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The Trolley Method of Moral Philosophy

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Abstract

The hypothetical scenarios generally known as trolley problems have become widespread in recent moral philosophy. They invariably require an agent to choose one of a strictly limited number of options, all of them bad. Although they don't always involve trolleys / trams, and are used to make a wide variety of points, what makes it justified to speak of a distinctive "trolley method" is the characteristic assumption that the intuitive reactions that all these artificial situations elicit constitute an appropriate guide to real-life moral reasoning. I dispute this assumption by arguing that trolley cases inevitably constrain the supposed rescuers into behaving in ways that clearly deviate from psychologically healthy, and morally defensible, human behavior. Through this focus on a generally overlooked aspect of trolley theorizing – namely, the highly impoverished role invariably allotted to the would-be rescuer in these scenarios – I aim to challenge the complacent twin assumptions of advocates of the trolley method that this approach to moral reasoning has practical value, and is in any case innocuous. Neither assumption is true.

1. Introduction

'Probably to most students of Moral Philosophy,' H.A. Prichard wrote in 1912, 'there comes a time when they feel a vague sense of dissatisfaction with the whole subject. And the sense of dissatisfaction tends to grow rather than to diminish.'¹ I know the feeling, but it is in my case rather more specific. My dissatisfaction is neither vague nor with the whole subject, but with the particular, and particularly fashionable, approach to moral philosophy that I'll call the trolley method. I'll argue that this method, for all its convenience in allowing philosophers to construct fanciful and endlessly malleable examples to develop or illustrate their claims, has a baleful effect on moral thinking and argument.

As is frequently noted in the literature, the first trolley case was presented by Philippa Foot (1978) in her paper 'Abortion and the Doctrine of the Double Effect,' originally published in 1967. This is not to suggest that there were no precedents, of course: Allen Wood (2011, 60, 67) notes that Henry Sidgwick's ideal of a science of ethics has been a

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major influence on many advocates of the trolley method, including Derek Parfit. It may be worth noting a historical parallel here: just as Parfit, Judith Jarvis Thomson, Frances Kamm and many other contemporary philosophers are very much of their time in favoring the use of artificial and often wildly bizarre examples, Sidgwick was very much of his in believing that such a thing as a science of morals, and politics, was both a possible and a desirable goal.² I'll return to this question in Section 4 in discussing the use of trolley problems by Frances Kamm, which offer perhaps the most extreme instance of treating imaginary hypothetical cases as the raw data for a quasi-scientific approach to ethics.

A formulation of the trolley problem that is as well known as Foot's is Thomson's adaptation of it (1986 [1976], 80-1):

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.³

It is important to the arguments I'll make to note that by design, neither Edward nor any prospective rescuer in a trolley case can do anything that is not included in the generally exceedingly narrow set of options made available to him or her by the trolley philosopher. This is an obvious point, but one that if taken seriously, as I will attempt to do throughout this paper, shows the whole futility of what Peter Singer has recently called the "trolleyology" enterprise.⁴ I'll argue that this constraint on what the rescuer can do is indispensable to the trolley method, and is the feature that is mainly responsible for making it not only irrelevant to moral thinking about real-life situations, but positively harmful to it.

Before I can make good on this objection, some terminological clarifications are necessary. Outside of North America, *trolleys* are more usually known as *trams*, non-American trolleys being, amongst other things, the big baskets on wheels used in supermarkets for carrying shopping, not people. *Trolley problems* very often don't involve trolleys at all but, for instance, groups of non-swimmers being trapped on rapidly submerging islands, overweight people on bridges being unwittingly used as makeshift brakes to stop runaway trams, exploding cave explorers, people being shot out of cannons for no sensible reason, healthy people being commandeered by utility-maximizing surgeons for organ harvesting, *very* long arms that can reach across whole continents to pluck drowning children out of ponds (Kamm 1999, 186); and a seemingly unlimited variety of other, more or less psychedelic scenarios that make up what Thomson (2008,

374) aptly calls the ‘wild efflorescence’ of hypothetical examples, ‘some of them thoroughly weird,’ in the trolley philosophy literature. Whether they involve trolleys or something else, what is always involved is an agent, acting as a prospective rescuer or benefactor, who must save or benefit either one or other party (i.e. one or more persons) from some impending harm, but not both parties.⁵

In one way or another, the purpose of such thought experiments is to facilitate discussion of the grounds on which one available course of action is, or morally ought to be, favored over another. According to Thomson (2008, 374), one of the main pioneers of the use of trolley cases in moral philosophy, the essential point on which the cases vary is the same: namely, how drastic the violation of the rescuer’s negative duty to the lesser number must be in order to ensure that the larger number are saved. With that in mind, I think it is fair to speak of a trolley “method” in the singular. In subsequent sections I’ll give further reasons why the many and varied uses of trolley, or “trolleyesque”, examples does not change the fact that they are based on the same broad assumptions.

One final point of clarification is in order. It would be sheer philistinism to suggest that hypothetical cases should be purged from moral philosophy. As I explain in Section 4, that is not what I argue for. From Plato’s Ring of Gyges to Derek Parfit’s Future Tuesday Indifference and beyond, there is an abundance of instances of hypothetical reasoning that have been and will continue to be useful simply by virtue of their imaginative and heuristic power. For reasons I’ll try to make clear in what follows, the sort of hypothetical reasoning I have in mind in referring to “the trolley method” is a very different matter. I do not deny that trolley cases can be highly imaginative – although often they are formulaic and uninspired – but insofar as they are intended to pertain to real-life moral difficulties, their heuristic value is negligible. Or so I will argue.

2. Abstraction and idealization

In his attack on the trolley method in his essay in Volume two of Derek Parfit’s *On What Matters*, Allen Wood (2011, 82) concludes:

Fans of trolley problems have suggested to me that these problems are intended to be philosophically useful because they enable us to abstract in quite precise ways from everyday situations, eliciting our intuitions about what is morally essential apart from the irrelevant complexities and “noise” of real world situations that get in the way of our seeing clearly what these intuitions are. [...] Trolley problems seem to me to abstract not from what is irrelevant, but from what is morally vital about all the situations that most resemble them in real life.

The suggestion that abstraction, or at any rate the degree of abstraction, is what is at fault with the trolley method is made even more forcefully by Henry Shue (2006, 231) in discussing the notorious ticking bomb variant of the trolley problem: 'Abstraction is the deletion of negative features of reality from an example in order to make the example still better than reality.' In Shue's view (2006, 231), whereas abstraction 'removes dirt,' idealization 'adds shine': it is 'the addition of positive features to an example in order to make the example better than reality, which lacks those features.'

I'll suggest now that what is objectionable about the trolley method is not the use of abstraction, as Wood claims, but idealization. Onora O'Neill, who worked out the distinction that Shue has fairly crudely summarized here, brought out the essential difference very clearly with the following example: 'if human beings are assumed to have capacities and capabilities for rational choice or self-sufficiency or independence from others that are evidently not achieved by many or even by any actual human beings, the result is not mere abstraction; it is idealization' (O'Neill 1996, 41). The sort of rescuer that the trolley method typically posits is not an abstraction from real-life prospective rescuers. It is instead an idealized rescuer, owing to its removal of practically all other human qualities apart from an urge to do the morally best thing. The rescuer that is typically posited by trolley philosophers is an idealization in the objectionable sense that O'Neill discusses: that is, the trolley method posits a rescuer that lack a fundamentally human quality – namely, the impulse to do what he or she can in response to feelings of concern for the plight of others whom the prospective rescuer is in a position to help. What is wrong with trolley theorizing is that by design it implicitly, but nonetheless with unmistakable dogmatism, stipulates that the rescuer is not in a position, or does not have the disposition, to really help, only to act by selecting one or other of a Spartan range of choices, all of them morally repugnant, that the trolley philosopher has pre-programmed into the scenario. The trolley method, by this token, is premised on a highly impoverished view of human nature. Moreover, since the method already has a very momentous moral assumption embedded within it right from the start – namely, the belief that when faced with the prospect of others being seriously harmed people who are in a position to rescue will not exert themselves to come up with a rescue strategy that is at least aimed at helping everyone in danger, not just some at the expense of others – it is highly questionable to assume, as trolley philosophers evidently do, that this method is a morally benign one. I'll say more on this in the next section.

3. The trolley method as a constraint on moral reasoning

More light can be shed on the view of the prospective rescuer that is implicit in the trolley method, and is in my view indispensable to it, by considering a well-known variant of the trolley method. This is the ticking bomb scenario, a species of trolley problem that achieved 'astonishing popularity' (Luban 2010, 183) in the years following the

September 11, 2011 terrorist attacks.⁶ The basic outline of the ticking bomb scenario is no doubt familiar to many: Intelligence authorities have captured someone they know for certain is involved in a bomb plot. The agents have no other source of information on where the bomb is hidden, but they know it's going to detonate soon, killing a great many innocent people. The captive knows where the bomb is, but won't cooperate. Should you torture him or not?

I want to discuss one way in which the ticking bomb scenario shares a crucial feature with the broader class of trolley problems typified by Thomson's example (see Section 1), and one way in which the two differ. They both rely heavily on idealization, in the sense that O'Neill has distinguished that concept from the related but more benign idea of abstraction. This has been sufficiently discussed in the preceding section; what I want to focus on here is the difference between the ticking bomb scenario and other trolley-type scenarios.

The ticking bomb scenario, according to Luban (2010, 186-7), invariably stipulates that the interrogator will know things that in reality interrogators will rarely, if ever, be capable of knowing. They'll know for sure, in the hypothetical case, that there is a bomb; that it is set to explode soon; that it will kill many; that the captive is involved in the planned terrorist attack; that he has information to prevent the attack; that torturing the captive will be the surest means of getting the necessary information in time; that no other means would be as effective as torture; and that there is no other way, short of torture, of preventing the harm that the attack will most likely cause.⁷ This plethora of assumptions is enormously empowering for the would-be interrogator, and may be the main reason why, as Shue remarks (2006, 231), 'advocates of torture love a ticking bomb.' Most other types of trolley problem, by contrast, seem to differ from ticking bomb scenarios in the following crucial respect. Whereas the ticking bomb rests on the starting assumption that the interrogator has extremely expansive, or perhaps even unlimited powers – to know, and to act, and to do so with impunity, – trolley cases typically rest on the assumption that the prospective rescuer is severely limited as to what he or she does or can know and how he is allowed to act.

Trolley scenarios are rigidly framed so as to exclude all sorts of possibilities that an averagely empathetic and otherwise cognitively unimpaired rescuer should feel morally obligated to consider. It is no exaggeration, I believe, to say that the trolley method as one comes across it nowadays in practically any moral philosophy journal, and increasingly also in the cognitive sciences,⁸ would not exist without the stipulation that the rescuer can act only in strictly specified ways. The crux of the matter as it is specified, or rather, dictated, in umpteen trolley articles is exemplified by the following bluntly stated constraint: 'in the rescue case, someone must die' (Hirose 2007, 56). If an averagely empathetic person is forced to choose between saving one or five, – one of the favorite choices in the trolley literature since John Taurek (1977) – then it's a fair bet that

he or she will mess up the usual neatness with which the problem is framed by departing from the philosopher's script and trying to save all six anyway. What the trolley philosopher rules out as impossible may not be as impossible as it seems. What I find most objectionable about these rigidly delimited scenarios is their inbuilt disqualification of the use of a quality that is of profound moral significance, and that continues to be of enormous relevance to human development – namely, resourcefulness.

Resourcefulness has many sources, but is often driven by imagination and by sheer stubbornness in the face of seemingly hopeless odds, which is itself driven at least partly by our empathizing with those who rely on us. The psychological naivety of trolley-type scenarios as they're so often used in discussions of aggregation lies in assuming that the rescuer will toss his coin (Taurek 1977), or carry out his weighted lottery, or whatever else is prescribed for him, and then mechanically set about saving only those who came up trumps in the trade-off. This is what I meant by describing trolley-type scenarios as impoverishing. A rigorous account of the moral significance of resourcefulness and its bearing on moral philosophical method will have to wait for a later occasion.⁹ For now, I'll be content with making a more breezy suggestion concerning the trolley method's *de facto* prohibition of resourcefulness, or indeed any other sort of initiative, on the part of the agent in such examples.

Although I have no way of proving it, I have a suspicion that few, if any, advocates of the trolley method have ever seen the once-popular television series *MacGyver*. The lead character was an intelligent and warm-hearted American secret agent with a scientific background, who routinely foiled the evil plans of assorted baddies without ever resorting to guns or wanton violence. Our man more than made up for these daunting self-imposed restrictions on how he dealt with dastardly villains with an astounding, and often hilarious, aptitude for technical ingenuity and resourcefulness. Using household items and his trusty Swiss Army knife, he could rustle up gadgets for getting himself or others out of life-and-death situations in mere minutes. I imagine that if a trolley philosopher were to inform "Mac", as he was called, that he had to choose between saving the life of one person on one island or five on another but could not possibly save both, our hero would laugh heartily in the philosopher's face before swiftly grabbing a rusty bathtub, an empty beer can, a can of hairspray, some duct tape and a box of matches to construct a rocket-powered speedboat that would allow him to not only save all six persons but also get him and his attractive female sidekick back to the mainland in time for a romantic candlelit dinner before the closing credits.

As ludicrous as it might seem to suggest that a growing number of philosophers should drag themselves away from their trolley problems to watch reruns of a cheesy 1980s TV show as a means of reconsidering their philosophical methods, there is a lesson here for those who insist on doing practical philosophy by stipulating in advance that imagination and resourcefulness can have no part in responses to real-life problems. The point is that

the trolley method involves a serious mismatch between the way that the options available to the prospective rescuer are given categorically – either flick the switch to save the one, or flick the switch to save the five – whereas in real life the range of options open to the prospective rescuer will, if he is even moderately resourceful by nature, be in hypothetical form: he or she *might* be able only to save the one, or the five, but he *might* attempt, as most normally empathetic people would, to save all six. And even if the rescuer does follow the trolley philosopher's dictates even only part of the way by tries to save only the group of five, at the expense of the one, then in real-life cases it is very unlikely that he can be *certain* of saving all those among the greater number. This, once again, will be completely out of step with the trolley literature; or to put it the other way round, the moral philosophical literature on trolley cases will once again be out of step with reality.¹⁰

It is ludicrous to insist categorically that the rescuer will be sure that he can only save either the five or the one, but not both, as it is to insist also, and equally categorically, that he will be sure of being able to save all the five, if that is the option he chooses to take. Another leap from the hypothetical nature of real-life moral difficulties to the lazily categorical dictates of the trolley method is that the rescuer cannot think of, let alone choose to act on, options of his own. Real people are not like this; and theorizing that presupposes agents that are in effect inhuman can have little bearing on discussions of real-life morality.

4. “Scientific” ethics and the goal of precision

Is it simply the ‘cartoonishness’ (Wood 2011, 69; Luban 2010, 206) of trolley problems that is objectionable? It would be absurd to suggest that all, even all ‘cartoonish,’ examples in philosophy are objectionable – Plato’s Ring of Gyges discussion (*Republic*, 359a – 360d), and Parfit’s ‘Future Tuesday Indifference’ and ‘within-a-mile-altruism’ thought experiments (1984, 124-5), for example, the latter two relating to the rationality and irrationality of desires, are certainly cartoonish. What sets these and trolley problems like them apart from trolley problems of the sorts I am objecting to – is there any good reason to object at all? After all, philosophers have as much right as anyone else to be imaginative, even whimsical, and when they do this well they do their colleagues a service by helping to make analytic philosophy less dull than it can otherwise be – in addition, of course, to the primary contribution of furthering understanding. What seems to me to be the most important element in making trolley problems objectionable is not the nature of one’s hypothetical examples but the intentions, or pretensions, that they are used to pursue. I’ll explain this now.

My objection to what I have been calling the “trolley method” is to the use of artificial cases as a guide to reasoning in real-life situations. Examples such as the ones I

mentioned in the previous paragraph, or others such as Robert Nozick's experience machine (1974, 42-5) and Hilary Putnam's Twin Earth (e.g. 1973), make no pretense at being guides to how people ought morally to act in any situation they might ever plausibly encounter. In general I agree with Larry May (2005, 256) that 'good philosophical work must be done against the backdrop of concrete, real-world cases,' although I assume that May does not mean to imply that this criterion applies to the *whole* of philosophy. To avoid my argument being misconstrued as implicitly recommending this criterion across the board, which even if restricted to moral philosophy alone would be hugely impoverishing, I obviously need to make a distinction. The distinction I want to draw is between hypothetical examples that have as their primary objective conceptual clarification, and those that have as their primary objective moral guidance. My objections in this paper are to only those hypothetical examples that come within the latter category.¹¹ It would be absurd to hold that moral philosophy has a clearly discernible, unitary goal; but insofar as moral philosophers make it their goal to provide guidance on how people ought (and ought not) morally to act, then that in my view imposes on them an obligation to take into account the sorts of real-life complexities that so many advocates of the trolley method high-handedly dismiss as irrelevant. Henry Shue (1978, 141) once noted that there ought to be a saying in philosophy that artificial cases make bad ethics; the popularity of the trolley method, I believe, is a measure of the extent to which this sound principle has been ignored or forgotten. Fanciful hypothetical cases have their role in philosophy, but that role is not, in my view, to provide a convenient way of saving philosophers with an interest in applied or practical ethics from going to the trouble of researching real-world, or even minimally realistic, examples to illustrate and develop their arguments.

Earlier I mentioned the scientific aspiration that is closely connected to the trolley method of ethics. I'll say more on that connection now, with reference to how it is developed, in often bewilderingly complex form, in Frances Kamm's work. In her *Intricate Ethics*, Kamm makes very extensive use of trolley problems for 'unearthing principles of permissible harm' (2007, 4). Chapter five of that book, 'The Doctrines of Double and Triple Effect and Why a Rational Agent Need not Intend the Means to his End,' in Kamm's own view goes furthest in making clear that 'I believe that finding a principle of permissible harm (if there is one) is, in part, like a rigorous scientific or technical enterprise. It involves *very* intricate ethics [...] My approach is that [...] we should, if we can, rely on intuitions even at great levels of complexity.' In expanding further on what she takes to be her quasi-scientific method, Kamm calls her hypothetical scenarios 'cases,' and her intuitive reactions to them 'case-based judgments.'¹²

In her most recent book, Kamm (2011, 1) makes it clear that she considers this intricate method to be appropriate as a general approach to practical philosophy:

My method in dealing with both ethical theory and practical issues makes heavy use of hypothetical cases. Such cases can be varied at will. One can thus test whether a factor is morally significant by comparing the moral status of a case with the factor and a case without the factor, holding all other factors in the cases constant. While the cases may sometimes seem unrealistic, they are somewhat like artificial, controlled experiments in science that eventually yield results for real-life situations.

The problem with Kamm's approach stems from the obvious enough observation that ethics is not a naturalistic enterprise but a normative one.¹³ Theorists in the natural sciences can get away with a certain level of idealization in their theorizing, because empirical tests are likely to uncover flaws that occur and facilitate their correction. Where this process of correction is itself flawed, then natural scientists will learn an even harder lesson when the defects encounter the wider world beyond the laboratory. As the physicist Richard Feynman famously concluded in his personal report on NASA's *Challenger* space shuttle disaster: 'For a successful technology, reality must take precedence over public relations, for nature cannot be fooled.'¹⁴ But for efforts such as Kamm's to develop principles of permissible harm, or any other moral principles for that matter, what can guide the theorist and help in guarding against unwitting self-deception and other forms of error? In an interview included in Alex Voorhoeve's *Conversations on Ethics* (2009, 36) Kamm states: 'I don't always dwell on the objections that critics raise, because ... well, because I don't always know how to answer them, but also because it is important for someone who believes they are on the right track to keep going.' Without serious attention to critics, and without the benefit of the relatively objective test procedures that have been developed for use in the natural sciences, Kamm's own intuitive reactions to the 'cases' she invents seem to be her only guide. The difficulty with this – and it is a difficulty which I have not come across any acknowledgement of in writings by or interviews with Kamm – is that, if she is anything like the rest of us, her intuitions are bound to develop a certain immunity and resistance to at least some of the conclusions to which she is led by her imagined examples.

Reading *Intricate Ethics*, Jeffrey Brand-Ballard (2007) glowingly cooed in his review of it, 'is like watching a brilliant astronomer map an uncharted galaxy. The details are often difficult to follow, but the meticulousness and the display of mental stamina must inspire awe. There is a kind of beauty in the performance alone.' 'Beauty' may not be the most appropriate word for the things Kamm makes happen to the unfortunate victims in her trolley cases, as a less giddied reviewer of the same book implied.¹⁵ I won't dispute Brand-Ballard's suggestion that there may be some aesthetic merit in Kamm's labyrinthine method, although some, such as myself, may find it self-indulgent, a rather solipsistic academic version of Heath Robinson (or Rube Goldberg). The real danger in Kamm's approach is that of becoming excessively caught up in and enamored with the aesthetics of her own theories. This would be particularly ironic for someone who sees

moral philosophy the way Kamm does, as a ‘somewhat’ scientific activity. A natural scientist provides a warning to those, like Kamm and Brand-Ballard, who are too easily impressed by methodological beauty:

[T]he aesthetics of science are not always reliable. Scientists can be misled by the beauty of their theories or even of their supposed facts. It was once believed that all of the nerve cells in the brain are continuous with one another (they are not). The great histologist and Nobel laureate Santiago Ramon y Cajal adhered to this view for many years because he found the theory beautiful. He eventually realized the error of his ways. “As always,” he wrote in explanation of his error, “reason is silent before beauty.”¹⁶

I think it leads too easily to gratuitous, and illusory, exactness in moral argument if one ignores Aristotle’s advice against seeking more precision in ethical inquiry than the nature of the subject matter allows.¹⁷ Aristotle’s lesson, I believe, seems to have been set aside by advocates of the trolley method, who in general interpret the demand for rigor in a narrow and dogmatic fashion. And this is not surprising, since Aristotle’s injunction is indeed incompatible with the trolley method. I chose to focus on Kamm in this paper because she is the most extreme advocate of the view that morality can be an exact science. Any doubt about this should be dispelled by Kamm’s response to Thomas Nagel’s view that deontological intuitions fail – or at least, his do – above a certain level of complexity: ‘we should, if we can, rely on intuitions even at great levels of complexity.’¹⁸

O’Neill (2009, 224 ff.) has argued that work in practical or applied ethics ‘does not need elaborate case histories or scenarios, since the testing points for normative principles are other normative principles rather than specific cases.’ On the one hand I agree with this, since it supports the view that the isolated and idealized elaboration of intuitions that passes for ‘case-based judgments’ in so much of the trolley method literature has very little bearing on what real-life people, who are not the passive one-dimensional puppets that invariably occupy the agent’s role in these cases, should do. On the other hand, I find O’Neill’s point about the superfluity of detail hard to accept, simply because it is the wealth of detail that is available in any real-life effort at problem-solving that makes resourcefulness possible.

In conclusion, what I find most objectionable about the application of the trolley method to applied moral philosophy – as opposed to branches of philosophy less immediately concerned with how people should act – is the dogmatism with which trolley cases are typically framed, and the coy assumption that the agents who are on hand in trolley cases are simply ‘abstractions’ of real-life agents. Because trolley problems force the agent – the prospective rescuer – into accepting the trolley theorist’s dictate that the agent’s own

capacity for resourcefulness is drastically, even brutally, curtailed, trolley problems in effect assume that real-life agents, like the travesties they posit, will stoically choose whom they will kill or let die without troubling themselves to find any non-repugnant way of resolving the situation.

By implicitly making this assumption that actual human agents would sooner kill or let die – and the distinction, if there is any, between the two is irrelevant here – the pretensions of trolley philosophers to be engaged in theorizing that is of relevance to real-world concerns is objectionable in more or less the same way, if not to the same extent, as the lawyer's notorious question "Have you stopped beating your spouse?" As is well known, unless one is a spouse-beater they should not only refuse to answer this question but strenuously object to such a deviously framed assumption. Anyone pressed to answer the usually better disguised but equally misleadingly framed trolley-type hypotheticals that now abound in moral philosophy should, in my view, respond in the same way.¹⁹

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¹ Prichard 1912, 22.

² For an insightful study of this quintessentially Victorian belief that Sidgwick and many others held see Collini, Winch, and Burrow, 1983.

³ Thomson 1986, 80-1.

⁴ Singer (2011, 191, n. 2) notes that Joshua Greene's work, spanning as it does cognitive science and moral philosophy, has contributed significantly to the popularity of "trolleyology." Singer was not criticizing the trolley method in this case – although he has done so previously, in his remarks on Kamm's use of hypothetical examples. See Singer 1999, especially 313-6.

⁵ Less common in the literature is discussion of trolley cases in which one must choose between *benefiting*, as opposed to rescuing, one or other party. The distinction between situations involving benefit and those involving rescue does not affect the arguments I want to make in this paper, however, and so can be overlooked.

⁶ Much has been written on torture and the ticking bomb scenario; for two good philosophical discussions of it see Luban 2010, and Shue 2005.

⁷ This list of assumptions, cited also by Luban (2010, 186), is taken from a publication by the Association to Prevent Torture (2007, 4-5).

⁸ See, for example, Huebner and Hauser 2011.

⁹ See O'Connor (forthcoming).

¹⁰ As Michael Otsuka notes (2006, 15), the assumption that the prospective rescuer can save all those among the larger group is 'at least tacitly assumed' in most of these discussions.

¹¹ I'm grateful to a reviewer for this journal for seeking clarification of this point.

¹² Kamm 2007, 4-5, her emphasis.

¹³ These objections to Kamm's approach draw roughly on O'Neill's discussion of idealization (1996, 41-2 ff.), and on her discussion of applied ethics and the nature of normativity (O'Neill, 2009).

¹⁴ Quoted in Gleick 1992, 429.

¹⁵ Alistair Norcross (2008, 72) describes the effect of working through Kamm's trolley problems: 'Trolleys, tractors, bombs and gases proliferate madly. Victims die under the wheels of trolleys or tractors, under piles of falling stones, or collapsing roofs; they are gassed or splashed with acid, and some of them are just plain blown up.'

¹⁶ Biologist and Nobel laureate J. Michael Bishop (2003, 62).

¹⁷ '[P]recision is not to be sought for alike in all discussions, any more than in all the products of the crafts': *The Nicomachean Ethics*, 1094b.

¹⁸ Kamm 2007, 5, quoting Nagel's *View from Nowhere* (1986), 179-80.

¹⁹ I thank two anonymous reviewers for this journal for their comments.