

(in parenthesis)

*This worksheet focuses on a defining piece of 20th Century ethics. It is so well-known that it has made its way into popular culture — a rare feat for philosophy! It concerns the well-known “**Trolley Problem**”, and was devised by **Philippa Foot**. Moreover, the problem is usually employed to convey and discuss the basics of consequentialist ethics. However, the use that Foot makes of the problem is far more subtle and well worth considering: **the doctrine of double effect**.*

This worksheet will introduce the Trolley Problem in its original discussion, the doctrine of double effect, and arguments made by Foot. All excerpts from The Problem of Abortion and the Doctrine of Double Effect

The Doctrine of Double Effect

The doctrine of the double effect is based on a distinction between what a man foresees as a result of his voluntary action and what, in the strict sense, he intends. He intends in the strictest sense both those things that he aims at as ends and those that he aims at as means to his ends. The latter may be regretted in themselves but nevertheless desired for the sake of the end, as we may intend to keep dangerous lunatics confined for the sake of our safety. By contrast a man is said not strictly, or directly, to intend the foreseen consequences of his voluntary actions where these are neither the end at which he is aiming nor the means to this end. [...]

By ‘the doctrine of the double effect’ I mean the thesis that it is sometimes permissible to bring about by oblique intention what one may not directly intend. Thus the distinction is held to be relevant to moral decision in certain difficult cases.

For Discussion:

— What is an intention; what is an 'end'? Come up with simple, everyday examples, of things we intend and things we aim at.

With the Doctrine of Double Effect (DDE) Foot is interested in the relationship between 'intentions' and the 'ends'. She thinks that in morally complex situations we can use these concepts and relationships to draw useful conceptual possibilities, which can then be used to work out what we ought to do, and what our responsibilities and moral liabilities are. To make use of intentions and ends in order to provide a wider theoretical framework for evaluating moral actions, we need to see how intentions and ends can 'come apart'.

— Come up with an example of an end, a corresponding intention, and the action that follows from the intention which results in the end. Or, more simply, an example of you having a goal, and you intend to do something in order to achieve that goal — this is not a trick question, it's perhaps the simple, standard case!

— Now, review your example. See how knowledge is important. What knowledge do you need to have in order that your ends and intentions fit together? Moreover, note the importance of time in this: would you need knowledge about events, in the past, present, or even the future? And how do we gain this knowledge (tip: pay close to attention to why knowledge about future events might be tricky!).

— Now, review your example again.

- Do you think it's possible that your intentions, and the actions that follow those intentions towards some goal, can bring about effects that you neither intended, nor wanted to result from your actions?
- Think about anything that might be consequences of your scenario that you did not intend. Even, if those consequences aren't 'bad' consequences, do you think we should only do actions, or pursue goals, when we **know** all of what the consequences are, and **intend** all of those consequences?
- What do your discussions about this example tell you about the relationship between your intentions and your ends, and how they relate to the 'wider world'?

— Given your above discussion, come up with another example in which you intend to bring about some end, however your actions produce, or involve, a situation that you don't intend as your goal. Crucially this situation is intended, but only insofar as it produces your goal, **and** you wouldn't intend it otherwise.

- In this example, is it fair to characterise this/this intermediate consequence as **a** goal(s) you were trying to achieve?

- In your example, are you **responsible** for those UN-intended consequences?
- In your example, are you **morally responsible** for those UN-intended consequences?
- If there is a difference between your answers for the last two questions, what accounts for that difference? If there isn't, is it because you think that there is no difference between being responsible and being morally responsible?
- Do you think you have to **know** that something will happen as a consequence of your actions, even if you don't intend it, to be responsible for it? i.e., can you be responsible for intentions you cannot foresee.

— Anticipating Foot's next point, think about how descriptions of intentions and goals in your example, might change how we think about how we think about (moral) knowledge, and (moral) responsibility.

- For example, say I want to score a goal in a football match (aim), and to bring about that aim, I intend to kick the ball towards the goal. I'm a good footballer, so I 'know' (it's another question whether or not we should use the word know in this scenario but that's another issue!), more or less, what I'm doing, and I score.
- How might we describe my intention? "To kick the ball at the open goal" Or, "To send the ball westwards at an elevated trajectory of 30°, at a speed of 80mph". Say both are true descriptions of the kicking event. What do you make of these two descriptions when analysing my intentions?

Against an interpretation of the principle...

A party of potholers has imprudently allowed the fat man to lead them as they make their way out of the cave, and he gets stuck, trapping the others behind him. Obviously the right thing to do is to sit down and wait until the fat man grows thin; but philosophers have arranged that flood waters should be rising within the cave. Luckily (luckily?) the trapped party have with them a stick of dynamite with which they can blast the fat man out of the mouth of the cave. Either they use the dynamite or they drown. In one version the fat man, whose head is in the cave, will drown with them; in the other he will be rescued in due course. Problem: may they use the dynamite or not?

[This example] is introduced [...] to show how ridiculous one version of the doctrine of the double effect would be. For suppose that the trapped explorers were to argue that the death of the fat man might be taken as a merely foreseen consequence of the act of blowing him up. ('We didn't want to kill him ... only to blow him into small pieces' or even '... only to blast him out of the cave.') I believe that those who use the doctrine of the double effect would rightly reject such a suggestion, though they will, of course, have considerable difficulty in explaining where the line is to be drawn. What is to be the criterion of 'closeness' if we say that anything very close to what we are literally aiming at counts as if part of our aim?

A positive right corresponds to a positive duty, and is a right that he on whom the duty lies shall do some positive act on behalf of the person entitled. A negative right corresponds to a negative duty, and is a right that the person bound shall refrain from some act which would operate to the prejudice of the person entitled. The former is a right to be positively benefited; the latter is merely a right not to be harmed.

Now consider the following key passage from Foot's analysis in which she introduces the 'trolley problem'.

Suppose that a judge or magistrate is faced with rioters demanding that a culprit be found for a certain crime and threatening otherwise to take their own bloody revenge on a particular section of the community. The real culprit being unknown, the judge sees himself as able to prevent the bloodshed only by framing some innocent person and having him executed. Beside this example is placed another in which a pilot whose aeroplane is about to crash is deciding whether to steer from a more to a less inhabited area.

To make the parallel as close as possible it may rather be supposed that he is the driver of a runaway tram which he can only steer from one narrow track on to another; five men are working on one track and one man on the other; anyone on the track he enters is bound to be killed. In the case of the riots the mob has five hostages, so that in both the exchange is supposed to be one man's life for the lives of five. The question is why we should 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. It may be suggested that the special feature of the latter case is that it involves the corruption of justice, and this is, of course, very important indeed. But if we remove that special feature, supposing that some private individual is to kill an innocent person and pass him off as the criminal we still find ourselves horrified by the idea. The doctrine of double effect offers us a way out of the difficulty, insisting that it is one thing to steer towards someone foreseeing that you will kill him and another to aim at his death as part of your plan. Moreover there is one very important element of good in what is here insisted. In real life it would hardly ever be certain that the man on the narrow track would be killed. Perhaps he might find a foothold on the side of the tunnel and cling on as the vehicle hurtled by. The driver of the tram does not then leap off and brain him with a crowbar. The judge, however, needs the death of the innocent man for his (good) purposes. If the victim proves hard to hang he must see to it that he dies another way. To choose to execute him is to choose that this evil shall come about, and this must therefore count as a certainty in weighing up the good and evil involved. The distinction between direct and oblique intention is crucial here, and is of great importance in an uncertain world.

[...]

A man may murder his child or his aged relatives by allowing them to die of starvation as by giving poison; he may also be convicted of murder on either account. In another case we would, however, make a distinction. Most of us allow people to die of starvation in India and Africa, and there is surely something wrong with us that we do; it would be nonsense, however, to pretend that it is only in law that we make the distinction between allowing people in the under developed countries to die of starvation and sending them poisoned food. There is worked into our moral system a distinction between what we owe people in the form of aid and what we owe them in the way of non-interference. Salmond, in his jurisprudence, expressed as follows the distinction between the two:

For Discussion:

— How does Foot use the DDE to draw a distinction between the case of the judge, and the case of the Trolley/tram?

— Do you find her point convincing?

— In her examples, Foot also makes use of knowledge and power/capability to add subtlety to the discussion. What role does knowledge and power play in these moral scenarios?

— Foot adds further subtlety to the discussion by considering the consequences of **not** acting. Moreover, she points out that there are definite effects of our not acting that are morally evaluable that in other cases we would think a person legally responsible for, i.e., in the case of neglecting to provide aid to famine victims, and starving someone to death. How can DDE help us to distinguish between these cases do you think?

— Foot explains the difference using legal examples of duties. What are they, and how do you think they are useful in explaining the difference between the case of neglect, and the case of actively, as it were, starving someone.

— Are you convinced that we are any less culpable in the case of neglecting people by way of aid, and in the case of actively starving someone?

Practice!

*It's important not just to think about theories abstractly, but to work with them — think about Murdoch's views about Moral vision (see our other worksheets). The following recommended clip is from a film, based on Ian McEwan's book *Enduring Love*. Watch the clip and then discuss the following questions.*

Enduring Love — The Balloon Scene.
<https://youtu.be/dz5yu3qqGTQ>

For Discussion:

— First of all, briefly describe what you think happened. Not in moral terms, but just factually and objectively, as it were.

— Now briefly write out what you think the intentions and ends of the grandpa (the first person seen holding onto the balloon) might have been.

— Now briefly write out what you think about the intentions and ends of any other person might have been.

— Now assess these different descriptions in terms of knowledge and responsibility. How does DDE help us in our analysis?

More generally:

This is a deceptively complex scenario, and useful to think about more generally.

— Is this a 'moral scenario'? How, if at all, does it differ from standard 'abstract' examples used in philosophy? Look at some of the examples given to us by Foot. And here's some tips:

- Think about Foot's comment about if the trolley problem were to happen in 'real life';
- Moral scenarios are often presented in philosophy discretely, i.e., the moral scenario involves just these factors. As such, there is a clear sense of what is involved in the scenario and what isn't. Do you think that captures the structure of this scenario; does it have clear boundaries?
- How do we 'see' a situation as a moral situation rather than just another situation?

— Do think the characters acted 'rationally'?

— What role, if any, do emotions have in this scenario?

— How does time transform this scenario? Or, to put it in other words, how does the scenario 'evolve' and change. How, if at all, does the changing nature of the scenario transform the intentions and aims of the people involved?

— Do the people have a moral responsibility to help? Either way, why?

Bibliography

Foot, P. (1967) The problem of Abortion and the Doctrine of Double Effect. *Oxford Review*, no. 5.

Michell, R (2004) *Enduring Love*. Paramount (film).