The Trolley Problem was first articulated by Philippa Foot. It was further developed by Judith Jarvis Thomson. Subsequently, there has been considerable discussion of the problem and various putative solutions of it. The problem involves various case-pairs about which we have fairly clear initial intuitions. More specifically, the problem consists in producing a principle which adequately explains one's intuitions about the cases—distinguishing the members of the pairs—and which generalizes appropriately to other cases. Here, rather than presenting all of the relevant pairs of cases, I focus on one such pair.

I shall call the first case, “Bystander at the Switch”, or “Bystander.” A trolley is hurtling down the tracks. There are five “innocent” persons on the track ahead of the trolley, and they will all be killed if the trolley continues going straight ahead. There is a spur of track leading off to the right. Unfortunately, there is one innocent person on that spur of track. The brakes of the trolley have failed, and you are strolling by the track. You see that you could throw a switch that would cause the trolley to go onto the right spur. You are an “innocent bystander,” i.e., not an employee of the railroad, and so forth. You can throw the switch, thus saving the five persons but causing the one to die, or you can do nothing, thus allowing the five to die. What should you do?

It seems that it would at least be permissible for you to turn the trolley to the right, thus saving the five but killing the one. Perhaps it is also obligatory to do this, but it is at least intuitively plausible that one may turn the trolley to the right.

But consider now a second case, “Fat Man.” You are standing on a bridge watching a trolley hurtling down the tracks toward five innocent persons. The brakes have failed, and the only way in which you can stop the train is by impeding its progress by throwing a heavy object in its path. There is a fat man standing on the bridge; he is peering over the hand railing, watching the lamentable scenario below. You could press a button which would cause the
hand railing to wobble, thus causing the fat man to topple onto the tracks below. If you do so, the fat man will die, but the five will be saved.

What ought you to do? Upon first consideration of this example, it certainly seems clear that you ought not cause the fat man to be toppled into the path of the trolley. Now the question arises, why is it permissible to shunt the trolley to the right in "Bystander" but impermissible to cause the fat man to topple in "Fat Man"? That is, why is it permissible to save the five in "Bystander" but not "Fat Man"? Is there some general principle that would explain the intuitive difference between these cases (and generalize suitably to other cases)?

II

Many different solutions to the Trolley Problem have been proposed and explored. Recently, Robert Hanna has developed a distinctive approach which surely captures a widespread intuition about the cases. Indeed, it is surprising that others have not sought to articulate the intuition and to give it precise content. The basic idea is that all six of the individuals on the tracks in "Bystander" are "insiders"—they are "involved in" the situation; in contrast, the fat man is an "outsider"—he is not in the relevant sense involved in the situation. Further, it is alleged that it is in general impermissible to make an outsider a victim, whereas it may be permissible in certain circumstances to cause an insider (who otherwise would not have been a victim) to be a victim. The claim, then, is that in "Bystander" you would simply be redistributing some bad outcome among individuals who are already involved in the situation (insiders), whereas in "Fat Man" your saving the five would require making someone not already involved in the situation (an outsider) into a victim. Thus, Hanna employs the distinction between insiders and outsiders and the associated principle to distinguish the cases, and he claims that these ingredients offer a solution to the Trolley Problem: they allegedly generalize appropriately to other relevant cases.

Although I believe that Hanna's approach has considerable intuitive appeal, I also think there are insuperable problems with it. First, I shall offer a few thoughts about the specific account given by Hanna. Next, I shall present some general considerations which indicate that no specific characterization of the distinction between insiders and outsiders can succeed in doing the work required of it in order to provide a solution to the Trolley Problem.

Hanna gives the following account of the distinction between insiders and outsiders. Hanna's terms are "participants" and "bystanders," but it will be simpler to stick with "insiders" and "outsiders". He begins by giving
a rather complex account of a "total moral situation." He then says, "The total moral situation includes not only the actual physico-causal event, but also all the relevantly possible pathways which are parts of its ideal structure." He goes on to say:

By [an insider] in a moral situation I mean any person whose body is or becomes a constituent part of the physico-causal event or possible events which are contained within the total situation. [An outsider], by contrast, is any person whose body is not a part of the physical event or possible events, and whose current ordinary business will not bring him into the situation.

Employing these ingredients, Hanna concludes:

The one in [Bystander] is clearly [an insider], since one of the pathways of the ongoing trolley-event will make him a victim. The mere existence of the possible pathway, as physically represented by the switching mechanism and spur, is sufficient to implicate the one. By contrast, the [fat man] is neither a physico-causal part of the trolley-event, nor is it consistent with his ordinary business that he shall be brought into the moral situation. The [Fat Man] is [an outsider], if anyone is.

Evidently, Hanna must hold that the spur to the right is a relevant possible pathway in "Bystander," but the pathway through the air from the bridge to the tracks below is not a relevant possible pathway in "Fat Man." But how could he possibly justify such a claim? Presumably, a causally possible pathway cannot become "irrelevant" simply because it is along a vertical dimension rather than a horizontal dimension, or because it proceeds through the air rather than on railroad tracks? Insofar as Hanna does not offer any further support for his claim here, it is unconvincing. Indeed, it is tempting to conclude that his implicit differential judgments of relevance are simply driven by his moral intuitions about what is permissible to do in the various cases; but if this is so, then he has not presented us with an account of the distinction between insiders and outsiders which can do the work it is supposed to do—provide an independent standard by reference to which the Trolley Problem can be solved.

III

One can begin to see the general problems with the approach by asking how it can be maintained that the person on the right spur of track in
"Bystander" is an insider, whereas the fat man is an outsider. Hanna must
distinguish the individuals in this way, but how could one possibly justify
this distinction? Suppose one noted that the causal structure of the "Fat
Man" case is such that some event is "unfolding;" it involves a threat to the
five; and if the bystander does nothing, the fat man is not "at risk." Hence,
it could be maintained that the fat man is an outsider. So far, so good; but
precisely the same things could be said of "Bystander." Upon reflection, it is
unclear how one could justify the putative distinction between the indi-
vidual on the right spur of track and the fat man; again, the question arises
as to whether one's initial moral intuitions about the cases are driving one's
categorization of the individuals (rather than the other way around).

Consider the following case, "Random Mechanism." In this case the
tracks are configured in the shape of a "Y." On the left track are five innocent
persons, and on the right is one. There is a random mechanism at the
bifurcation point of the tracks; when the train arrives, the mechanism
randomly directs it either to the right or the left. Suppose, however, that you
(a bystander) can override the random mechanism by pressing a certain
button. If you press the button, the train is definitely shunted to the right. The
five are saved, but you cause the death of the one.

It is interesting to reflect on the relationship between "Bystander,"
"Random Mechanism," and "Fat Man." Intuitively, all the individuals on the
tracks in "Random Mechanism" are insiders. Thus, the one on the right is an
insider. Now Hanna must say that "Bystander" is relevantly similar to
"Random Mechanism," but different from "Fat Man." But how could he
possibly justify this claim? Clearly, if you do nothing in "Random Mechani-
sm" and allow the trolley to proceed, there is some clear intuitive sense in
which all six individuals are "at risk;" but this is true in neither "Bystander"
or "Fat Man."

There is the following similarity between "Bystander" and "Random
Mechanism": all six individuals are distributed along the horizontal dimen-
sion. In contrast, the fat man is above the tracks—he is situated along the
vertical dimension in respect to the five on the tracks below. But surely this
factual distinction cannot underwrite the claim that "Bystander" and "Random
Mechanism" are relevantly similar, whereas "Random Mechanism" is
crucially different from "Fat Man." I do not see any plausible way of arguing
that the first pair of cases are similar, but the second pair of cases are
dissimilar; thus, I see no plausible way of arguing that the first case ("By-
stander") is relevantly different from the third case ("Fat Man").

The point can be driven home by considering the following cases. First,
assume that everything is like the situation in "Bystander," except that the
right spur of track goes up. That is, the right spur of track is actually a long,
continuous ramp that goes up until it reaches a plateau—on which there is an innocent person. Call this case, "Roller Coaster."

Next, consider "Ramp." There is a trolley hurtling down a track toward five innocent persons, and a fat man standing on a bridge above the tracks. The bridge itself has tracks on it. And let us imagine that you could push a button and thus cause a (very short) ramp to go up underneath the trolley. Further, if you were to push the button and thus cause the ramp to go up, you would thereby cause the trolley to jump up (through the air) to the tracks on the bridge and to continue along those tracks. If you were to push the button, you would save the five, but regrettably, the trolley would run over the fat man.

Now we have the sequence of cases, "Bystander," "Roller Coaster," "Ramp," and "Fat Man." Hanna must say that "Bystander" is crucially different from "Fat Man"—the one in "Bystander" is an insider, whereas the one in "Fat Man" is an outsider. But how could he possibly justify this asymmetry claim? Grant, to begin, that the one is an insider in "Bystander." Surely, if the one is an insider in "Bystander," then it must be the case that the one is an insider in "Roller Coaster." (The only way I can see of denying this is to claim that the difference between the horizontal and vertical dimensions is crucial, which is manifestly implausible.) Further, if the one is an insider in "Roller Coaster," then it must be the case that the one is an insider in "Ramp." How could it possibly matter whether the upward trajectory of the trolley is supported by continuous track or is caused by the shorter ramp together with the trolley's momentum? How could it matter whether the ramp is longer or shorter?

Finally, if the one is an insider in "Ramp," then surely the one is an insider in "Fat Man." There is of course the following factual difference between "Ramp" and "Fat Man": in "Ramp" the trolley proceeds along a pathway through the air upward to the one individual, whereas in "Fat Man" the one individual proceeds along a pathway through the air downward toward the trolley. But surely this factual difference cannot plausibly underwrite the supposition that the one is an insider in "Ramp" but an outsider in "Fat Man." Thus, it follows that if the one individual is an insider in "Bystander," the one is also an insider in "Fat Man;" that is, it follows that there is no way of justifying the claim that the one is an insider in "Bystander," but an outsider in "Fat Man."

Notes


For some such discussion, see Fischer and Ravizza, eds., 1991.


This claim has a certain plausibility. Consider, for example, the pair of cases consisting of “Drug” and “Transplant.” In “Drug” you own a bottle of medicine. Five persons are dying, and each needs one-fifth of the medicine in order to survive. Another person is dying, but he needs all of the medicine in order to survive. What ought you to do? Presumably, it is at least permissible for you to give the medicine to the five (apart from special obligations, promises, and so forth). But consider now another case, “Transplant.” You are a surgeon, and five person are in the hospital, each of whom needs an organ in order to survive. It just happens that an innocent visitor has arrived in the hospital, and you know that he is tissue-compatible with all the people who need organs, and that you could cut him up and distribute his parts among the five who need them. It would clearly not be permissible for you to proceed to do so. Hanna would point out that in “Drug” all six dying individuals are plausibly thought to be insiders, and thus it would be permissible to give the drug to the five. In contrast, in “Transplant” the visitor to the hospital is surely an outsider, and thus it is impermissible to save the five in this case.


Hanna’s article is filled with interesting suggestions to which I have not done justice here. Indeed, he seeks to employ resources from the phenomenological tradition to assist in giving content to his proposal for a solution to the Trolley Problem. These materials appear to give an important role to the ways in which we interpret and structure the world. For Hanna, moral philosophy must take account of certain characteristic ways in which the world presents itself to us. Perhaps these insights can help to solve the problem of “relevance” I have noted in the text. But the presentation by Hanna is not sufficiently precise and determinate to yield a definite answer to this question. I would hope that in the future Hanna undertakes to provide a more explicit characterization of the phenomenological features in virtue of which we could say (for example) that the one in “Bystander” is an insider and the one in “Fat Man” is an outsider.

I introduced this example in “Thoughts on the Trolley Problem,” in Fischer and Ravizza, eds., 1991, 308-318.

Its implausibility can be sharpened by imagining that we simply turn “Bystander” on its side in the following way. In “Missile,” there is a missile heading toward a house in which there are five innocent persons. The only way to prevent it from hitting the house is to deflect it upwards; unfortunately, the missile would then hit a house on a hill in which one innocent person lives. I see no relevant asymmetry between “Bystander” and “Missile.” If the one is an insider in “Bystander,” then surely the one must be an insider in “Missile.”

I am very grateful to useful comments from Mark Ravizza.