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Trains, Trolley Cars, and Lifeboats: A Solution to Agent-Centered Restrictions and Tragic Questions through the Application of Middle Theory

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CLAREMONT MCKENNA COLLEGE

**Trains, Trolley Cars, and Lifeboats: A Solution to Agent-Centered
Restrictions and Tragic Questions through the Application of Middle Theory**

SUBMITTED TO

PROFESSOR PAUL HURLEY

AND

DEAN NICHOLAS WARNER

BY

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for

SENIOR THESIS

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1	<u>Table of Contents</u>	
2	<u>The Problem of Agent-Centered Restrictions</u>	4
2.1	<u>The Air of Paradox</u>	7
2.2	<u>Costs and Counterbalancing</u>	12
2.3	<u>Obligations and Responsibilities</u>	13
3	<u>Wood’s Kantian System of Ethics</u>	16
3.1	<u>Moral Implications of ‘Trolley Problems’</u>	18
3.2	<u>Problems with Arithmetic</u>	20
3.3	<u>Trains, Trolley Cars, and Lifeboats</u>	24
4	<u>Tragic Questions</u>	28
4.1	<u>Answering The Tragic Question</u>	30
4.2	<u>Tragic Questions and Scheffler</u>	33
4.3	<u>Solving Tragic Questions</u>	35
5	<u>Work Cited</u>	43

2 The Problem of Agent-Centered Restrictions

I will examine how ‘trolley problems’, in the way that they are framed, motivate arithmetic intuitions by depriving us of context, which provides the tools to solve moral dilemmas like ‘trolley problems’. Removing context puts us at a disadvantage when analyzing the motivations and moral implications of how one acts when facing a ‘trolley problem’. A ‘trolley problem’ is a dilemma where one must choose between saving more or fewer people from death. These problems seek to illuminate which course of actions we will choose and why. However, I will argue that because of the way these problems are framed they do not demonstrate how people realistically react to dilemmas. Furthermore, the framing of these problems does not allow us to account for important values, duties, and obligations.

In deontological ethical theories there are agent-centered restrictions, which many consequentialists find paradoxical. A paradigmatic example of agent-centered restrictions are restrictions that make it sometimes impermissible for an agent to act in a way that would stop more numerous violations of restrictions.¹ Let us assume that there is a restriction against killing innocent people. Take for example if Julie kills an innocent person she will stop five other individuals from killing five innocent people. Here Julie is presented with a ‘trolley problem’, as she must decide whether to save more or fewer lives. One might contend that she should kill the one person, because five killings are worse than one killing. However, if Julie abides by the restrictions prohibiting killing innocent people it

¹ Samuel Scheffler, *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, (Oxford: Clarendon, 1982), 80. Print.

would be impermissible for her to kill the innocent person. One might respond that if Julie values that restrictions are not violated she should kill the one innocent person because it would allow for five less violations of that restriction. However, there is an intuitive appeal to agent-centered restrictions, as it seems intuitively wrong to kill an innocent person. Julie does not seem to have the right to use someone's life against her will to mitigate more potential killings. Therefore, at times it is impermissible to violate restrictions even if violating them would result in fewer violations of those restrictions.

Agent-centered restrictions play an important role in our everyday lives. They demonstrate how certain actions, while well intended, can still result in objectionable consequences. For example, if Amy does not lie to Gabriel, then five other agents will lie to five other innocent and underserving individuals. Amy has an obligation not to lie to Gabriel. If she does lie to Gabriel she would be violating a restriction. She now has a dilemma on her hands because she could stop five people from committing five violations, but she would have to break her obligation to Gabriel. Some might say that she ought to lie to Gabriel because there would be less violations of the restriction. On the other hand, one might say that her obligation to Gabriel supersedes stopping further violations. This position is reinforced when we take into consideration the obligation that the other five agents have to the other five people. If they violate the restriction against lying then they are culpable for their actions. Amy should only be culpable for her own action and not the obligations that other people choose to violate. If she could fulfill her obligations and at the same time stop violations then she should do so.

However, in this situation she cannot do both. Therefore, she should choose not to lie to Gabriel, because she values her obligations and believes to act otherwise would be wrong.

Another way of formulating agent-centered restrictions is that it is impermissible to violate restrictions even in situations where an agent could act in a way that produces the most overall good or bring about a better state of affairs. Let us look at another case, that is also a 'trolley problem', that reiterates the importance of agent-centered restrictions. Beth is a surgeon who is presented with five patients who are each very ill and cannot live without an organ transplant. Now there is a healthy patient Julie, who is visiting for a routine check-up. Beth could take the organs from the healthy patient Julie and give them to the five unhealthy patients, which would save their lives. However, if Beth removes Julie's organs the five other patients will live, which will result in more overall good. Giving the five organ transplants could produce more overall good because there would be fewer families grieving and fewer lives lost. However, intuitively this seems wrong. Doctors do not have the right to cut up people without their permission even if doing so would produce more overall good. Beth appears to be faced with a dilemma: does she save the five people by sacrificing Julie? Or should she do nothing and allow the five to die?

Cutting up Julie is not only illegal, but there is an intuitive pull that informs us that this is wrong. In addition to this there are other reasons why Beth should not cut up Julie: (1) Beth has an obligation not to kill innocent people (2) Julie has not given her consent (3) Beth would feel horrible cutting up and killing

an innocent person (4) Beth would break her Hippocratic oath by explicitly doing harm (5) and she would not otherwise be killing the other five patients if she does not provide the transplanted organs as she is not culpable in the same way for their deaths as she would be for Julie's.

One might contend that it would be better to save the five, as it would promote a better overall state of affairs or more overall happiness. However, this does not consider that it is objectionable to cut up an innocent person without her consent. Furthermore, this ignores the fact that we are evaluating states of affairs from an agent-centered point of view rather than an agent neutral point of view. From Beth's perspective she should not cut up Julie because of the 5 reasons stated above.

2.1 The Air of Paradox

Samuel Scheffler asserts that there is an air of paradox within agent-centered restrictions. In *The Rejection of Consequentialism* Scheffler gives an example where it appears that one must violate a restriction in order to minimize the number of violations of that restriction: If an agent A_1 does not violate a restriction R by harming a person P_1 , then five other agents, $A_2 \dots A_6$, will violate R harming five other people, $P_2 \dots P_6$.^{2 3} $P_2 \dots P_6$, are just as innocent and undeserving of harm as P_1 . Scheffler simplifies the example by saying that (1) A_1 cannot escape the dilemma, and (2) there are not any other morally relevant consequences of A_1 's actions.

² Ibid. 84.

³ Paul Hurley, "Agent-Centered Restrictions: Clearing the Air of Paradox," *Ethics* 108 no. 1 (1997): 120-146. Print.

Scheffler uses an agent neutral consequentialist standpoint in asserting the best course of action A_1 should take. He believes that the goal is to minimize the amount of violations of R . Thus, A_1 must kill P_1 , because it will result in fewer deaths, meaning fewer violations of R . However, R prohibits A_1 from killing P_1 , and herein lays the paradox. Scheffler argues that agent-centered restrictions stop an agent from minimizing violations, because an agent cannot violate a restriction even if a violation would result in fewer future violations of that same restriction. He contends that it is paradoxical to at the same time value fewer violations of a restriction and to be unwilling to stop more numerous violations of that restriction.

This leads Scheffler to further assert that agent-centered restrictions do not allow for an agent to promote the best states of affairs. The best states of affairs means the best overall outcome, whether that outcome results in the least amount of violations and/or the most overall good. An absolutist would assert that it is never permissible to violate a restriction under any circumstance, no matter the good or bad consequences. Scheffler finds this problematic as it prohibits an agent from maximizing overall good. For example, the president is presented with the choice to initiate a war that would save numerous lives of her country's people. If she strikes first she will be able to save more lives on both sides and less restrictions will be violated. Now if she were an absolutist she would not be able to initiate this war, as it would result in numerous violations of various restrictions. Scheffler searches for the motivations one might have for holding an absolutist position. He asserts that the absolutist may believe that her violation of

a restriction is worse than the same or more extensive violations of that same restriction by some other agent. Or else the absolutist does not believe that anyone can assess the best states of affairs when one may have to violate a restriction.⁴ Scheffler finds the absolutists' position illogical because she is unable to violate restrictions, even if a violation would minimize the amount of overall violations.

Consequentialists like Scheffler find it paradoxical that an agent would not violate a restriction in order to stop more numerous violations. It seems paradoxical because if one thinks that violating restrictions is morally objectionable then one would act in such a way to minimize violations of restrictions. If one is unwilling to violate a restriction to stop more numerous violations it seems paradoxical to both desire fewer violations, but at the same time not act in such a way that would stop violations from occurring.

Scheffler examines a few of Nozick's questions in *Anarchy, State, and Utopia* regarding the air of irrationality that Scheffler has pointed out in agent-centered restrictions. Nozick asks in reference to restrictions, is it not the goal to minimize violations of R?⁵ If not violating R is so important why would an agent refuse to violate R, when violating R would prevent more numerous and weighty violations of R?

Nozick answers that people refuse to violate restrictions because they may have to violate Kantian principles, specifically the categorical imperative that everyone is an end and not a means for achieving some end, i.e. using someone to

⁴ Philippa Foot, "Utilitarianism and the Virtues", *Proceedings and Addresses of the American Philosophical Association*, 57 (2): 273–83. Revised in *Mind*, 94 (1985): 196–209.

⁵ Robert Nozick. *Anarchy, State, and Utopia*, (New York: Basic, 1974), 30.

stop violations of a restriction.⁶ This means that people are inviolable and cannot be used as a means to achieve some goal. Take for example, the dilemma that Beth is faced with: cutting up one healthy patient to save five other patients or letting the five other patients die and the one healthy patient live. If Beth were to cut up the healthy patient she would be using her patient as a means to an end, and not treating her patient as an end in herself. From the Kantian perspective Beth cutting up the patient would be wrong and violating the principal that every individual is an end. Here the Kantian perspective helps demonstrate some of the appeal of agent-centered restrictions in that it prohibits people from using or sacrificing others against their will.

In response, Scheffler emphasizes that there are examples where no matter what someone does there will be someone who is treated as a means for some end rather than an end in herself. Consider our paradigmatic case where if A_1 does not violate a restriction using one person as a means to an end, then five other agents will treat five other people as means to an end. Scheffler argues that it should be permissible for A_1 to violate R because if A_1 does not violate R there will be more numerous violations of R and more people will be treated as objects for an end. No matter what A_1 does someone will be treated as an object for some end. Therefore, A_1 should use P_1 as a means to an end because this will result in fewer people being used as a means to an end. Scheffler further asserts that the impermissibility of A_1 violating R cannot counterbalance the badness of allowing five agents to violate R harming five other people. This is apparent in looking at

⁶ Samuel Scheffler, *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, (Oxford: Clarendon, 1982), 88. Print.

this example from an agent neutral standpoint, where it appears that treating five people as a means for some end is as bad if not worse than treating one person as a means for some end.

In contrast, one might be attracted to agent-centered restrictions because of the value of an agent-centered point of view, which gives one independence and autonomy to promote one's projects, actions, obligations, relationships, and intentions. This would stop an agent from becoming a slave to always promoting the most overall good. For example, the agent neutral standpoint could require one to forgo her own projects and obligations, since promoting the overall good may run counter to her projects and obligations or else leave no time to pursue them.

However, Scheffler asserts that agent-centered restrictions, just like the agent neutral standpoint, can limit a person from promoting her projects and obligation.⁷ For example, if A_1 wants to promote the best overall states of affairs by violating R, she will not be able to because agent-centered restrictions will prohibit her from doing so. A_1 might believe that she is promoting the best overall state of affairs because she has compassion for the potential five victims. Here agent centered restrictions seem to impede A_1 's agent-centered point of view to promote the most overall good.

Scheffler's objection fails to acknowledge that even if A_1 believes that violating R would promote the best overall state of affairs, she may be wrong. Here Scheffler is assuming that violating R will result in the best overall state of affairs. This does not take into consideration the uncertainty that is apparent in

⁷ Ibid. 96-97.

real life. Even though an agent may not be able to do what she believes will promote the most overall good, this does not mean agent-centered restrictions are wrong or arbitrarily restrictive. Simply because someone desires to do some objectionable act to promote the good does not mean that she should be able to fulfill that desire. For example, let us assume that A_1 desires to kill P_1 for some reason and her killing P_1 will not save five people, but it will still promote some overall good. It does not seem wrong to impede A_1 's desire to kill P_1 . It seems laudable to stop her from killing P_1 . Since, people do not have the right to simply take peoples' lives as they see fit. Therefore, even though agent-centered restrictions may sometimes prohibit an agent from fulfilling some desire or project this does not seem to pose a significant problem as it stands.

2.2 Costs and Counterbalancing

There are times when one must endure certain costs in order to promote the long term good for others or herself. Examples of this are painful dentist visits or saving money for when one grows old. These two examples will result in some benefit in the long run, even though one must bare some cost in the short run. Similarly, if A_1 violates R, sacrificing P_1 to save P_2 - P_6 , A_1 will be promoting some overall long-term social good. However, Nozick points out that this disregards the sacrifice that P_1 must make against her will. Even though P_2 - P_6 may be saved as a result of A_1 's actions and P_1 's sacrifice there is no counter balancing of good for P_1 . Thus, Nozick seems to be saying that it is too demanding to ask P_1 to sacrifice her life, and that requiring P_1 to sacrifice herself does not take seriously the separateness of persons.

Scheffler responds that if A_1 does not sacrifice P_1 more individuals will be killed. A reason P_1 should not sacrifice herself is that her life is separate and she is not responsible for any agent's objectionable actions. In addition, there is no counterbalancing of good because she will die. Scheffler argues that even if P_1 goes uncompensated for her sacrifice, this under-compensation does not outweigh the value of the other five individuals lives and that they would also go uncompensated. He argues that it is more valuable to allow for only one uncompensated life rather than five. Scheffler asserts that the main issue is not why it is objectionable to allow someone to go uncompensated, but rather why is it impermissible for someone to minimize the number of under compensations.

2.3 Obligations and Responsibilities

Another motivation for agent-centered restrictions is people have obligations and responsibilities that they must fulfill and they are only secondly responsible, if at all, for the actions of others. The individuals who choose to violate restrictions are culpable for their own objectionable actions and it does not follow that innocent bystanders should be blamed for wretched wrongdoing by others.

Furthermore, an agent may believe that it is worse for her to commit an objectionable act than failing to prevent objectionable actions.⁸ For example if Jim does not kill a person P_n , then Rayna will kill P_n in a more painful way. Now in this instance Jim could kill P_n in such a way as to prevent the considerable pain that Rayna would inflict. However, Jim believes that it is wrong to kill, and does

⁸ Ibid. 103.

not believe that he is responsible for Rayna's actions. In addition, he does not feel responsible for preventing the extra pain that Rayna will inflict upon P_n , because killing P_n appears extremely wrong. Moreover, it is Rayna who is inflicting the harm not Jim. Here we see an agent centered point of view where Jim fulfills his obligation not to kill.

However, Scheffler believes that it is wrong for Jim not to break his obligations. He would argue that it is wrong for Jim not to stop Rayna. If Jim kills P_n , then there will be more overall good, because there will be less pain. No matter what Jim does, P_n will die, but he can save her from a large amount of pain. He reiterates that it seems paradoxical for someone to believe that some actions are objectionable, but not willing to prevent objectionable actions from occurring. Thus, Scheffler would say that Jim should kill P_n because Jim would save P_n from experiencing the tremendous amount of pain that Rayna would inflict upon P_n . Since, Jim finds killing to be objectionable he would logically believe killing with an immense amount of pain is also objectionable, and thus should act in such a way to prevent such objectionable acts from happening.

While some may find Scheffler's argument against agent-centered restrictions compelling, it fails to take into consideration the fact that, from an agent-centered point of view, people have obligations, duties, projects that they must uphold and pursue. The appeal that philosophers like Scheffler find in 'trolley problems' is largely due to the way cases are framed. The framing of these cases often lacks a great deal of context. Scheffler even stipulates away potential relevant facts and other moral implications thus oversimplifying the

decision making process. He also does not consider the uncertainty that is present. While one may seek to promote the most overall good one may fail and cause less overall good or worse states of affairs. For example, a president may believe that using his country's first strike capabilities, he can initiate a war against a country that he believes would ultimately save more lives than otherwise would be lost if he does nothing because of the believed immanent threat this other country poses. However, if the intelligence he is relying on is faulty, his actions may very well cause more lost of life than if he was to do nothing, abiding by a principle to do no harm. In this case his false sense of certainty leads him astray even though he means well. In short, the reality of less than perfect knowledge cannot be ignored in determining the appropriate way to act. In the following chapter I will examine how Allen Wood responds to the problem of context like Scheffler's paradigmatic case and 'trolley problems' more broadly.

3 Wood's Kantian System of Ethics

Allen Wood argues in “Humanity as an End in Itself” that moral conclusions about certain cases are derived from fundamental principles of moral rules or duties. Rules and duties are the application of the basic value for human life.⁹ Wood looks at Henry Sidgwick who asserts that given a set of facts and a set of principles one can deduce the single correct course of action for any situation.¹⁰ Sidgwick tries to apply a scientific approach to morality. He believes through examining situations we can deduce value in an arithmetic way as we have seen consequentialist rank states of affairs. To an extent this is what Scheffler seeks to do in applying an agent neutral consequentialist framework. He seeks to systematically and scientifically calculate the numbers of lives that can be saved, correlate that to overall good or else states of affairs, and then deduce the single correct course of action.

However, Wood believes Kantian or Millian systems are fundamentally different from Sidgwick's scientific system. Wood explains that the Kantian and Millian systems of morality consist of three things: (1) a principle of value, (2) empirical information about human beings and their situations, and (3) a group of rules, duties, or moral conclusions originating from principles of value as applied to empirical information.¹¹ Unlike Sidgwick, the Kantian and Millian systems do not deduce value. For Kant and Mills it is not the case that arithmetic ranking of states of affairs is applied to each situation in order to determine the single correct

⁹ Allen Wood, “Humanity as an End in Itself” in *On What Matters*, Volume 2, Derek Parfit, (Oxford, UK: Oxford University Press, 2011), 60. Print.

¹⁰ Henry Sidgwick, *Methods of Ethics*, (Indianapolis: Hackett, 1981), 359-61 & 373-4,

¹¹ Ibid.

course of action. Rather, a group of rules and duties allow for principles of value (such as valuing human life or obligations of friendship) and then applying them to the empirical facts present in a situation. This then allows one to assess the complexity that is present and choose an action one believes is best. Sidgwick and Scheffler's systems have a difficult time accounting for rules and duties if they can at all. For example, a consequentialist might say that rules and duties are taken into consideration while going through the math to rank states of affairs. However, we have seen that there is not much if any regard for rules or duties against actions such as killing as long as it contributes to the overall good.

To further clarify Kantian principles of value let us look at Kant's Formula of Humanity as End in Itself. Kant explains that people must treat each other with respect, and most wrong acts treat people with disrespect.¹² Wood explains respect as the rational recognition of objective value. He emphasizes that it is the actions that demonstrates one's respect rather than simply the sentiment that is important since one must be willing to act in such a way that expresses respect rather than musing over it from the armchair. Wood further explains that Kant believes reasons for action are based on the objective value of our rational nature.¹³ Respecting the objective value of our rational nature means to promote our own perfection (moral or otherwise) and the happiness of others. Wood notes that this is broad and imperfect and that Kant would not assert any priority between happiness and perfection.¹⁴ This interpretation of Kant goes hand in hand

¹² Allen Wood, *Kant's Ethical Thought*, (Cambridge: Cambridge UP, 1999). Print.

¹³ Allen Wood, "Humanity as an End in Itself" in *On What Matters*, Volume 2, Derek Parfit, (Oxford, UK: Oxford University Press, 2011), 62. Print.

¹⁴ *Ibid.* 63.

with the categorical imperative, which states that we must treat others as ends in themselves, and not means to an end. To treat someone as an end in herself means that they are inviolable and we cannot treat people in such a way that would make them a tool to achieve some other end. For example, if someone were to stab someone to steal her wallet, this would be wrong in part because the assailant is treating the victim as a means to her end of acquiring wealth. Another example would be sacrificing someone without her consent to achieve some goal.

Kant's Formula of Humanity as an End in Itself demonstrates that Kant would not value states of affairs but rather the dignity of people. Consequentialism assumes that the most important thing is to ensure best states of affairs, which can be arrived at through ranking actions and aggregating happiness. However, the problem arises, as we have seen above, that ranking states of affairs does not always allow for respecting the value of human life because, if human lives must be sacrificed in order to promote the best states of affairs, according to consequentialists, we should do so. However, from a Kantian perspective this seems misguided and morally objectionable. This tension demonstrates the importance of reassessing the types of problems that Scheffler has laid out for agent-centered restrictions and its apparent air of paradox.

3.1 Moral Implications of 'Trolley Problems'

Wood describes what he calls 'trolley problems' as an instance where one must choose between saving more or fewer people from death.¹⁵ People value human lives and find death to be undesirable. Thus, it seems common sense tells

¹⁵ Ibid. 67.

us that people will try to save the most lives possible. From the Kantian perspective, however, it would appear to violate the Formula of Humanity if one were to sacrifice a person's life to save five lives. This person would be treating someone as a means to an end and not an end in herself. Thus, this person would not be respecting the objective value of this person's rational nature.

To further clear up some of the confusion and potential problems with the Formula of Humanity Wood explains that the Formula of Humanity does not tell us what we should do. Rather, it serves as the foundation for rules and duties and how we should think about what we should do. He goes on to further acknowledge that many philosophers follow an apparently scientific means of ranking moral situations through the best overall states of affairs. He asserts that this is misguided, and that this leads us to evaluate situations in a very arithmetical way such as five lives are greater than one. In contrast, The Formula of Humanity demonstrates that what really has value are people and not states of affairs. This is not to say that Wood is asserting an absolutist view that it is never permissible to choose to save five lives over one. He is simply emphasizing that it is important to take great care in analyzing these types of situations, especially those such as 'trolley problems', which due to their framing explicitly provoke an arithmetic valuation. Even Scheffler emphasizes that we must be careful in determining whether someone ought to sacrifice a person's life to save another as

this can lead to problems within society, where people believe they have the moral authority to kill.¹⁶

3.2 Problems with Arithmetic

Wood takes issue with ‘trolley problems’ because they seem to motivate arithmetic intuitions depriving us of the tools to solve the problem at hand. Frequently, ‘trolley problems’ are laid out in such a way that the context of a situation is removed, leaving us with highly improbable and often times absurd situations. This is not to say that our intuitions are misguided when we evaluate cases that are highly improbable. It simply means that these sorts of cases do not allow us to use all of the tools that we would normally have in real life that are necessary when assessing a complex and morally charged situation.

Let us look at Wood’ parallel between polling and ‘trolley problems’. The wording and the way that questions are asked in polls can lead to biased answers. For example, in a study done by the Pew Research Center, changing the wording in a poll seeking to determine whether military action was favored significantly changed the results.¹⁷ The first set of questions asked if people favored or opposed military action. Whereas the second added “even if it meant that U.S. forces might suffer thousands of casualties”. The second phrasing showed a drastic drop in the percentage that favored and an increase in those that opposed. This helps demonstrate how changing the information that is presented in a question can

¹⁶ Samuel Scheffler, *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, (Oxford: Clarendon, 1982), 110-111. Print

¹⁷ Pew Research Center for the People and the Press, "Question Wording," Accessed March 31, 2014, <http://www.people-press.org/methodology/questionnaire-design/question-wording>.

illicit different responses. By leaving out certain information a desired answer can be obtained. In 'trolley problems' bias is present when context of an example such as potential consequences is removed. This can make people ignore a plethora of factors that can play a decisive role in helping to determine the correct course of action in a given situation.

Wood seeks to point out that in the lifeboat problem as presented by Parfit in *On What Matters*, there are many important aspects that are abstracted out and this leads to disastrous consequences. In the lifeboat problem a person must rescue six people. There is one person on one rock and five on another. Now one might go to the rock with five people because it seems with greater certainty that she would be able to get closer to her goal of saving all six. Or there could be the possibility that it might be quicker to save the one person, which would leave her with more time to save the other five. However, there may be an instance where a large wave is coming and she may have to choose between saving the one or the five. In an example like this often philosophers stipulate that one only has enough time to save either the one person or the five. However, Wood argues that they are assuming that one will, beyond a shadow of a doubt, be able to save whomever one chooses, when in reality there is a degree of uncertainty that might make it impossible to save any of the people.

This lifeboat case illustrates a case where a great deal of context has been removed from the example, such as the identities of the people, why there are not enough boats, what the tide is like, etc. Some philosophers believe taking away context helps to clear up the intuitions that are at work when one evaluates a

‘trolley problem’ and this helps us get to the one correct answer without being caught up in superfluous and inconsequential information. Another example of this is Scheffler’s paradigmatic case. However, by removing context these philosophers are biasing the types of answers that will result, which can make it seem acceptable for someone to commit a morally objectionable action. This bias can also allow for the misconception that in certain situations there is only one correct course of action. Wood believes that context may help us better find the correct answer. I will call adding context to a situation middle theory.

By adding context back into various examples, we can find better answers that relate to the types of intuitions that would be present in real life, rather than unrealistic abstract examples.

To illustrate that there can be more than one answer to a moral dilemma Wood examines a moral dilemma that a parent might face. There is a parent who must choose whether to turn her guilty child into the police or else lie to police and allow her child to go free.¹⁸ Now one might look at this example from an impersonal standpoint and try to rank the states of affairs to determine which course of action would promote the greatest overall good; is this child going to commit more crimes or is this the only time that the child will do something of this nature. However, this does not take into consideration the obligations that the parent has to her child. Wood explains that we should be able to accept whichever choice the parent makes as long as the parent analyzes the situation in the correct way. The correct way would be to weigh the parent’s obligations to society and to

¹⁸ Allen Wood, “Humanity as an End in Itself” in *On What Matters*, Volume 2, Derek Parfit, (Oxford, UK: Oxford University Press, 2011), 72-73. Print.

her child. Wood believes that a moral theory that states that there is only one answer to such a complex and difficult dilemma is unacceptable and ignores the complexity of the case. He asserts that there is something fundamentally flawed when looking at a case solely in arithmetic terms, such as ranking states of affairs. Generally, 'Trolley problems' only stipulate the number of people that will die and how we might be able to stop them from dying. Philosophers like Scheffler maintain that there are no other morally relevant consequences or any other information that is necessary.

Wood gives an example that demonstrates how removing context from a moral dilemma can be extremely problematic. This example will further show that removing context may not get at the intuitions that are helpful in finding the best course of action. There is a group of black people stranded on a rock and a group of white people also stranded on another rock. Now a person must decide which group to save before the rising tide covers the rocks. She can only save one group of people and there are no other relevant facts. Now in this situation we know nothing about the group of people aside from their skin color. We do not know why they are stranded on the rocks, why this person is in a position to save them, or why there are not enough lifeboats to save all of the people. Nonetheless she must decide which group to save. Is there some intuition that will guide her action? She could say that she has the intuition to save the group whose skin color is the same as hers. However, such an intuition would be extremely objectionable. Furthermore, this example illustrates how the problem with stipulating away any

other relevant facts can motivate the introduction of morally objectionable determinative factors in the decision making process.

When a philosopher removes context he or she believes that we have been given enough information to analyze the dilemma at hand. We should further be able to give an answer based upon the facts. These philosophers would assert that their thought experiment or dilemma illuminates an underlying intuition that we have.¹⁹ Wood asserts that in certain cases in the real world there must be other relevant facts. It would be unrealistic and illogical to believe that situations that require us to make important decisions, especially those where we may have to kill or sacrifice lives, have little or no context surrounding them. Wood emphasizes that we should not accept cases that stipulate away middle theory as they remove the important facts that we need to properly determine the best course of action.

3.3 Trains, Trolley Cars, and Lifeboats

Trains, trolley cars, and lifeboats are regulated and the responsibility of government agencies or private companies that take great care in outlining the types of regulations necessary to ensure safety. These regulations stipulate emergency procedures, among other aspects that help ensure ‘trolley problems’ do not occur. Take for example a paradigmatic ‘trolley problem’: there is a runaway metro train that is heading down a track with five innocent people on it. However, Jessica happens to be in front of the lever to switch the train from killing the five people to only killing the one person on another track. Neither the

¹⁹ Ibid. 74.

five people nor the one person will be able to move off of the track in time if the train is coming their way so they will surely die. Now Wood points out that there are many aspects of this example that are unrealistic in light of the precautions that government agencies and private companies take into consideration.²⁰ For example, it is generally prohibited to walk along the tracks of a metro station, which means that these six individuals are being irresponsible and lessen their claim to protection from harm.²¹ In addition, there are usually barriers, locked doors and prohibited areas, which stop unauthorized individuals, such as Jessica, from being at the switchboards of a metro train. There would also be laws against tampering with the switchboards, making Jessica legally culpable for the deaths of the people on the tracks if she were to switch the lever. Furthermore, it is a gross oversimplification to assume that a random person would be able to work the complexities of a metro switchboard. Even if for some reason she knew how to operate the switchboard there is no guarantee that she would successfully save the people on the tracks. There is even the possibility that if she switches the tracks the train will derail and the people on the metro train will be harmed, potentially creating more harm overall.

A consequentialist might contend that Jessica ought to switch the train onto the tracks with the single person as fewer people would die, which would result in the best overall states of affairs. If it results in the best overall states of affairs, then this would be the only correct course of action even though Jessica would be committing murder. Here we see the kinds of objectionable results that a

²⁰ Ibid.

²¹ Ibid.

consequentialist framework foments. This further demonstrates how a consequentialist framework does not properly account for the value of lives, duties, and obligations.

Wood examines another ‘trolley problem’, which is called the footbridge scenario. The footbridge problem stipulates that there is a train speeding towards five people standing on the train tracks.²² Devika and a stranger are walking along the footbridge, which is over the train tracks. If Devika pushes the stranger onto the tracks the train will stop and the five people will be saved. We must keep in mind if she does this she will be committing murder. There is also the uncertainty whether the train will actually stop or that the five people will be saved. Rather, the train could continue on, kill the five people, and harm people within the train.

In problems like the footbridge the entitlements that people have to protection are generally disregarded even though they play an important role in assessing the duties that people have to one another. The individuals that are on the tracks are being reckless and therefore waive some of the entitlements that they have to protection. It would seem that an innocent bystander walking over a footbridge does not have the obligation to give up her life in order to save five reckless individuals. For example, the Formula for Humanity stipulates that we have duties to other people. One of these duties would be to protect people from harm, which can be derived from a person being an end in herself. While we have obligations to protect people from harm, these individuals are acting reckless. This gives them a lesser claim to protection than the innocent bystander. Thus, she should not push the innocent bystander in front of the train.

²² Judith J Thomson, "The Trolley Problem," *The Yale Law Review* 94.6 (1985): 1409. Print.

In the previous two examples we have seen how taking account of middle theory has allowed for a much richer discussion and understanding of the implications of one's actions in 'trolley problems'. Context allows us to have a full picture of the problem at hand, and removes the arithmetic bias in solving these sorts of problems. It allows us to assess, from a realistic point of view, the sorts of entitlements, obligations, and laws, among other things, that must be taken into consideration when assessing moral dilemmas.

One might contend that there are certain extreme situations like war or natural disasters where one must go through a cost benefit analysis in order to maximize the aid to the greatest number of people. Wood responds that war leads people to think about the amount of lives lost and saved in objectionable ways. Trolley problems motivate thinking of situations where morality has failed to an extent. Instances where people must weigh the value of peoples' lives seems inherently flawed. Wood asserts that it is humanity's job to work towards ensuring that people are not faced with these sorts of problems, where there are out of control trains, not enough lifeboats, among other hazards. Wood concedes that there will most likely always be problems such as wars and natural disasters, which leaves spaces for 'trolley problems'. Nonetheless, even in extreme cases the best way to systematically find the correct solution(s) is to analyze the information at hand and not simply regard whether more or less lives are benefited.

4 Tragic Questions

In *The Costs of Tragedy: Some Moral Limits of Cost Benefit Analysis*, Martha Nussbaum demonstrates the difficulty and potential impossibility of assessing certain situations. These situations are the catalyst for what she calls tragic questions. To clarify the types of situations that foment tragic questions let us examine Nussbaum's example of Arjuna from the *Mahabharata*. Arjuna stands upon the precipice of entering a battle. On one side are the Pandavas, who are the royal family headed by Arjuna's eldest brother and the legitimate heir to the throne.²³ On the other side are the Kauravas, who are Arjuna's cousins who have seized power. Arjuna is faced with the dilemma of killing many of his close relations and friends or else abandoning his immediate family and his duty to them. Nussbaum writes that there are two questions. The first question is what should Arjuna do? Answering this question is no simple task especially due to the complexities of his duty to both his cousins and immediate family. Arjuna and his advisor Krishna sharply disagree in how to determine what Arjuna should do. Krishna believes that Arjuna must take a single-minded approach to uphold his immediate familiar duty without weighing the objectionable consequences. In contrast, Arjuna believes he must take an approach similar to Wood considering all the evidence at hand and the potential consequences.

The second question or tragic question is whether any of the courses of action are morally acceptable or without evil. Nussbaum asserts that in Arjuna's case the answer is "no". Arjuna can fight on his immediate families' side or walk

²³ Martha C. Nussbaum, "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis," *The Journal of Legal Studies* 29.S2 (2000): 169-200. Print.

away from the battle all together. However, this would allow for more deaths of his immediate family and may cause the loss of his families' just cause. On the other hand, if he does enter the battle he will be killing his cousins. Since, he has obligations to his family it seems that he must fight. The problem of the tragic question is that both answers seem to result in morally reprehensible consequences. Nussbaum writes that this means there is no "right" answer or answer without evil.

Examining the tragic question is important because there are situations, which cannot be prevented even with more information, better public planning or other precautions. The tragic question demonstrates that in these types of situations even though one may be required or feel compelled to choose a course of action, choosing is always wrong.²⁴ This is not to say that one should not make a choice as not choosing any solution is a choice that could lead to morally objectionable results as well. For example, in war, a commander may find herself in a situation where she must choose whether to drop a bomb that will stop her company from being over run but will also result in killing a large number of innocent children. Both courses of action are unconscionable. However, this soldier has a duty to protect her company. The tragic question shows the actor that her hands are dirty, because she will be committing an evil. It reinforces her moral culpability and the necessity to make amends. If she chooses to kill the children, it is her duty to make amends. There are many ways that she can do this; through working to mitigate the potential for future wars or assisting in providing relief to the families harmed by her actions.

²⁴ Ibid. 173.

One might look at this example and believe that once the soldier has chosen a course of action, which she thinks is the only correct choice, that action is no longer objectionable. She has a duty to her company and decides she must drop the bomb. Thus, dropping the bomb is no longer morally objectionable. Cicero believes that when one examines a rule she may see an exception to that rule, which means she no longer has a duty to follow that rule.²⁵ This applies to the bombing case, as there are rules against killing innocent people.²⁶ Now the exception here may be that she believes her duty to her company supersedes the rule against killing innocent people, which, in a sense, is waived. However, while she may believe that this is the best course of action given her circumstances, this neither absolves her of her moral culpability nor does it make the action any less objectionable. Thus, she must find ways to make amends for such a heinous act.

4.1 Answering The Tragic Question

Hegel poses the question whether we can arrange society in such a way that would allow us to remove tragedy or tragic situations?²⁷ Hegel looked at tragedy as a person being presented with two or more courses of action that are of similar weight in their justification.²⁸ As seen in ‘trolley problems’ we can take precautions to ensure that there are more lifeboats, or that it is more difficult for people to wander in prohibited areas within the metro, etc. These precautions

²⁵ Quoted in Martha C. Nussbaum, "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis," *The Journal of Legal Studies* 29.S2 (2000): 174. Print.

²⁶ Ibid.

²⁷ Ibid. 180.

²⁸ Mark W Roche, "Introduction to Hegel's Theory of Tragedy," *PhaenEx* 1 no. 2 (fall/winter 2006): 15. Print

would mitigate the likelihood of a situation where one may have to choose between whom to save. For example, in the lifeboat situation, lacking sufficient lifeboats might result in the need for one to determine whom to save with the certainty that her decision will result in some people not being saved. She is presented with a tragic question because the proper precautions were not taken. Another component of this situation is that it is not the agent's fault that this dilemma arose. She is thrust into this situation through bad luck.

The type of 'trolley problem,' where there are not enough lifeboats, falls into a category that Nussbaum explains as a dilemma due to luck. She borrows Philip Quinn's examination of Aquinas distinction between dilemmas.²⁹ Aquinas believes that there are two types of dilemmas. One is dilemmas *secundum quid*, which is a dilemma that occurs because someone does something wrong. The other is dilemmas *simpliciter* where the dilemma does not derive from some fault of the agent. Quinn goes on to further explain two types of dilemmas *simpliciter*. There are *simpliciter* dilemmas that are corrigible and non-corrigible. A corrigible *simpliciter* dilemma is one that could have been avoided through intelligent planning or other precautions. A non-corrigible dilemma *simpliciter* is a dilemma where precautions such as ensuring there are enough lifeboats would not help mitigate the likelihood of a dilemma or the motivation of a tragic question. This distinction is important because it is helpful to determine how one should act. For example, the lifeboat dilemma would be a dilemmas *simpliciter*, since it is not the agent's fault that she is in such a dilemma. This case is also corrigible because it

²⁹ Martha C. Nussbaum, "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis," *The Journal of Legal Studies* 29.S2 (2000): 180. Print

could have been corrected by ensuring that there were a sufficient amount of lifeboats to save everyone in the case of an emergency. For example let us assume that there are a sufficient amount of lifeboats on the ship, but because of exigent circumstances some of the lifeboats were destroyed, resulting in too few lifeboats for all of the stranded passengers. This is a situation due to bad luck where precautions could not have mitigated the dilemma.

Let us now look at the important role that planning plays in mitigating tragic questions. Tragic questions or situations are not always matters of life and death. A tragic situation can arise from the deprivation of certain fundamental rights, which force people to make tragic choices. Let us assume that education is a fundamental right and if that right were to be infringed upon it would be tragic. Take for example, compulsory education in India. In India there are poor families who rely on their children's income. If these families were to send their children to school they may not be able to afford to eat, leading to starvation.³⁰ Thus, many families must chose between sending their children to school or have them work. This is a choice that no family should have to make. This would be a dilemma simpliciter, because it is not the family's fault that they must choose between the two. It is also a corrigible dilemma, because intelligent planning could prevent such a tragic question from arising. For example, some regions have provided incentives for children to attend school by providing school lunches, flexible hours, among other benefits to offset the costs of sending their children to school. This demonstrates how intelligent planning can help prevent

³⁰ Ibid. 190.

tragic choices. Here we see that there is the potential to answer Hegel's question by arranging things such that tragic choices do not arise.

Nussbaum emphasizes that it is important to examine all of the potential consequences as Arjuna does while scrutinizing his dilemma. She explains that we must look at the costs and benefits that would result from our action, taking into consideration the intrinsic value of an action, the agent's role, the protection of rights, among other complex aspects that lead to an action.³¹ We must also realize that a cost benefit analysis can only take us so far.

Nussbaum points out that cost benefit analysis requires us to examine which option will result in the most overall good.³² However, cost benefit analysis does not take into account which actions will deny individuals their fundamental rights. It simply "factors" these aspects into its calculation. We must remember these are fundamental rights that no one can rightly demand that an individual sacrifice for a better state of affairs

4.2 Tragic Questions and Scheffler

Many of the examples that Scheffler examines look like tragic questions. Take for example his paradigmatic case, where an agent must choose whether to kill one person to save five. The agent would appear to have two choices (1) to kill the one innocent person, or (2) do nothing allowing the five to die. It seems that neither choice is without evil, making this a tragic question. This is not to say that both courses of action are of equal weight, but rather that they are both heinous actions that should not be avoided.

³¹ Ibid. 194.

³² Ibid. 196-197.

Let us look at Beth, a surgeon who is faced with the dilemma of cutting up one healthy patient to give the president an organ transplant without which she will die. If Beth cuts up the healthy patient against her will she will be committing a morally objectionable act. On the other hand, if she does not cut up the healthy patient the president will die, which would be detrimental to the country for various reasons. This is again a dilemmas simpliciter, because it is not Beth's fault that she is faced with this dilemma. Whether it is corrigible depends upon the circumstances. The president may need the transplant because of poor choices smoking, excessive alcohol consumption, among other reasons that would make the situation corrigible. In contrast, if the president needs the transplant because of some accident that could not have been prevented through regulations and planning, then it would be non-corrigible. In addition, it is not Beth's fault that if the president does not get an organ transplant she will die. From a consequentialist framework Beth should kill the one patient to save the president. Since, saving the president will stop many horrible things happening to the country as a whole such as a recession, war, etc. A consequentialist would say that this is not a tragic question at all. Rather, it is clear that Beth must kill the one patient to save the president, as this would promote the best states of affairs, as the country would not be in turmoil. Thus, killing the one person is the only and best course of action. From a consequentialist point of view Beth should feel no guilt, since she has done the right thing. If she feels any guilt she should discard such feelings. From a deontological standpoint this may appear to be a tragic question since she will be committing an unconscionable action by killing an

innocent person. However, if she does not kill the one then the country will be in turmoil, which would also be unconscionable.

In addition, ‘trolley problems’ may also pose tragic questions. Let us examine the lifeboat problem where there are more than enough lifeboats to save everyone, but because a storm has destroyed so many of them that there are too few to save everyone. This is a non-corrigible dilemmas simpliciter, where this situation is not the fault of the agent and intelligent planning could not have positively affected this situation. An agent must decide between two groups of people. No matter which group she chooses one group will die. Thus, neither choice is without objectionable consequences. Therefore, she is faced with a tragic question.

4.3 Solving Tragic Questions

As we have seen many ‘trolley problems’ appear to motivate tragic questions. I believe that by applying middle theory we will see that many ‘trolley problems’ as well as other dilemmas no longer motivate the tragic question. Rather, we can find a solution that may be without evil.

Take for example, our paradigmatic Scheffler case. If we add middle theory to this case it may help us to better answer the question of what one should do and also to see if the question is no longer a tragic one. The information that is important to this case is the context surrounding the situation and the duties and obligations that the agent has. Scheffler’s case is devoid of any contextual information that people would have in real world dilemmas. For example, an agent would take into consideration the identities of the people involved and their

relationships such as whether they are family member, murderers, etc. What are the motivations for the five agents to kill five innocent people? Why is A_1 charged with the objectionable task of killing an innocent person? Scheffler does not take into consideration the uncertainty of this case, as we cannot know for certain that the five agents will choose not to kill the five people. Scheffler also writes that there are no other morally relevant consequences, which is devoid of human understanding. This directly relates to the agents' duties and obligations, i.e. an agent must take into consideration the restrictions she may violate (killing innocent people among other justified or else objectionable actions, in order to promote some good). We must keep in mind that not only does A_1 have a duty not to kill innocent people, but the other five agents also have obligations against killing. This is also a dilemmas simpliciter because it is not A_1 's fault that she is in this situation. There is also the obvious moral implication that A_1 will forever live with the fact that she has killed an innocent person. She has taken a life, one that most likely had projects, obligations, and duties to fulfill to herself as well as her family and friends. A_1 cannot be morally culpable for the objectionable action of the five other agents, because she is not choosing to kill five people, the other five agents are.

As we add in context we begin to see that A_1 is not faced with a tragic question. The real question is whether or not she should kill the one individual or walk away. She has a duty not to kill innocent people and it is not her fault that the five agents may choose to commit morally objectionable acts. Thus, she should walk away. Walking away means that she is not committing a morally

objectionable act, and is not culpable for the five other agents' actions. Thus, we have found a solution to the question that does not entail evil.

The above demonstrates that Scheffler's analysis does not motivate the types of intuitions that a person normally employs when deciding the proper course of action in a dilemma. Rather, by removing the context that a person would have in a real life dilemma Scheffler has discovered that people are able to do simple math, which is they understand that five deaths are worse than one, and that people have disapprobation for death. While we should promote fewer deaths there are other courses of action that we can take to ensure that people do not die rather than resorting to vigilante justice through killing innocent people.

To further demonstrate the importance of middle theory let us look again at the 'trolley problem' where there is a runaway metro train heading in the direction of five innocent people. Jessica is in front of the train switchboards and notices that there is another train track with only one individual on it. Whether Jessica should switch the train onto the track killing the one person versus the five seems to be a tragic question because if she chooses to switch it to the one person she will kill an innocent person. However, if she does nothing then five people will be killed.

Now we must examine the types of context that would be present in a situation such as this that would give us the proper tools to assess what the best course of action is. As Wood notes there will be regulations in place to ensure safety procedures are followed in such an event as this.³³ In addition, people are prohibited from walking on metro train tracks, as it is potentially very dangerous.

³³ Ibid.

Thus, the individuals on the train tracks are being irresponsible. Furthermore, it is strange that Jessica is in front of the metro switchboards as there are many barriers preventing and prohibiting her to be in such areas. Jessica is a layperson making it unlikely that she will be able to work the switchboards properly, and her actions could result in more harm such as derailing the train and it is not guaranteed that the people on the tracks will be safe or the people within the metro train will avoid harm by such conduct. We must not forget that there are laws against killing people, which is what Jessica would be doing even if she thinks it will result in some altruistic consequences.

There seems to be an overwhelming amount of evidence demonstrating that Jessica should not operate the switchboards. If Jessica chooses to switch the lever to the one person not only will she be killing an innocent person and tampering with metro switchboards, but she could kill an exponentially large number of innocent passengers aboard the metro train. Here Jessica would be morally and legally culpable for killing one or many more people. Since, there is so much uncertainty regarding the consequences of Jessica's tampering with the switchboard it seems unwise to try to move the train. Rather, she should find someone who is qualified to operate the metro's switchboard. This seems to be the best course of action for Jessica. It also seems to be the action that is without evil particularly since she is not culpable for the individuals who carelessly ventured onto the metro tracks.

However, occasionally there are times where middle theory will not allow us to conclude that a question is no longer a tragic one. Take for example Arjuna

who must choose whether to fight on the side of his immediate family killing his cousins or else not to fight. It seems that no matter what, when faced with the tragic question all potential courses of action are not without evil. He has a duty to his immediate family and cannot abandon them. If he abandons them not only will he be violating this duty but also more people will die without his aid upon the battlefield. On the other hand, he will have to kill his cousins and will also be violating a duty to his family. Thus, it seems no course of action is without evil.

While we may not be able to find a way to avoid the tragic question of whether any course of action is without evil, it still seems that we can find a way to determine a choice that may seem best. We can do this by applying a Kantian framework as we saw in relation to a parent choosing whether to turn her child into the police or not. Unlike a consequential model that values states of affairs and an arithmetic ranking using a Kantian framework emphasizes the value of respect for people's lives. States of affairs should not be our primary concern. Rather we should be concerned with respecting people's lives and dignity. Through a Kantian framework Arjuna must weigh his obligations and duties, take into consideration the number of lives that may be lost, among many other complexities that arise when assessing such a difficult and grim situation. It seems as if this is exactly what Arjuna chooses to do in response to Krishna's approach. He chooses to weigh all of the relevant factors, not just the potential lives lost. This approach, in turn allows us to have a broader and more rigorous view and approach to decision making, taking into account one's duties, and allowing one to choose a better and more informed choice.

However, we must remember that Arjuna is still acting wrongly even though he has found the course of actions that is best for him. Since he is committing parricide, which is unconscionable, he bares the burden of committing such an act. Nussbaum asserts that when one does evil, that is committing an objectionable act, one must find a way to make amends for these actions. For example, Arjuna should find ways after the war is over to make amends, whether this is through helping the family members that survive the war, or in other ways. In addition, Arjuna should find ways to ensure that a war between his family members does not happen again.

Through Hegel we see that there is the necessity for society to position itself in a way that mitigates tragic questions from arising in the first place. This can be done through intelligent planning, laws, and regulations among many other precautions. These types of improvements help ensure that some ‘trolley problems’ do not arise and that people are not faced with tragic questions. Even if these ‘trolley problems’ do arise because of some non-corrigeable reason, with regulations and precautions in place agents can better determine the right course of action.

In addition, by taking a deontological approach we are able to take a more complex and complete analysis of a dilemma. Through a Kantian framework we are able to consider relationships, duties, obligations, human value, among other important factors. A Kantian framework is favorable to a Consequential framework as it values humans over arithmetic analysis of states of affairs. It must be noted that states of affairs and cost benefit analysis can only take so much into

account and what is excluded in such an analysis is important like the respect of fundamental rights.

As we have seen through Scheffler's paradigmatic examples they do not value human lives, but rather states of affairs. They do not admit of the existence of tragic questions, in which the courses of action at hand will all result in evil. Rather, a consequentialist, through ranking states of affairs, will determine which action will promote the most overall good. That action will then become the single correct action. Since, it is the correct answer, if an agent must commit morally objectionable actions the agent should feel no remorse or guilt. This is mistaken since the agent has clearly committed an objectionable action. However, the consequentialist simply sweeps this under the rug and states she did what was best. This is neither satisfactory nor realistic. One problem with saying this is the correct answer means that consequentialists will not take steps to ensure that these types of situations do not occur again. They will not seek to answer Hegel's question how can we prevent such horrible things from happening, because the consequentialist has done nothing wrong. She should not even make amends for committing an objectionable action.

In such situations we can utilize Wood's middle theory, which gives us the tools to properly assess many of the complex and relevant factors involved in a particular situation and not simply the number of lives saved but relevant restrictions, obligations, duties, and values.

Middle theory and posing the tragic question allows us to prevent objectionable consequences, make better choices, or else make amends when the

choices we make will produce unwanted but inescapable harm. Through Wood and Nussbaum we can understand how to go about answering Hegel's question: can we arrange society in such a way that tragic questions do not have to arise. Through Wood we see the necessity of regulations and the value of respect and dignity in informing our choices and decision-making. Through Nussbaum we understand how tragic questions can arise, their moral significance and how we can mitigate unavoidable harm from our choices and decisions. Both help us to better arrange society and mitigate tragic situations.

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