys, they don't merely turn their trolleys: they turn their trolleys onto the one, they run down and thereby kill him. And if you turn a trolley onto a man, if you run him down and thereby kill him, you certainly do something to *him*. (I don't know whether or not it should be said that if you deflect a Health-Pebble away from one who needs it for life, and would get it if you didn't act, you have killed him; perhaps it would be said that you killed him, perhaps it would be said that you didn't kill him, but only caused his death. It doesn't matter: even if you only caused his death, you certainly did something to him.) So haven't their ones as much ground for complaint as George's fat man? No, for Edward's (Frank's) turning his trolley onto the one, his running the one down and thereby killing him, isn't something he does to the one to bring about that the trolley is better distributed. The trolley's being better distributed *is* its get-

ting onto the one, it *is* running the one down and thereby killing him; and Edward doesn't turn his trolley onto the one, he doesn't run the one down and thereby kill him, in order to bring this about—what he does to bring it about is to turn his trolley. You don't bring about that a thing melts or breaks by melting or breaking it; you bring about that it melts or breaks by (as it might be) putting it on the stove or hitting it with a brick. Similarly, you don't bring about that a thing gets to a man by getting it to him; you bring about that it gets to him by (as it might be) deflecting it, turning it, throwing it—whatever it is you do, by the doing of which you will have got it to the man.

By contrast, George, if he acts, does something to the fat man (shoves him off the bridge into the path of the trolley) to bring about the better distribution of the trolley, viz., that the one (the fat man) gets it instead of the five.

A good bit more would have to be said about the distinction I appeal to here if my suggestion is to go through. In part we are hampered by the lack of a theory of action, which should explain, in particular, what it is to bring something about by doing something. But perhaps the intuition is something to take off from: that what matters in these cases in which a threat is to be distributed is whether the agent distributes it by doing something to it, or whether he distributes it by doing something to a person.

The difference between Harry's case and Irving's is, I think, the same. Harry, if he acts, does something to the Russian bomb (deflect it), in order to bring about that it is better distributed: the few Worcesters get it instead of the many New Yorkers. Irving, however, does something to the Worcesters (drops one of our own bombs on them) in order to bring about that the Russian bomb is better distributed: instead of the many New Yorker's getting it, nobody does. Hence the fact that the Worcesters have no more claim against the Russian bomb than the New Yorkers do makes it permissible for Harry to act; but not for Irving to.

If we can speak of making a better distribution of an ailment, we can say of Donald too that if he acts, he does something to his healthy specimen (cut him up into bits) in order to bring about a better distribution of the ailments threatening his five patients: instead of the five patients getting killed by them, nobody is.

And then the special nastiness in David, if he acts, lies in this: in the first place, he gives to five what belongs to the one (viz., bodily parts), *and* in the second place, in order to bring about a better distribution of the ailments threatening his five—i.e., in order to bring about that instead of the five patients getting killed by them, nobody is—he does something to the one (viz., cuts him up).

4. Is killing worse than letting die? I suppose that what those who say it is have in mind may well be true. But this is because I suspect that they do not have in mind anything which is disconfirmed by the fact that there are pairs of acts containing a killing and a letting die in which the first is no worse than the second (e.g., the pair containing Alfred's and Bert's) *and* also do not have in mind anything which is disconfirmed by the fact that there are cases in which an agent may kill instead of letting die (e.g., Frank's and Harry's). What I suspect they have in mind is something which is confirmed by certain cases in which an agent may not kill instead of letting die (e.g., David's and Donald's). So as I say, I think they may be right. More generally, I suspect that Mrs. Foot and others may be right to say that negative duties are more stringent than positive duties. But we shan't be able to decide until we get clearer what these things come to. I think it's no special worry for them, however. For example, I take it most people think that cutting a man's head off is worse than punching a man in the nose, and I think we aren't any clearer about what this means than they are about their theses. The larger question is a question for all of us.

Meanwhile, however, the thesis that killing is worse than letting die cannot be used in any simple, mechanical way in order to yield conclusions about abortion, euthanasia, and the distribution of scarce medical resources. The cases have to be looked at individually. If nothing else comes out of the preceding discussion, it may anyway serve as a reminder of this: that there are circumstances in which—even if it is true that killing is worse than letting die—one may choose to kill instead of letting die.

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#### NOTES

<sup>1</sup> Cf. Judith Jarvis Thomson, "Rights and Deaths," *Philosophy and Public Affairs* (Winter 1973), sec. 3. Cf. also Michael Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs* (Fall 1972), sec. 5, and James Rachels, "Active and Passive Euthanasia," *New England Journal of Medicine*, January 9, 1975.

<sup>2</sup> In her very rich article, "Abortion and the Doctrine of the Double Effect," *Oxford Review* 5 (1967). Most of my examples are more or less long-winded expansions of hers. See also G. E. M. Anscombe's brief reply, "Who Is Wronged?" in the same issue of the *Oxford Review*.

<sup>3</sup> Foot, "Abortion and the Doctrine," p. 10.

<sup>4</sup> Cf. D. H. Hodgson, *Consequences of Utilitarianism: A Study in Normative Ethics & Legal Theory* (New York: Oxford University Press, 1967), pp. 77ff.