The Arguments of Judith Jarvis Thomson’s ‘Killing, Letting Die, and the Trolley Problem’ (1976)

By Dustin Locke with the assistance of Sophie Gitlin and Emma Kresch

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What follows is a presentation of the arguments of Judith Jarvis Thomson’s ‘Killing, Letting Die, and the Trolley Problem’ (1976). Thomson’s paper was written for a professional audience and thus assumes certain specialized vocabulary, background knowledge, and style of argumentation unfamiliar to introductory philosophy students. The goal of the present essay is to present Thomson’s arguments in a way that makes them more accessible to such students.

However, this essay is not written in the format of a standard textbook presentation. In a standard textbook presentation, the arguments would be presented from the textbook author’s perspective—that is, from the perspective of someone who is merely relaying, without necessarily endorsing, the arguments of the original paper. This essay, by contrast, is written as if it is from Thomson’s perspective. Hence, where an ordinary textbook might say something like “According to Thomson, killing is not always worse than letting die”, this essay will simply say, “Killing is not always worse than letting die”. By reducing the number of “voices” that stand between readers and the arguments, this style of presentation reduces cognitive load on readers, allowing them to engage more directly with the arguments.

What follows represents no more than my own (Dustin Locke’s) understanding of Thomson’s arguments. It is entirely possible that Thomson herself would not, upon examination, endorse everything that I have to say in what follows. I have tried to the best of my abilities to relay the arguments of Thomson’s paper as I understand them. Readers who want to be sure they understand Thomson correctly must go to the source. Finally, it is my understanding that under U.S. copyright law, this document constitutes a transformative, non-profit, educational, and thus fair use of Thomson’s paper. Copyright holders with questions, comments, or concerns are encouraged to email me at dlocke@cmc.edu.
1. **Introduction**

When addressing life-and-death moral questions—e.g., about abortion, euthanasia, war, the distribution of scarce resources, and so on—many people appeal to the principle that *killing is worse than letting die*. But I don’t think this simple principle is of much help in resolving these moral questions. In section two of this paper I’ll first present some cases that seem to confirm the principle that killing is worse than letting die, and then I’ll present some cases that seem to make trouble for it. As we’ll see, to make the principle plausible in light of these cases, the principle will have to be dramatically refined and restricted. Unfortunately, the effect of this refinement and restriction will make the principle so weak as to not be very much help in resolving the kinds of moral questions that people often use the principle to resolve.

Out of my discussion of killing and letting die will emerge a puzzle that goes beyond the mere distinction between killing and letting die. The puzzle is something that I will call, for reasons that will become clear, ‘the Trolley Problem’. The puzzle is this: why is it permissible in some cases to kill few rather than let many die, but it is not permissible in other cases to kill (that same number of) few rather than let (that same number of) many die? Sections three and four address this puzzle. My solution will involve the following two principles.

**The Having-a-Claim Principle.** What it is permissible to do depends in part on what each person involved ‘has a claim to’.

**The Acting-on-a-Person Principle.** Whether it is permissible to create a better distribution of goods/evils depends in part on whether we must do something ‘to a person’ or ‘to a thing’ in order to create the better distribution of goods/evils.

These principles are stated rather vaguely here. As we go through some examples, what I mean by them will become clearer. By the end of this essay I hope to convince you that these two principles are correct. If I’m right about this, then to settle difficult moral questions about abortion, euthanasia, war, the distribution of scarce resources, and so on, we cannot (merely) appeal to the simple idea that killing is worse than letting die—we must (also) appeal to these more nuanced principles and, accordingly, more subtle analyses of each moral question.

2. **Is Killing Worse than Letting Die?**

Consider the following case, which seems to support the idea that killing is worse than letting die.

**Single-organ Transplant.** 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 person 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.

In this case, it seems that the surgeon may not take the healthy patient's heart and transplant it into the sick patient. Why not? Here's one possible explanation: the surgeon may not perform the transplant because *killing is worse than letting die*, and, if the surgeon performs the transplant, he kills the patient from whom he takes the part, whereas if he does not perform the transplant, he merely lets the other patient die. Since the principle that *killing is worse than letting die* could thus explain why it’s wrong for the surgeon to perform the transplant in this case, that seems to confirm the idea that *killing is worse than letting die*. Here's another case to consider.

**Five-organ Transplant.** 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.

Here again, it seems that the surgeon may not perform the transplants, even though he could save *five* by just killing *one*. This is plausibly explained by the idea that killing is not just worse but *much worse* than letting die—so much worse, in fact, that it is better to let five die than to kill one. Finally, consider this clever case from Philippa Foot (1967).

**Trolley Driver.** 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.

At first glance, this case may seem like a problem for the principle that *killing is worse than letting die*. After all, it seems that in this case the trolley driver *may* turn the trolley onto the spur, killing one, despite the fact that if he doesn’t turn the trolley onto the spur, he merely lets five die. If so, then this case seems to be a counterexample to the principle that killing is worse than letting die.

However, Trolley Driver is not actually a counterexample to the principle that killing is worse than letting die. As Foot points out, if the trolley driver does not turn the trolley onto the spur, he does not merely let five die. Rather, since it was he who set the trolley in motion—he is the driver, after all—it will be he who *kills* the five if he does not now turn the trolley. So, rather than a choice between killing one and letting five die, the trolley driver

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1 Many of my examples in this paper are versions of Foot’s examples. See also G. E. M. Anscombe’s (1967) reply to Foot (1967).
actually faces a choice between killing one and killing five. Plausibly, it is worse to kill five than to kill one, and so the driver may turn the trolley, killing one rather than five. But this last claim does not matter here: the point here is just that since the case does not involve a choice between killing and letting die—but, rather, a choice between killing and killing—the case cannot be a counterexample to the principle that killing is worse than letting die.

However, there do seem to be counterexamples to the principle that killing is worse than letting die. Consider this pair of cases.

**Killing with Poison.** Alfred hates his wife and wants her dead. He puts cleaning fluid in her coffee, thereby killing her.

**Letting Die by Poison.** Bert hates his wife and wants her dead. She puts cleaning fluid in her own 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.²

It seems that what Bert does is just as bad as what Alfred does. But Alfred kills and Bert merely lets die. This seems to contradict the principle that killing is worse than letting die.

I think this argument against the principle that killing is worse than letting die misunderstands the principle. When people say that killing is worse than letting die, I don’t think they mean that all acts of killing are worse than all otherwise equivalent acts of letting die. Rather, I think they mean something more like

**The Refined Killing and Letting Die Principle.** When someone has a choice between killing and letting die, it’s worse to kill.

Notice that in each of the transplant cases, the surgeon has a choice between killing and letting die. In neither Poison case, by contrast, are we talking about a choice between killing and letting die—rather, we’re comparing one case where a person has a choice between killing and not killing (and kills) to a different case where a person has a choice a between letting die and not letting die (and lets die).

Unfortunately, even with the above refinement of the principle that killing is worse than letting die, there’s trouble. Consider this case, which involves a slight but important modification of Foot’s Trolley Driver case.

**Trolley Passenger.** 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 (the passenger) can turn the trolley onto it. Unfortunately there is one person on spur. Frank can turn the trolley, killing the one; or he can refrain from turning the trolley, letting the five die.

Passenger, unlike Trolley Driver, genuinely involves a choice between kill one and letting five die. In Trolley Driver, if Edward (the trolley driver) does not turn his trolley onto the spur, it will be he (being the driver) who kills the five—hence, Trolley Driver involves a choice between killing one and killing five. But in Trolley Passenger, if Frank (a trolley passenger) does not turn the trolley onto the sidetrack, he (being merely a passenger) merely lets the five die. Yet it seems that Frank may turn the trolley in Trolley Passenger—that is, Frank may kill one rather than let five die. So Trolley Passenger is a counterexample to the Refined Killing and Letting Die Principle.

We can perhaps save the Refined Killing and Letting Die Principle by restricting it. Note that in Trolley Passenger, Edward faces a choice, not between killing one and letting one die, but between killing one and letting five die. Thus, while the case does show that the Refined Killing and Letting Die Principle is false, it does not show the following principle is false.

**The Refined and Restricted Killing and Letting Die Principle.** When someone has a choice between killing some number of people \( n \) and letting that same number of people \( n \) die, it’s worse to kill \( n \) than it is to let \( n \) die.

The trouble with this principle is not so much that it is false as that it is very weak. More precisely, it is too weak to explain a wide range of cases that we are interested in explaining. For example, this principle cannot explain why it’s wrong to transplant in Five-organ Transplant. But Five-organ Transplant is one of the cases meant to support the idea that killing is worse than letting die.

We are at this point left with a puzzle that goes beyond the mere difference between killing letting die. In some cases that involve a choice between killing few and letting many die, it is permissible to kill the few, while in other cases that involve a choice between killing few and letting many die, one must let the many die. For example, it is permissible for Frank to turn the trolley in Trolley Passenger (killing one rather than letting five die), but it is not permissible for David to perform the transplant in Five-organ Transplant (killing one rather than letting five die). How can this be? I’ll call this puzzle ‘the Trolley Problem’. The rest of this paper is my attempt to solve the trolley problem. Out of my solution will come two moral principles that might help us to resolve many real-life moral dilemmas.

3. **Having a Claim to Something**

The first part of my solution to the Trolley Problem has to do with *what a person has a claim to*. This concept is perhaps best illustrated, not with examples of bad things (e.g., killer trolleys), but with examples of good things (e.g., life-saving drugs). Consider this case.

**Six on the Beach.** There are six people in need of a life-saving drug standing on a beach. One of the six, standing on the northern end of the beach, needs one full dose of the drug to survive. The other five,
standing on the southern end of the beach, each need one-fifth of a dose to survive. As it happens, there is a raft, carrying one full dose of the drug, floating in on the waves towards the one on the northern end of the beach. Sally, a swimmer with full knowledge of the situation, is in a position to redirect the raft towards the southern end of the beach. Sally can either do nothing, allowing the raft to carry the full dose to the one, in which case the one will live and the five will die, or she can redirect the raft towards the five, in which case the five will live and the one will die.

May Sally redirect the raft toward the five? The answer depends, I believe, on whether the one has any more of a claim to the drug than the five do. I do not know how to define the notion of having (more of) a claim to something. But the notion is clear enough when we consider some examples.

One thing that does not give someone a claim to something is the mere fact that, if we do nothing, they will get it. There is no principle of ‘moral inertia’, according to which we must not interfere with the way things currently are just because they are the way things currently are. For example, if a burglar is going to steal someone’s things if we do nothing, the burglar cannot say he has a claim to the goods just because, if we do nothing, he’s going to get them. Moreover, it is not as if, in deciding whether to interfere we weigh up the owners claim to the goods against the burglar’s claim to the goods and decide that the owner has more of a claim to the goods. No, the burglar has no claim to the goods at all.

What then might give one a claim to something? One way to have a claim to something is to own it. Suppose the drug floating on the raft belongs to the one on the northern end of the beach. Perhaps the raft now floats towards him because he radioed his friends out on a boat and asked them to place the drug on the raft and send it towards the shore so that he could receive it. If the one owns the drug, the one has more of a claim to the drug than the five do, and, if Sally knows this, it would be wrong for her to redirect the drug towards the five. Another way to have a claim to something is to have been promised it by someone who (rightfully) owns it. If the one on the northern end of the beach had been promised the drug by someone who owns it, then the one has more of a claim to the drug than the five do, and, again, it would be wrong for Sally to redirect the raft away from the one and towards the five.

Owning or being promised something are not the only ways to have a claim to it. Suppose the six had agreed to draw straws to determine who would be standing where on the beach, knowing there was an incoming raft with a life-saving drug, but not knowing towards which end of the beach it would be drifting. They all agreed that wherever they ended up on the beach, they would get the drug if and only if it drifted in where they were standing. As it happens, the one drew the straw for the northern end of the beach and that is where he now stands. In that case, the one was not promised the drug nor does he own it, but, given the agreement and how things turned out, he now has more of a claim to it than the five do, and Sally, if she knows all this, may not redirect the drug towards the five. Here’s another way the one might have more of a claim to the drug than the
five do: the five *unjustly made the one ill*. If that’s what happened, then the one does not own the drug nor has he been promised the drug, but he does have more of a claim to the drug than the five do, and thus Sally, if she knows all this, may not redirect the raft towards the five. I do not say that in these cases—the case of drawing straws and the case of the one being unjustly made ill by the five—the one has a *right* to the medicine. But I do think he has more of a claim to it than the five have, and accordingly, Sally must not redirect the raft away from the one and towards the five.

We can use this notion of having a claim to something as a partial solution to the Trolley Problem. The trolley problem, recall, is this: why, in Trolley Passenger, may Frank turn the trolley onto the spur (killing one rather letting five die), but, in Five-organ Transplant, David may not perform the transplants (killing one rather than letting five die)? In light of our discussion in this section, an answer suggests itself: Frank may turn the trolley because (we’re assuming) the one has no more of a claim to not being hit by the trolley than the five do; by contrast, the surgeon may not transplant the organs because the one *has more of a claim to those organs* than the five do—those organ do, after all, belong to the one. We do not come to own our body parts in the way we might come to own a house, but we own our body parts nonetheless. This gives us more of a claim to them than anyone else has. Perhaps it even gives us an *absolute* claim to them, such that there are no circumstances under which it would be permissible to take them from us against our will. But we don’t need that strong of a thesis here: all we need here is the thesis that the one has *more* of a claim to his organs than do the five. This seems plausible, and if it’s true, this would explain why it would be wrong for David to transplant the one’s organs to the five.

4. Doing Something to a Person

I have just presented a solution to the Trolley Problem. This solution seems to me fine as far as it goes. Unfortunately, it does not go far enough. To see the limitations of this solution, we need only consider a rather fanciful variation of Five-organ Transplant. I’ll call it

*Cure by Cutting*. Donald is a great diagnostician. Five of his patients are dying. By chance Donald learns of a healthy person 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 person up into bits, killing him, thereby saving his patients. Or he can refrain from doing this, letting his patients die.

I think it’s wrong for Donald to cut up the one to save the five. Can the explanation I gave of why it’s wrong for David to transplant the patient’s organs in Five-organ Transplant explain why it’s wrong for Donald to cut the patient up in Cure by Cutting? It cannot. In Cure by Cutting, there is nothing that the one has a claim to that David might *take from him and give to the five*—not a drug, not his organs, not anything. Rather, what’s required to save the five is that Donald simply cut the one into bits. Of course, if he cuts him up, we might say Donald ‘takes’ the one’s life. We might even say, loosely speaking, that he ‘gives’ the one’s life to the five. But this is just a loose,
metaphorical way of speaking. There is nothing that Donald literally takes from the five and gives to the one. Thus, the explanation I gave above of why it is wrong for David to transplant cannot explain why it is wrong for Donald to cut up.

I can illustrate the same point with another case. I’ll call it

**Footbridge.** 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.

I think it is wrong for George to push the fat man onto the tracks. But we cannot explain why this is wrong by appealing to the idea that someone has a claim to something that we must not take from them and give to some other people. If George pushes the fat man, he does not *take something from the fat man and give it to the five*. Again, we might, metaphorically speaking, say that if George pushes the fat man, he ‘takes’ his life and ‘gives’ it to the five, but that is just metaphor—there is nothing that he literally takes from the fat man and gives to the five.

Finally, consider this case, which makes the same point.

**Bomb.** 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.

I assume that in this case it is wrong for Irving to bomb Worcester for the sake of saving New York. But the Having-a-Claim Principle cannot explain why. In this case, if Irving bombs Worcester for the sake of destroying the Russian bomb and thus saving the five, there is nothing—and thus nothing that they have a claim to—that Irving *takes* from the people of Worcester and *gives* to the people of New York.

Why, then, is it wrong from Donald to cut up the one in *Cure by Cutting*, wrong for George to push the one in *Footbridge*, and wrong for Irving to bomb Worcester? Let’s approach this question by thinking again about the medicine floating on a raft. As before, the raft is floating towards the one on the northern end, who needs the whole dose to survive, and not towards the five on the southern end, who each need one-fifth of a dose to survive. Let’s suppose that the one has no more of a claim to the medicine than the five do—he does not own it, it was not promised to him, they did not draw straws for their positions on the beach, etc.. In that case, it is fine for Sally the
swimmer to redirect the raft away from the one and towards the five. But let’s suppose that Sally, now standing on the shore, cannot get to the raft in time to redirect it. The only thing she can do, let’s suppose, is shove the one to the ground, giving the five on the southern end time to get to the northern end and grab the medicine before the one can get back on his feet. Is it OK for Sally to do this? It seems to me that it is not. Putting these thoughts together, it seems to me that while Sally may shove the raft in order to bring about a better distribution of the medicine, Sally may not shove the one in order to bring about a better distribution of the medicine. A person, unlike a raft, is not something to be shoved around merely for the sake of bringing about a better distribution of goods.

Similarly, a person is not something to be cut into bits, pushed around, or blown up merely for the sake of bringing about a better distribution of evils. In Cure by Cutting, the five are about to die of a certain disease. Unfortunately, the only way to cure their disease is to cut another person into bits. But a person is not something to be cut into bits merely for the sake of bringing about a better distribution of evils. So it is not permissible to cut the one into bits. Similarly, in Footbridge, the runaway trolley heads towards five. Unfortunately, the only way to save the five is to push a person (the fat man) onto the tracks. But a person is not something to be pushed around merely for the sake of bringing about a better distribution of evils. So it is not permissible to push the fat man onto the tracks. Similarly, in Bomb, the Russian bomb heads towards New York. Unfortunately, the only way to save New York is to bomb the people of Worcester. But the people of Worcester are not something to be bombed merely for the sake of bring about a better distribution of evils. So it is not permissible to bomb Worcester.

The difference between Cure by Cutting, Footbridge, and Bomb, on the one hand, and Trolley Passenger, on the other, is that in Trolley Passenger, it is possible for Frank (the passenger) to bring about a better distribution of evils by moving the trolley onto the spur. A trolley, unlike a person, is something that one may move around merely for the sake of bringing about a better distribution of evils. I grant that if Frank moves the trolley onto the spur he does something to the one. Indeed, he kills the one, and to kill someone is definitely to do something to him. Still, Frank does not kill the one in order to bring about a better distribution of evils. Rather, his killing the one is his bringing about a better distribution of evils. By contrast, if George pushes the fat man, George pushes the fat man in order to bring about a better distribution of evils. Similarly, if Donald cuts the one into bits, Donald cuts up the one in order to bring about a better distribution of evils. And if Irving bombs Worcester, he bombs Worcester in order to bring about a better distribution of evils.

We now have a more robust understanding of why it would be wrong for David to transplant the one’s organs in Five-organ Transplant. As I concluded at the end of the previous section, one reason it’s wrong for David to perform the transplants is that by doing so he takes from the one and gives to the five what the one has more of a claim to—namely, his body parts. But, in light of the discussion of this section, we can see that there is a second reason it is wrong for David to harvest the organs of the one and give them to the five: to do so would be to do something to the one—namely, cut him open and harvest his organs—in order to bring about a better distribution
of evils. But a person is not something to be cut open in order to bring about a better distribution of evils. There is then not one but two reasons it would be wrong for David to transplant the organs in Five-organ Transplant.

5. Conclusion

For all I’ve said here, there may be some truth in the statement ‘killing is worse than letting die’. But perhaps the truth in that statement is just the idea I labelled the Refined and Restricted Killing and Letting Die Principle. Unfortunately, that principle is simply too weak to resolve many of the moral questions we are interested in resolving—e.g., questions about abortion, euthanasia, war, the distribution of scarce resources, and so on. What we need instead are more nuanced principles. The two principles I have offered here are, first, that whether we may do something to bring about a better distribution of goods or evils depends in part on what each person involved has a claim to, and, second, that whether we may do something to bring about a better distribution of goods or evils depends in part on whether, in order to bring about the better distribution, we must do something to a thing or to a person. The next step is to apply these more nuanced principles to our difficult moral questions. That project will have to be taken up in future papers.

Works Cited


