Essay on the Permissibility of the Available Choices at “Escape from Sobibór” Fragment

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Course: 851-0040-00L Can it Be Permissible to Kill a Few in Order to Save Many? HS2022

Date: 22.12.2022

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1. Trolleyology is a subfield of philosophy that aims to discuss and resolve the moral dilemma associated with the Trolley Problem, where decisions regarding the sacrification of an individual to save the many are involved. The Trolley Problem is based on the contradictory answers to situations that seem similar, as in all of them one person loses their life so that others could live, but somehow there is a difference in the perception of the cases. The most common example of opposing cases is the Bystander case and the Bridge case (also called a Fat Man case). In the first one, an uncontrollable trolley is coming down on the tracks, heading towards five people who are unable to move and are endangered by the trolley. A bystander who sees the whole situation can manipulate a switch to redirect the trolley onto a side track before hitting the five. However, on this other track, there is one person standing, therefore diverting the trolley would kill them. The bystander has to make a choice whether to let the trolley continue driving on the main track and hit the five or to pull the lever and redirect the danger to one person. Intuitively, a majority of surveyed people would choose to pull the lever. The Bridge case presents a similar scenario – again a trolley heads towards five people stuck on the track. However, this time there is no switch, but a bridge over the tracks from which the bystander observes the whole situation. There is a second person on the bridge, who is fat enough to stop the trolley if it was about to hit them. If the bystander decides to push this person over the bridge and onto the track, the trolley will be stopped by hitting a heavy obstacle. Confronted with this choice, the majority of survey participants would decide to not push the person and let the five people die. The question that arises from these both examples is: "What is the difference here that leads our intuition into contrasting answers?". Throughout time, the Trolley Problem has been widely discussed, a number of explanations have been proposed and new cases have been invented to either support or undermine these proposals. The dilemma can be found in many aspects such as emerging engineering technologies, medicine, humanitarian aid, or – finally – war. I would like to discuss a real-life example of a moral problem and try to find the similarities between it and the cases presented in a variety of texts, to eventually propose a verdict on its permissibility.

2. I want to focus on the war aspect, specifically during the time of the World War II. Back then, the Nazi Germany leadership proposed and implemented a plan going by the codename "The Final Solution to the Jewish Question", which concerned the genocide of all individuals they defined as Jews. First, Jews were forced into ghettos, which served as separate districts for this minority. Then, Jews were sent into camps. What is important for the background of the to-be-presented case is that there were several types of camps. The

concentration and transit camps' objective was to contain prisoners in one place. Imprisoned people were exposed to the brutality of the guards and the administration's disregard for inmates' health. The forced labour camps aimed at abuse of the prisoners' working abilities – they worked long hours, with insufficient food and equipment, which led to extremely high death rates. Lastly, the Nazis established extermination camps whose sole purpose was to massively murder people within a relatively short time. There existed six Nazi extermination camps, all on the territory of German-occupied Poland. One of them was located in Sobibór, on the current eastern Polish border. It was operational between May 1942 and 14th October 1943. Within this time, around 170'000-250'000 people were killed there, mainly with the use of carbon monoxide. People were transported there by trains and introduced to the camp as if it were a transit one. The guards asked for goldsmiths, shoemakers and tailors – those who admitted to being them were separated from others and sent to a different part of the camp. The vast majority of the new arrivals was directed to supposed disinfection and bath facilities, which in reality were the gas chambers. Those who were spared this immediate fate were tasked with sorting the belongings of the murdered ones – repairing shoes and clothes, melting down silver and gold for SS jewellery. The number of labour slaves at any given time was oscillating around 600-650. However, the prisoners were exposed to harsh living conditions in terror – most new arrivals died within a few months due to hunger or watchmen's cruelty. Having this in mind, the ideas of escaping the horror were common among prisoners, though only few were implemented and even fewer were successful. In 1943, fewer and fewer transportation arrived to Sobibór. This was a brief indication that the extermination camp would outlive its usefulness and would soon be liquidated, which initially could give prisoners hope to be transferred to a concentration or forced labour camp. The hope was abandoned once prisoners from another extermination camp from Bełżec were murdered in Sobibór after their own camp was dismantled. It made the prisoners realise that their only reasonable solution was to plan an escape. An escape committee was formed in spring/summer 1943 and it performed a successful escape in October 1943 – the largest escape from a prison camp of any kind in Europe during World War II. Roughly 300 prisoners managed to escape into the forest, and around 60 are estimated to have survived the war (varies on the source of information). This historical event is depicted in the "Escape from Sobibor" movie, based on Richard Rashke's book of the same title, Thomas Blatt's manuscript "From the Ashes of Sobibor" and Stanisław Szmajzner's "Inferno in Sobibor".

There is one specific part of the movie I would like to separate from the rest and discuss under different assumptions. During the every-day chores, in July 1943, around forty prisoners

forming a "forest commando" were sent to the forest. Two of them were ordered to bring water from a neighbouring village. On their way, they killed the guard and ran away. The corpse of the guard was found soon after and the rest of the prisoners of the commando decided to try their luck as well. Some of them were killed while trying to run away, thirteen were captured and brought back to the camp. Gustav Wagner, the most sadistic guard in the camp, decided to call the common gathering in the main square of the camp. He ordered the thirteen to stand in front of the rest of the prisoners. As a punishment for their trial to escape, he commanded them to choose other thirteen prisoners who would be their death companions – all twenty-six people would be shot right away in front of everybody. The unsuccessful escapees said they would not do that. In response to their refusal, Wagner gave them a choice – they could either follow his order or he would randomly choose fifty additional people to die in exchange. Prisoners hesitated, but eventually one by one gave in and selected their death companions.

3. The question that arises here is whether it was permissible for them to make this choice. Let us try to find a corresponding case.

Thomson in "The Trolley Problem"[1] brings an example of handling situations in which people make threats. She presents a scenario in which a villain says that he will cause a ceiling fall on five unless we send lethal fumes into the room with one. Thomson claims we should not accede, her explanation being that if we think of the villain himself a threat to the five, sending the fumes is not making him be a threat to the one instead of to the five. However, I think this example is not adequate here, as the villains (the guards or even specifically Wagner) are a threat to all the prisoners constantly because of the type of camp they are settled in and the disregard for prisoners' lives.

The analogy could be made to the Driver case initially discussed by Philippa Foot in "The Problem of Abortion and the Doctrine of the Double Effect"[2]. She proposes a similar scenario as the aforementioned Bystander case, though the driver of the trolley themselves needs to make a decision about the track diversion. However, a small change should be applied – at the end of both the main and the side track there is a wall, causing the driver(s) to die too. On the main track there are fifty people, on the side track thirteen, the driver being actually thirteen unsuccessful escapees. I think it could be perceived this way because in the original example the driver kills in both choices (there is no letting die) as he started the engine of the trolley and he is the one responsible for the deaths. Here, the prisoners with high probability

[1] Thomson, Judith (1985): „The Trolley Problem". The Yale Law Journal 94 (6): 1395–1415.
[2] Foot, Philippa (1967): The Problem of Abortion and the Doctrine of the Double Effect Oxford Review, no. 5.

foresaw that if they were not successful, they would lose their lives and the punishment would be severe. They could expect the oppressors to use the group responsibility and deaths of more Jews to discourage people from future escapes. And yet, they attempted to run away, therefore starting the trolley and "being the drivers". In the original Driver case, it is permissible to divert the trolley onto the side track and kill the one, saving the five. It was explained with the use of the Doctrine of Double Effect, which makes a distinction between the decisions based on what was intended and what was foreseen but not intended. The driver foresees the death but does not intend it, therefore they can divert the trolley onto the track with the one, and so it is permissible for the prisoners to eventually give in.

What if it was actually permissible for them to start the trolley in the first place? Being prisoners of an extermination camp, terrorized, knowing that your fate would one day be most likely the same as the new arrivals', shouldn't it be justified to seize every opportunity to run for your freedom, especially that they might have been punished for the escape of the two anyway? If so, they should not be perceived as the ones actually starting the trolley and be compared to a Driver case.

The case might seem similar to the Bystander – again, with a modification of the bystander(s) being killed by the trolley alongside the people on the tracks. Thirteen bystanders have to choose whether to let fifty people die or to kill thirteen. The trolley itself would be the Nazi watchmen. This scenario might seem appealing to our intuition due to the fact that taking the action of choosing can be perceived as killing, whereas not giving in is merely letting die because it is the villain making the choice of the to-be-executed people. If we agree to think of it as the Bystander case, it is permissible to divert the trolley (to select death companions) although it is not required of them – they could refuse and still be morally justified. Initially, it was argued by Thomson in "The Trolley Problem" that the justification here is a matter of infringement of rights. The Bystander can pull the lever and by doing that, they do not violate any rights of the person on the other track (in the sense that turning the trolley and saving the five in and of itself does not). She later in "The Realm of Rights"[3] rejected this solution and presented another one – that it is permissible to proceed because at some point in the past all prisoners would agree to it and then it would be in their all interest to select thirteen over fifty being killed. I will ignore the fact that she in her future texts[4] claimed that the Trolley Problem does not exist because the Bystander is a "No" case – I believe that as the majority's intuition says we should proceed, it is still a "Yes" case.

[3] Thomson, Judith (1990): „The Realm of Rights", Harvard Univ. Press. Part I, section 7, p.176-204.
[4] Thomson, Judith (2008): "Turning the Trolley". Philosophy & Public Affairs 36, no. 4.

There is, however, one aspect that makes me doubt whether it truly is analogous to the Bystander. If there was a third track with no people on it, diverting the trolley there would not be a solution as we actually need the thirteen to save the fifty. The thirteen are intended to be killed and are a means of saving others – if the selected death companions managed to knock out the guards and run away, leaving others on the square, the guards would insist on choosing the death companions again (assuming they would not make the punishment more severe). Coming back to the trolley-related analogy, we would then have a Bridge case, with fifty people on the track and twenty-six on the bridge. Thirteen would-be-escapees jump off the bridge to stop the trolley, but they see it is not enough and when falling they grab another thirteen with them, causing the trolley to stop when it hits them all. If we apply the Doctrine of Double Effect here, the deaths are foreseen and intended, therefore it is not permissible to proceed, which is contradictory to what the final decision actually was.

At this point I wanted to apply the Doctrine of Tripple Effect mentioned by Michael Otsuka in "Double Effect, Triple Effect and the Trolley Problem: Squaring the Circle in Looping Cases"[5], to see if it would change the perception of the case. This doctrine approves foreseen but unintended effects and foreseen but intended because evil would occur (and not in order to bring it about). What is not permissible, is a foreseen action that was intended in order to bring evil. Analysing these aspects, a different possible similarity appeared. It can be seen that the prisoners do not want their fellow prisoners to suffer and their intention is to not bring evil onto them. However, they make the choice of the death companions merely because evil (the death of fifty) would occur. This doctrine would morally justify and explain the decision, with the thirteen being a means to save fifty, making it similar to the Loop case. The Loop resembles the Bystander, but the side track loops back towards the many on the main track. The thirteen on the side track are large enough to stop the trolley if it hits them. If there was nobody on the side track, then the trolley would continue its journey and loop back to kill the fifty eventually. As before, an addition of the bystander(s) being killed after making the choice would need to be applied.

4. Although I strongly believe the presented scenario is most similar to the Loop case and that it is permissible for the prisoners to accede to the guard's conditions, there are some assumptions that should be taken into consideration. It would be a slight drift-off from the

[5] Otsuka, Michael (2008): "Double Effect, Triple Effect and the Trolley Problem: Squaring the Circle in Looping Cases". Utilitas / Vol 20 / Issue 01, pp 92 - 110

Trolley Problem analogy but would provide additional justifications if we assumed that (in contrary to the Trolley Problem) the prisoners knew each other well.

In spite of the fact that most prisoners adopted a day-at-a-time outlook and tried not to get attached to other inmates, it could happen that people bonded and became friends despite the horrors around them. Having that in mind, standing in front of the prisoners' gathering, having to choose a person to be killed, or risking the commander choosing people randomly, shouldn't you be allowed to try to minimize the possibility of your friend being executed? Similar cases were also analysed throughout the aforementioned Trolley Problem texts, asking what to do if one's child is on the side track in the Bystander case. Estimating the value of someone's life and looking at the trade-off of related decisions is a very complex and heavily discussed (often unsolvable) matter, however, subjectively we all have a hierarchy of importance of the people we hold dear and those towards whom we are indifferent. I believe it would be justified to make a decision which would result in our close people's survival.

As mentioned before, the analysed part of the movie corresponds to July 1943, while the conspiracy on the great escape plan began around spring/summer 1943. The conspiracy leaders were necessary for the plan to be executed, partly to their military experience, and partly to their charisma and soft skills needed to convince all prisoners to participate. A random selection of the fifty by the Nazi guard could result in the death of the leaders, therefore the plan's failure or at least postponement. If unsuccessful escapees knew exactly who was involved, they could make such choices that the others still had hope for freedom and a chance for a better future.

Another aspect that could influence the perception of the whole situation was the fact that because of the harsh conditions in the camp, exposure to hunger, and watchmen's cruelty, many people kept dying because of health-related issues. Some could be lethally ill or too weak and it would be a matter of time before they would draw their last breath. Although it is hard to put values to people's lives, choosing the ill as death companions would not be as harmful for the great escape's success (which required violence and having stamina) as choosing young and strong ones.

Some could still argue that it is not permissible to give in because even if fifty people die now, fifty more would probably be saved from the next transportation to fill in the labour gaps. Although it is possible, it has to be taken into consideration that the camp stopped operating in the autumn of 1943. Fewer and fewer transportations incoming were a sign that the liquidation was going to happen soon and it was probable that if the camp personnel knew that, they would not need to keep the number of prisoners as high as before.

5. If one refuses to accept the above conditions as justifications, they could use one of the simplest rules – the Lesser of Two Evils Principle. This approach claims that when one is faced with selecting from two immoral options, the least immoral one should be chosen. In the presented case, it is a choice between thirteen or fifty additional people being killed. The aftermath suggests that it is a lesser evil to kill fewer people, therefore the first option should be favoured. It is consistent with the answer given by those who follow the theory of utilitarianism. Utilitarians value more the consequences of an action rather than its intrinsic nature, so they prefer choices which save more lives.

6. These are just some of the assumptions that could influence our choice if we were put in the same situation. The commanding guard knew well that the choices he gave to the prisoners were both immoral and that was his initial idea behind it. To decrease the sense of community, he aimed at leaving an impression on other inmates that it was their colleagues who chose people to die. It might have positively impacted the overall morale if the prisoners refused to follow the order of their torturer and show that they would not give in even facing inhuman conditions. However, from a practical point of view, it could have had negative consequences for the community, resulting for example in a less effective escape attempt.

7. To conclude, I strongly believe that in the situation presented in the movie, the choice of the death companions was permissible. If we assume that most prisoners did not attach themselves to other inmates (which is highly probably as living in the camp did not allow for long-lasting relationships), an analogy to the Trolley Problem cases can be made. Its similarity to the Loop case, in which intuition tells us to proceed to divert the trolley, makes it a justified option, which the prisoners eventually followed. The main explanation of its permissibility can be found in the Doctrine of Tripple Effect, which allows negative effects that were foreseen and intended because evil would be brought about. The background of the situation should not be forgotten – a great escape plan was in progress, whose success could be affected by the death of its leaders or death of the people who were potentially strong enough to contribute to the fight for freedom. Personal aspects could play an important role in making the decision – the possibility to save friends' lives could push the unsuccessful escapees to yield in. The whole dilemma could also be simplified by those who favour the Lesser of Two Evils Principle or utilitarianism – only the number of killed people would be considered when deciding what to do. Taking all these arguments into one, we should not perceive the prisoners as the ones making the impermissible choice, given the horrifying circumstances of the environment they were in and their inmates' right to continue preparing for the great escape.

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