

I Reflections on Cases and the Nature of Moral Intuition

We're interested here in normative ethics: the substantial question of what one should and shouldn't do, and the principles (if there are any) that determine the answer; and in moral psychology, the issue of what is driving us when we make such judgements. But we can't avoid issues of meta-ethics.

A. Some cases

I. The trolley cases (Foot, Thomson, many others)

First case: the trolley is on track to kill five workers; it could be diverted onto a side-track where it would only kill one. Are you permitted to divert it? Are you required to?

Second case: the trolley is on track to kill five workers; it could be stopped by throwing one (large) worker into its path. Are you permitted to throw this worker? Are you required to? Would it make a difference if the worker on the you threw were a bystander?

Third case: like the first, except that the side-track loops round and rejoins the main track. If the trolley were to continue round, it would go on to kill the five workers. Suppose first there is a rock on the track that will stop it. What should you do? Now suppose that there is no rock, but the worker is large enough to stop it. Are you permitted to divert the trolley? Are you required to? Could you induce the worker onto the side track if he weren't already on it? Would you be required not to warn him if he were already there? (Suppose that there is only one worker on the main track; now should you warn the worker on the side track?)

Fourth case: Like the first, except that there is a second side track on which *you* are located. Are you permitted to divert the trolley onto the first side track rather than on to yours? Are you required to divert it onto yours? What lessons should we draw from this about the first case?

Some possible factors influencing our judgements: a difference between doing and allowing; a difference between treating someone as a means and treating them as an end; a difference between intending an outcome, and foreseeing it as an unintended (and perhaps unwelcome) consequence of one's actions; a prohibition on treating people in certain ways (on violating their rights); a difference between diverting an existing threat, and creating a new one. Or perhaps the factors that explain the difference should be treated as irrelevant (we find pushing people repugnant), so they should be rejected.

II. Doctrine of Double Effect (many people)

You are engaged in a just war. You are the pilot of a bomber plane. You could bomb a munitions factory, and thereby disrupt the enemy's war effort; or you could bomb a primary school and thereby undermine the enemy's morale. You conclude that strategic bombing (aiming at the former) is acceptable, but terror bombing (aiming at the latter) is not.

Suppose it turns out that the factory and the school are right next to each other; destroying one is bound to destroy the other. Is strategic bombing still acceptable in this circumstance? Is it at least less bad than terror bombing? Suppose that it isn't a school that you would destroy, but a few passers-by? If you were on the group charged with approving or blocking proposed actions, what information about the motives of the personnel would you need?

What are you evaluating here? The action or the person?

III. Moral luck (Nagel, Williams)

If you drink and drive and kill someone, and are caught, you will probably be found guilty of *Causing Death by Careless Driving when under the Influence of Drink or Drugs*; you would almost certainly receive a prison sentence; it could be up to 14 years.

If, on the other hand you drink and drive and are caught, but by good luck don't have an accident and so don't kill anyone, you will be found guilty of *Driving with Excess Alcohol*. You probably won't get a prison sentence; if you do the maximum is 6 months.

Most people think that there should be a difference in penalties. Why?

B. The Nature of our Intuitions

They seem to be of two kinds. We have reactions to particular cases (you shouldn't push the person in front of the trolley; the person who drinks, drives and kills deserves harsher punishment than the one who doesn't kill); and we have reactions to different moral principles (it's the intention that counts; doing is more significant than allowing; you shouldn't use people as means). How do these fit together? How should we react when they clash? How much is the process like constructing a scientific theory? Should we even expect to have a normative moral theory?

More generally: what is an intuition here? Psychologists tend to mean something like a quick gut response (cf. Type I states). Perhaps it is driven primarily not by a belief but by an emotional state. Philosophers, in contrast, tend to mean something that is epistemically fundamental: an axiom or suchlike. So these may have been the result of a great deal of careful thought.

Are our intuitions *sources* of moral knowledge? Or are they attempts to codify our responses? If the latter, what grounds do we have for expecting that they will be amenable to systematic codification?

A contrast here: linguistics and mathematics. Standard linguistics now is descriptive: you are describing how people do use language, not how they should. So psychology might help with that; it might help us to explain how language works. There is an interesting psychology of mathematics: findings on how street traders manage to do complex calculations in their heads for instance. But we wouldn't expect to find anything about *maths* from psychology.

Note though that even if we think of linguistics in this way, we can still be mistaken about grammar. Is this sentence grammatical (with this punctuation):

The horse raced past the barn fell?

Or this one:

The mouse the cat the dog chased killed ate the cheese.

In many different domains our immediate responses are often wrong:

A bat and a ball together cost £1.10. The bat costs £1 more than the ball. How much is the ball?