Part 1.0. Methods in Bioethics

On the Survival Lottery

An Interview with John Harris, *University of Manchester*

CDH: We might assume for the moment that thought experiments are designed to stimulate thinking about a particular set of issues or claims. If so, was the Survival Lottery (SL) itself inspired by any thought experiments, or well-known philosophical puzzles?

JH: The SL arose as part of a longer paper I was writing about acts and omissions as part of my D. Phil in Oxford. It was originally written in 1971, but I didn't get around to sending it anywhere until 1973 or 4. The rest of this long paper was also published in 1975, as "The Marxist Conception of Violence," in *Philosophy & Public Affairs*. PPA thought the original paper was too long, so I took out SL and sent it to *Philosophy*. I just meandered into the SL as a way of crystallizing my thoughts on the moral symmetry between acts and omissions.

CDH: The SL is posed as a test-case of sorts for the distinction between killing and letting die. Yet in classrooms, as well as some of the responses to the SL in the scholarly literature, the thought experiment is often taken to also be an illustration of a number of other ideas, such as utilitarian reasoning (i.e., "should one life be sacrificed for the benefit of two others?"). What are your thoughts on the prospect that you have, in some sense, lost "ownership" of the SL, as it has been interpreted, and re-interpreted, and possibly put to uses that you had not originally intended?

JH: I only "own" the SL in the sense that I thought of it and have what is now termed a moral right to be associated with it. But there is no ownership of ideas, "thought is free" as Maria said in Twelfth Night!

CDH: How have your views on the SL changed over time? And have your views changed, do you think, to reflect scholarly responses to the SL, your own experiences in teaching bioethics, or some other influences? Related to this would be the question of what you might change, if you were to revise the SL further. Lastly, are there points on which you feel readers have consistently misunderstood what you were getting at with the SL?

JH: In the United Kingdom governments produce two types of policy papers, so-called Green Papers and White Papers. Crudely, Green Papers are options for consideration and White Papers function as concrete proposals for policy and perhaps even for legislation. There is a lot of confusion in academic writing between these two types of exercise, people often treating an academic paper as a concrete proposal rather than a discussion document. The SL was always a "Green Paper" for discussion and possible rejection or refutation.
I have produced many White Papers, proposals for action over my career, my views on increasing the supply of donor organs, for example, by methods other than the SL, and my recent endorsement of some chemical cognitive enhancers.[1] But the SL was always a discussion paper. The fact that it has never been plausibly refuted and that its discussion of some aspects of the distinction between killing and letting die are still completely cogent and valid I believe continues to illuminate this corner of moral reasoning.

CDH: What has been most surprising, or rewarding, to you about the reception that the SL has received since 1975?[2] And what conclusions about moral philosophy, say, do you draw from that reception? On a bit of a tangent, what significance do you see in the fact that the SL has its own entry in Wikipedia, for example?

JH: SL has been very kind to me. Given that I wrote it while still a graduate student, its success has been remarkable. It has been very long lived and helped my other work to find an audience. If I had left it as part of "The Marxist Conception of Violence" it might not have been noticed. The fact that it said something apparently outrageous so cogently, and the fact that the moral and prudential reasons for considering survival lotteries and their equivalents have never been refuted, tells us something important about consistency in ethics and indeed about the practical limitations of theory. Real life is full of survival lotteries: whenever some are saved and not others, some receive health care and not others, some are rescued but not others, some are deliberately killed but not others, and wherever chance is allowed to play a role in such decisions, the chance of being in the wrong place at the wrong time, the chance of being near a hospital or within range of rescue services, for example. Governments sometimes deliberately create such lotteries by the ways in which they allocate public resources for health or welfare. I believe the SL has over the years helped to sharpen our perceptions of how these things happen and the extent to which we are all party to such arrangements.

CDH: At some level, thought experiments function as rhetorical devices, either setting up an argument or serving as a self-contained one. You've been very productive with writing in bioethics as well as other areas of philosophy. Could you say a bit about what role thought experiments play in your own writing process? Or, if you prefer, what role did the outlines of the SL thought experiment play in crafting of the 1975 paper?

JH: Thought experiments play a wide range of roles. At their best they are dramatic or arresting scenarios or ideas that people like to try to resolve. They have what one of my undergraduate tutors, Frank Cioffi, liked to call "epigrammatic validity." Like a seminal image they seem also to sum up an idea or a predicament or a way of reasoning. For example, like the famous naked young girl in Vietnam or images of the Twin Towers, they can sum up for us a whole range of thoughts and responses and help to make clear what before was confused. As your question implies, they can function as an argument in themselves, and often, as is the case with a successful scientific experiment, provide proof of principle.

CDH: The SL, both in its original form and the 1980 version, raise a number of philosophical issues that, in effect, extend beyond the surface of the thought experiment itself. For instance, towards the close of the revised version of the SL, you suggest that "if it is bad luck to be a victim it is also bad luck to be dying of disease. What we should try to do is minimize the bad luck where we cannot eradicate it." There has been much interest in the concept of "moral luck," going back perhaps to Aristotle. Where do you stand on the question of progress in philosophy (and ethics in particular)? That is, should a thought experiment like the SL be seen as a new direction for scholars to take, or an unfolding of ideas (like moral luck) or arguments that previous scholars failed to see or appreciate?

JH: I think I want to respond: "all of the above!" I certainly think that both moral progress and philosophical progress occur with sufficient frequency to make both activities rational and worthwhile. Indeed, I would not wish to do philosophy if it could not be, and indeed is not often, a force for good in the world.

CDH: Are there contexts where you feel the distinction between act/omission is more easily defended than others? Did you originally devise the SL to show one of the more problematic instances of that distinction, or simply one that was of contemporary relevance to medical attempts to, for instance, prolong life?

JH: I think the acts-omissions distinction is a distinction without a moral difference, The ethical question is never: "is this an act or an omission because I can do one but not the other?" Rather we have to keep our "eyes on the prize," and ask what should happen and how can I make it happen? The SL was intended to make us (indeed writing it made me) confront the question: if I believe in saving lives, what can and should I do, what is permissible and why, what is not permissible and why not?
CDH: What type of projects you're busy with now? Any new thought experiments in the works?

JH: At the moment I am writing a book on Moral Enhancement, and another on how science is addressing threats to human existence. I am also working on a long-running project on justice.

Notes
The Trouble with Thought Experiments

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Abstract

What are thought experiments? What uses can they be put to and what problems do they face? In this paper I argue that thought experiments are hard to define and that they face significant problems when used as a tool to draw out our moral or conceptual intuitions. The role of the intuition in our philosophical and ethical lives is also problematic. I go on to argue that the more far-fetched thought experiments – and especially those that assume some kind of impossibility – face particular problems, and that here bioethics can learn from the effects of the prolific use of modally problematic thought experiments in other areas of philosophy, such as the personal identity debate. I argue that, as the personal identity debate can best be approached by testing our conceptual intuitions against real-life cases, so the same may be true of bioethics. But, whether we use thought experiments or real cases, we ought not to expect too much when seeking to apply concepts outside their standard range of application.

Overview

How do thought experiments differ from mere hypothetical cases? And why can they be such a problem? In this paper I argue that the movement of thought experiments from science into philosophy has brought with it certain difficulties that seem likely to grow as thought experiments are used not just in the more metaphysical areas of philosophy but increasingly in applied ethics. By examining some of the weaknesses and problems thrown up by the thought experimental method, I hope at least to provide a kind of health warning for those who wish to use them in practical ethics and bioethics.

Definitions

Trying to define what a thought experiment is has proved to be a difficult task. “Thought experiments are performed in the laboratory of the mind. Beyond that bit of metaphor, it is hard to say just what they are.” Or so says Brown at the start of his book (1991, p. 1). Sorensen (1992), who provides a cornucopia of examples and attempts a kind of taxonomy of thought experiments, is unable to come up with a clear and simple definition.

We could start, then, by asking why they must be performed in the laboratory of the mind. Scientific thought experiments of the kind discussed by Sorensen and especially Brown have to be carried out in this way because they are impossible to carry out as ordinary empirical experiments. The impossibility here is not just the weak impossibility of technological inadequacy or lack of funds: it is a strong impossibility. Such an experiment cannot be carried out because it includes as part of its initial conditions some assumption or presupposition which we know or believe to be against the laws of nature. Examples would be Galileo's thought experiments that require a perfect vacuum or a frictionless surface, or Einstein's question 'what would I see if I were traveling on a beam of light?’ What such thought experiments frequently do is reveal some kind of contradiction entailed by the assumptions of the theory under criticism. So Galileo's 'falling objects' thought experiment reveals that Aristotelian theories of motion entail that heavier objects must fall both faster and slower than lighter objects, which clearly indicates that those theories can't be true. And this is clearly useful.

The scientific use of thought experiments is then limited by the empirical nature of science. The limit, then, is nearly always on the modal nature of the hypothetical situation. For if it is practicable to carry out an experiment then it ought to be carried out. And if it isn't carried out then any hypothesized result will always carry with it the worry that it may in fact be falsified by the result of an actual experiment.

But the use of thought experiments in philosophy is more problematic. They can be used to reveal contradictions implicit in assumptions and conceptual schema, but more often they are used as what Dennett has called 'intuition-pumps', that is to test our intuitions about some situation. It may be, for instance, that we are generally happy to use a concept but that a thought experiment (or more likely, a series of thought experiments) will shake our intuitions that this is an acceptable or useful concept at all. Dennett (1988), for instance, uses a series of such thought experiments to try to undermine our belief that the concept of qualia is either clear or coherent.

Philosophical thought experiments need not be just destructive in this way: Parfit (1971; 1984) for instance, uses thought experiments not just to weaken our beliefs in traditional views of personal identity but also to support an alternative belief in the concept of personal or psychological survival. Ethics, of course, has always relied upon hypothetical cases: what would you do if….?
Such cases must be part of the ethical training of any medical professional or related discipline. And here hypothetical cases can often be substituted for by real cases (see, e.g., Beauchamp & Childress, 1983, Appendix).

But it may be hard to find real cases that exactly tackle the moral intuitions that philosophers have in their sights, and so hypothetical cases are crafted to do this job. Many such cases, like Foot's (1967) Trolley Problem, or Thomson's (1971) Violinist, couldn't be carried out for moral reasons: it would be highly unethical to set up such a situation. But that is not supposed to matter. Such cases are designed to force us to test some particular moral belief we have against the intuitions caused in us by the situation described by the case. Often the hypothetical case is set up in order to be analogous in some way to some real-life situation, with the aim that the moral intuitions developed or brought to the surface in the former can be seen to carry over to the latter. (This is the aim with Thomson's Violinist, for instance.)

So we cannot afford to generalize too freely about thought experiments. If they are laid out on a modal spectrum, at one end they involve a strong (scientific? conceptual?) impossibility, but at the other end they fade into the merely hypothetical and the ordinary (or at least, what might be ordinary for the ethicist or the medical professional at some point in their careers).

I do not wish to argue that thought experiments are necessarily a bad thing: they plainly have their uses. But I do believe that they face certain problems. In some cases, these are weaknesses that must cause us to be careful: in other cases I believe that they vitiate any conclusions that can be drawn from the thought experiment.

**How Do Thought Experiments Work?**

What are thought experiments for? Trying to answer this question reveals the first problem area with them. A thought experiment doesn't provide empirical data: only empirical experiments can do this. For a thought experiment does not involve any practice, only thought about some narrative or description or hypothesis. In doing this it certainly provides some sort of data: but by stimulating (or perhaps creating) a kind of belief about a concept and its extension, a metaphysical concept like personhood or an ethical concept concerning moral acceptability or autonomy for instance, it is data about our conceptual practices or about the implications of our hypotheses. Perhaps the purpose of thought experiments in philosophy (as opposed to science) is to make plain to us what we already believed without (consciously) knowing it.

Support for the idea that the purpose of thought experiments is to elucidate pre-existing beliefs (or at least proto-beliefs) may be found in Mach, allegedly the coiner of the term Gedankenexperimente, who wrote that "Everything which we observe in nature imprints itself uncomprehended and unanalyzed in our percepts and ideas, which, then, in their turn, mimic the processes of nature in their most general and most striking features. In these accumulated experiences we possess a treasure-store which is ever close at hand and of which only the smallest portion is embodied in clear articulate thought" (The Science of Mathematics, 1893, 36, quoted in Sorensen 1992, p. 51 ). Mach thought that this instinctive knowledge was in some way more reliable, less amenable to error or misinterpretation than the knowledge that we obtain from empirical experimentation: "We feel clearly, that we ourselves have contributed nothing to the creation of instinctive knowledge, that we have added to it nothing arbitrarily, but that it exists in absolute independence of our participation. Our mistrust of our own subjective interpretation of the facts observed is thus dissipated" (Knowledge and Error, 1905, 140-1, quoted in Sorensen 1992, p. 54).

And one still finds something like this confidence in the value of intuitions in modern philosophers; for example, Kripke writes that "of course, some philosophers think that something's having intuitive content is very inconclusive evidence in favor of it. I think it is very heavy evidence in favor of anything, myself. I really don't know in a way what more conclusive evidence one can have about anything, ultimately speaking" (1980, p. 42). Not only do I not share Kripke's confidence in the reliability of our philosophical intuitions, I think it can be shown how they can often go wrong. But I will return to that after looking at the second area of difficulty, which concerns the modal status of the thought experiment or rather of the background assumptions that are built in to its description. All too often it is assumed that because one can give some apparently clear and coherent narrative, one has thereby overcome any modal difficulties that might obstruct the purposes of the thought experiment. Critics of the wilder fringes of thought experiments disagree: Wilkes, for instance, argues that "the thought-experimental technique, in fact, may all too often rely upon an inchoate and confused assumption or belief that is, although highly questionable, rarely questioned enough. That is, if something is imaginable, or conceivable, or describable, then it is logically, or theoretically ('in principle') possible" (1988, p. 17).

The relationship between imaginability or conceivability and possibility is a complex one (see, e.g., Gendler & Hawthorne, 2002). Take, as an example, a description of a hypothetical situation like that which Lewis Carroll provides of the Cheshire Cat. This is
clearly imaginable: after all, Carroll imagined it and we might think that we can too when we read the story. But when we consider what we are being asked to believe, that properties and modes could continue to exist in the absence of their owners, we start to realize that the situation described involves impossibility of the strongest sort: not just technologically impossible or even nomologically impossible but conceptually impossible. We can't seriously consider a universe where the laws of nature are different such that properties like grinning can exist separately from anything that is actually doing the grinning. Yet we and Carroll seem to be able to imagine Wonderland where such things allegedly happen. Perhaps Carroll's narrative only works for us because our imagining takes place at a superficial level, just sufficient for us to enjoy the story. Once we try to imagine in more detail, the conceptual difficulties eventually emerge. So at the very least, that a hypothetical situation appears to be imaginable is no guarantee that it is in any sense possible.

**Philosophical Thought Experiments and Concepts**

Philosophical thought experiments really owe their modern origins to the moment when John Locke first asked the question of what we would say if two men were somehow able to swap consciousnesses (1694/1975, Bk. II, XXVII, §15). Locke wishes to make a point about the different ways in which we use concepts like 'person' and 'man' and in order to achieve this purpose he doesn't need to fill in any details about how such a swap is possible apart from gesturing in the direction of a change of souls.

The use of such thought experiments in this area really took off in the 1950s, and soon the debate was plagued with brain transplants, split-brain transplants, teletransportation, reproduction by fission, and so on. There is a good collection of these in Parfit (1984). Some of these hypothetical scenarios like brain transplants are practically impossible, at least with present technology. (Though no doubt the medical profession may think this only a matter of time.) Others, teletransportation for instance, may be impossible for any kind of technology (Krauss, 1995, has a good discussion of this). But the modal status of the presuppositions and conditions of the hypothetical situation are not supposed to matter. Parfit, for instance, argues in a number of places that the modal status is irrelevant, because "these cases arouse in most of us strong beliefs... Though our beliefs are revealed most clearly when we consider imaginary cases, these beliefs also cover actual cases, and our own lives" (1984, p. 200). I disagree. If the act of considering hypothetical cases does indeed generate spontaneous strong beliefs within us, it is surely important to enquire further whether these are true beliefs. That they are strong beliefs is of interest, but their truth or falsity is surely the significant point here. And even if true beliefs are being generated, can we automatically assume that they will cover actual cases as well as the hypothetical case being posited?

Where thought experiments are being used to test concepts then this is a major problem. For, as Wittgenstein once said, "it is as if our concepts involve a scaffolding of facts... If you imagine certain facts otherwise... then you can no longer imagine the application of certain concepts" (1967, p. 350). And Quine applies this thought to the more modally outrageous thought experiments when he says that "the method of science fiction has its uses in philosophy, but... I wonder whether the limits of the method are properly heeded. To seek what is 'logically required' for sameness of person under unprecedented circumstances is to suggest that words have some logical force beyond what our past needs have invested them with" (1972, p. 490).

Quine is surely right: thought experiments can be used to bend and twist our concepts as we force them into uses for which they were never designed. I suppose that it is of some interest to demonstrate that most of our philosophical concepts have grey areas or vague edges, and that one can always think of hypothetical situations where they go awry. (But did anyone ever think otherwise?) Indeed much of the work in the area of the philosophy of personal identity has had the effect, intentional or otherwise, of showing that the concept of a person has a problematic extension in actual cases and can fall apart completely under the pressure of hypothetical cases. The key question here is whether any intuition we have about the possible extension of one of our concepts in a hypothetical situation of such dubious modality has really any value.

**The Problem of Narrative**

Related to this problem, because sometimes contributing to it, is the problem (or perhaps family of problems) concerning hypothetical narrative. A thought experiment, of course, is not a situation but a description of a situation, a narrative, and that carries with it its own possible problems. There is, for instance, the problem of under-description.

Now in ordinary science fiction the audience doesn't usually care about the fine details of some hypothetical device. For the purposes of narrative enjoyment, we swallow Star Trek's transporter room, even when an episode's plot raises some apparently philosophical problem raised by its malfunction. (Two Captain Kirks? Two people or two tokens of the same person?) But when a philosopher like Parfit asks us to take such an example seriously, it should be hard for us to come to any kind of intuition about the output of such
a device until we have some reasonably clear idea of what it actually does. Does the device transport just the pattern of someone's body? Or does it also transmit the atomic particles of which the body is composed? And if it is scanning to collect information, to what level? The atomic, sub-atomic, quantum? Note that this may require a physical impossibility, since there is no such thing as purely passive sub-atomic scanning, as Heisenberg pointed out a long time ago.

It might be thought that this is just nit-picking, but the importance of under-description for philosophical thought experiments was pointed out more than forty years ago by Williams in a paper (1970) that also demonstrated how the narrative presentation of a thought experiment may crucially determine or at least influence our supposed intuitive conclusions drawn. Williams describes an imaginary case in which a scientific procedure is used on two people, A and B, so that we can conclude that A and B have swapped bodies. The B-body person now exhibits all of the mental characteristics that we previously associated with A, and vice versa. When asked to indicate who we now think is the person A, our intuition is to point to the B-body person. Williams then describes a further thought experiment in which a person A is subjected to a variety of indignities, including artificially-induced global amnesia followed by an artificially-induced psychosis which results in A believing himself to be someone else, with all of this other person's apparent beliefs, desires, memories, etc. We are then told that a similar experiment has been carried out on a second person, B, and that the artificially-induced beliefs which A now declares himself to hold had the same content as the genuine beliefs held by B prior to the experiment, and vice versa. Yet throughout our description, whenever we are prompted by Williams our intuition appears to be that A remains A despite all the changes to which he has been subject.

Williams then reveals that he has not described two different thought experiments but the same thought experiment in two different fashions! So the same hypothesized course of events can produce in us diametrically-opposed intuitions about identity, depending upon the events are described. And much of the narrative leeway allowed to the author here comes from the under-description of "scientific procedure" in setting up the story. Williams does not conclude that thought experiments are thereby rendered worthless, but he did come to believe that they needed to be treated with caution if they were to be at all valuable (personal communication).

So we can see how under-description and problems of narrative may come, with or without the intention of the author, to shape the intuitions we draw from the example. So, far from the (reasonably accurate?) proto-knowledge that Mach believed they embodied, intuitions may be closer to ordinary beliefs or feelings or even prejudices, sometimes shaped without our conscious knowledge by the ways in which they are generated.

I think the same conclusion may be drawn from the use of modally dubious thought experiments in bioethics. Faust (2008) for instance assumes that there might be a hypothetical genetic factor that we could select for in selecting amongst embryos for implantation and which would tend to increase the moral behavior of the resulting children. The discussion is fascinating, but always hindered by our knowledge that there could be no such simple genetic factor, that whatever the relationship, if any, between morality and genes, it is always going to be far more complicated.

The Problematic Status of Intuitions

Are moral intuitions reliable? The growth of experimental philosophy over the last two decades has seen some attempt to try to answer this question, partly by trying to see whether moral intuitions are stable and widespread. Thus O'Neill and Petrinovich (1998), for instance, collected data on responses to certain well-known ethical thought experiments (Trolley problems, Lifeboat problems, etc) from sample populations in both the US and Taiwan. They concluded that "responses to the dilemmas by the Taiwanese students were similar to the responses from several U.S. samples. The same dimensions that were important in the U.S. samples also were important in the Taiwanese sample. These findings support the argument that an evolved human nature influences the resolution of these dilemmas" (p. 349).So it would appear that thought experiments can enable us to access reasonably robust and deeply held moral intuitions.

But this is contra-indicated by other experiments in practical philosophy. Work carried out by Weinberg et al. (2001) using epistemological thought experiments indicate considerable cultural differences in response. Buckwalter and Stich (2010), analyzing experimental responses to thought experiments by gender, conclude that "the findings we review indicate that when women and men with little or no philosophical training are presented with standard philosophical thought experiments, in many cases their intuitions about these cases are significantly different... In some cases, or perhaps in many, men and women tend to have different philosophical intuitions" (1 & 34). They suggest that this conclusion "might play a role in explaining the egregious underrepresentation of women in philosophy" (p. 34). We ought not to be surprised by their conclusion. Gilligan (1982) stated as much 30 years ago. But it certainly seems to indicate that the notion of moral intuitions is a far from simple one and that the relationship between thought
experiments and intuitions is nowhere near as straightforward as has often been assumed.

This is not to conclude that intuitions in these situations are valueless. One can adopt a moderate position that regards such intuitions as possessing evidential value. Liao (2008), for instance, argues plausibly that with enough care one can discriminate among thought experiments and thus sift the robust intuitions from the problematic. But Liao is considering mainly epistemic thought experiments, and so avoids the problems of the more extreme thought experiments that I have described.

**Using Real Cases Instead**

So what is to be done? One possible solution to the problems thought experiments may cause in the field of personal identity was offered by Wilkes: stop using them. Wilkes (1988) argued that philosophers could find more than enough actual problems to test their intuitions about personal identity when looking at various real-life phenomena encountered by the medical profession: amnesia, fugue states, so-called Multiple Personality Disorder, and so on. This certainly meets many of the problems that outlandish or science fiction narratives may, as we have seen, generate, while being firmly grounded in actual facts and being capable of producing real data.

But are real cases any better? They certainly test our concepts, showing that in extraordinary cases our everyday conceptual framework struggles to accommodate the case. And in the case of genuine medical dilemmas, they tell us something, even if it is only that life occasionally throws up insoluble difficulties. What they don't seem to do is provide anything more positive than this.

Take the example of the Hensel sisters, conjoined diencephalic parapagus twins. (Some details of this case can be found on a Wikipedia page about them noted in the on-line references below; otherwise, there is little detailed information about them on the internet.) Clearly the degree to which the two sisters share a common anatomy raises all manner of questions about personal identity and agency. And they could clearly raise difficulties for medical ethics, questions about autonomy. Our standard moral responses to questions about patient autonomy here is: I don't know. We are equipped by our moral training to deal with questions occurring within the broad domain of normal experience. It is interesting if disconcerting to be reminded that there are events beyond this domain but the experience doesn't help us, either within our normal range of experiences or outside of it.

Let us take as another example the case of Rose and Grace Attard, conjoined twins (Annas, 2001). Here we have conjoined twins who could easily be separated if it were not for the fact that Grace had a defective heart and was only being kept alive by virtue of sharing a circulatory system with her sister. And the strain of this was slowly killing Rose. Here was a genuine moral dilemma involving what William James would have called a forced choice: do nothing and in a short time both twins will die, or operate and Rose has a strong chance of surviving but Grace will certainly die.

The case dramatizes such a dilemma. And it makes clear that the dilemma is insoluble. Strong moral intuitions were produced by it but these were strong and opposed intuitions. Many commentators at the time, particularly but not exclusively representatives of religious bodies, had a strong deontological response, summarized in the belief that it is always and everywhere wrong to kill a child, no matter what benefit might arise for someone else. Annas (2001) has a survey of this debate, with many quotes from religious authorities. Many others took what was effectively a crude consequentialist view, arguing that a situation that resulted in one dead baby was clearly better than one which resulted in two. Thus the two sides' intuitions about what was morally central to the case not only varied but went past each other. The UK Court of Appeal allowed the doctors to operate though the three judges gave differing reasons for their decision. None offered an openly consequentialist justification for their decision, though their individual detailed responses wove together legal and moral issues, including both consequentialist and deontological considerations (Ward, et al, 2001.)

This was one possible way of proceeding but it clearly did nothing to resolve the original dilemma. And it remains contentious: after all, it is in the nature of a dilemma that it really can have no happy solution.

**Conclusion**

As illustrations of what life can throw at one, it is always going to be of interest to consider such cases. But their very interest derives from their extraordinary rarity. If they were extremely common then our ordinary conceptual framework incorporating such concepts as personhood, life, autonomy, etc would have been very different. And the intuitions of those who grew up with such a framework would be very different from ours.
There is, then, no telling what would be the moral response that we would have or ought to have in such cases. But can such cases teach us anything else? That our general moral intuitions run aground in such cases? But perhaps we already knew that. There is an old lawyers' saying: "hard cases make for bad law." My own suspicion is that hypothetical cases often make for worse, and impossible cases are the worst of all. Philosophical and moral thought experiments are interesting in the way that they may shed light on the ways in which we think and feel. But, except (and perhaps even?) in those cases mentioned above where thought experiments are being used to accumulate data on how people respond them, they face a number of problems in their construction and use. The more they incorporate impossibilities, the more problems they face. And even where we use actual cases, their degree of improbability limits their use in helping us to develop problem-solving abilities. There is, then, nothing wrong with using hypothetical cases: but the more hypothetical they are, the more they should carry a 'handle with care' sticker.

References