

## Doing Versus Allowing Harm

In light of the problems with DDE, Foot looks for another moral distinction that will solve The Trolley Problem. The distinction she picks out says roughly that it is worse to do harm to someone than it is to merely allow the harm to occur. She points out that there are two sorts of rights:

Positive Right: The right, that all persons have, to be benefited.

Negative Right: The right, that all persons have, to not be harmed.

Foot believes that we have duties that correspond to these rights. That is, we have a positive duty to benefit others, and a negative duty not to harm others. The latter duty is stronger than the former. (Does this remind you of Ross?).

Roughly, to violate someone's negative right not to be harmed is to DO harm to them, while violating someone's positive right to be benefited (or saved from harm) is merely to ALLOW harm (or lack of benefit) to occur to them.

Furthermore, she believes that this distinction solves The Trolley Problem:

- In Fat Man, she says, you have a negative duty not to harm the fat man, but a positive duty to save the five. So, it is a (Negative-Duty x 1) versus a (Positive-Duty x 5). Presumably, the negative duty is more than five times stronger than the positive duty, so you should not push the fat man.
- In Trolley, she says, you have a negative duty not to harm the one, AND a negative duty not to harm the five. So, it is a (Negative-Duty x 1) versus a (Negative-Duty x 5). Obviously, the duty not to harm the five is five times stronger than the duty not to harm the one here, so you should pull the lever.

Foot's Mistake: Does this seem obviously flawed to you? To Judith Thomson (who authored the original Fat Man case), it does. In Foot's original Trolley case, she assumes that you are the driver of the trolley. Whether you steer the trolley into the one or into the five, either way you're driving the trolley right into them. As such, either way you are violating someone's negative right not to be harmed.

But, if you are at the lever instead of in the driver's seat, surely if you do nothing and the trolley hits the five, you have not harmed the five; you have not violated your negative duty not to harm them. You have only violated your positive duty to save them. But, then, on Foot's account, it would be ok to divert the trolley onto the one if you were the driver, but wrong to pull the lever. Surely, that is a bad outcome of her view. It should not make any difference whether you are in the driver's seat or not, whether you are inside of the trolley or not, etc. It should be permissible to divert the trolley in all of those cases. Right?

Introducing Versus Re-Directing a Harm: Thomson considers a pair of cases:

- Divert The Bomb: Terrorists have launched a nuclear missile at New York City. The only way to prevent the destruction of New York is to divert the missile. Unfortunately, if the missile is diverted, it will hit Ithaca (a much smaller city) instead. The president orders the bomb to be diverted.
- Explode The Bomb: Terrorists have launched a nuclear missile at New York City. The only way to prevent the destruction of New York is to launch our own nuclear missile to destroy Ithaca. This blast will destroy the terrorist missile as it passes over Ithaca's airspace. The president orders an attack on Ithaca.

Thomson thinks that it is ok to divert the bomb, but not to explode it. (Do you share this intuition?) But why should there be any moral difference between the actions if the results are exactly the same? She thinks that the key difference is between (1) diverting a threat that already exists and (2) creating a new one:

Diverting A Threat: If a threat exists, and is about to harm a certain number of people, Thomson believes it is morally acceptable to divert that threat onto some lesser number of people (just as long as there are no other morally relevant factors. For example, you did not promise the lesser number of people that you would do everything you could to keep them safe).

Introducing A Threat: If a threat exists, and is about to harm a certain number of people, Thomson believes it is morally unacceptable to prevent the harm to those people, if the only way to do so is to create some new threat that was not already there, which harms a different group of (a lesser number of) people.

Thomson believes this distinction, instead of Foot's, solves The Trolley Problem:

- In Trolley, by pulling the lever, you are merely diverting a pre-existing threat from the five onto the one. You do not create any new threat, and your action is therefore morally acceptable.
- In Fat Man, you save the five by pushing the fat man off of the bridge. However, in doing so, you introduce a new threat to the fat man that was not previously there. Your action is therefore morally unacceptable.

Furthermore, this explains why harming the one in cases such as Organ Harvest, Innocent Conviction, and Crowded Cliff are wrong (because they introduce a new harm to the one), while harming the one in, e.g., Pill Distribution, is not wrong (because it merely re-distributes some pre-existing thing).

## Objections to the Doctrine of Doing and Allowing

Rachels' Objection: James Rachels believes that there is no morally relevant difference between doing harm and allowing harm. In order to defend this stance, he asks us to consider the following two cases:

- Smith: Smith stands to gain a large inheritance if anything should happen to his six-year-old cousin. One evening while the child is taking a bath, Smith sneaks into the bathroom and drowns the child.
- Jones: Jones also stands to gain if anything should happen to his six-year-old cousin. One evening while the child is taking a bath, Jones sneaks into the bathroom to drown the child. However, just as he enters, the child slips and hits his head, falling face down in the water. Jones is delighted. He stands by, ready to push the child's head back under if necessary, but it is not necessary. The child drowns.

These two cases fit every distinction we have seen: Smith is doing harm, violating a negative right not to be harmed, and introducing a new threat. Meanwhile, Jones is merely allowing harm, violating a positive right to be benefited, but not introducing a new threat. If there were a morally relevant distinction here, we ought to think that what Smith does is far worse than what Jones does. But, we do not. What Smith and Jones do seem to be equally wrong. (Do you agree?) Therefore, Rachels argues, the do-allow distinction is not a morally relevant one.

Thomson's Reply: Thomson thinks this sort of argument is a bad one. She says it is no better than the following one that "proves" that cutting off someone's head is no worse than punching someone in the nose. Consider two cases:

- Decapitation: Alfrieda knows that if she cuts off Alfred's head he will die, and, wanting him to die, cuts it off.
- Nose Punch: 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.

What Alfrieda does is just as wrong as what Bertha does. Have we proved that there is no moral difference between cutting off someone's head and punching someone in the nose? Not at all, Thomson says. At best, all we have shown is that decapitating someone CAN BE as bad as punching someone in the nose. Obviously, in many (nearly all?) cases, the former is still worse than the latter.

Kamm's Reply: Frances Kamm says that, if we can find even a single case where doing harm is obviously worse than allowing harm, we would successfully refute Rachels' objection. She thinks that doing this is quite simple. Consider:

- Road 1: You and your friend are rushing an injured friend to the hospital. There is no time to stop. There are two narrow roads that lead to the hospital. One road has someone trapped on it, and you will need to run them over to get to the hospital. The other road is treacherous, and incredibly risky.
- Road 2: This is the same as Road 1, except that one road is safe and clear, while the other road has someone drowning next to it. Your friend will be able to jump out and save them if you go that way, but the road itself is incredibly risky.

Kamm thinks that our obligation to take risk upon ourselves is greater in cases where the risk helps to avoid DOING harm than it is in cases where the risk helps us avoid ALLOWING harm. In other words, she thinks that you are obligated to take the treacherous route in Road 1, since if you do not, you will kill someone. On the other hand, she thinks that you are NOT obligated to take the treacherous route in Road 2, where if you do not, you merely let someone die. Thus, she says, even if Rachels has shown that in SOME cases killing (or doing harm) is not worse than letting die (or allowing harm), in others there is clearly a moral distinction.

Though ethicists have, as yet, been unable to offer a successful definition of this distinction, Kamm thinks it is undeniable that there IS one. Do you agree?

Objection To Distinction Between Introducing vs. Re-Directing A Harm: Thomson thinks that the reason it is wrong to push the fat man, but permissible to pull the lever, is that there is a duty not to harm others by introducing a new threat (even if doing so produces a greater good). This is stronger than the duty not to harm others by diverting a threat to produce a greater good. But, consider the following case:

- Trolley Initiation: This is the same as the Trolley case, except that the lever, instead of diverting the trolley on the side track, causes two things when pulled: (1) The runaway trolley stops, and (2) A motionless trolley on the side track begins moving. It is still the case that the one dies and five are saved.

Surely it should still be permissible to pull the lever in this revised case, even though doing so initiates a threat, rather than diverts one?