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A MODERN-DAY TROLLEY PROBLEM

A REVIEW OF *TERROR*

TOM KEATINGE

Ferdinand von Schirach's courtroom drama *Terror* asks for the audience to make an uncomfortable decision on a plausible modern-day scenario.



In 1967, British philosopher Philippa Foot posed the original 'trolley problem'. Faced with the option of diverting a runaway train from causing multiple deaths at the flick of a switch in return for the death of a single person, would you make that choice? The immediate utilitarian answer would seem to be obvious: yes. In 1985, adapting the problem, American philosopher Judith Jarvis Thomson asked whether, in attempting to stop the runaway train, you would be willing to push a fat man off a bridge into the path of the oncoming train, thereby diverting it to kill the single person and saving the many people who would die if it were to continue on its way. The utilitarian answer would still seem to be 'yes'; the life of one for the life of many. But in the Thomson case, you are expected to make that decision up close and in person by killing the fat man rather than remotely by the simple flick of a switch. How might that change your perspective?

It is this conundrum that playwright Ferdinand von Schirach's courtroom drama *Terror* seeks to explore through the contemporary setting of a trial about a highly plausible and chilling modern-day scenario that will surely have been the subject of debate in national and international security circles.

In 2006, Germany's Federal Constitutional Court ruled that the state could not weigh the value of the life of one citizen against another

A scheduled civilian aircraft travelling from Berlin to Munich with 164 passengers and crew is hijacked. A well-rehearsed protocol is engaged: a pair of Eurofighters, already patrolling German airspace, intercepts the Lufthansa aircraft in just eleven minutes; the pair endeavour to make radio and visual contact with the aircraft's pilots who are apparently controlled by the hijacker; they fire warning shots in an attempt to divert the aircraft from what is assumed to be a suicide course towards a Munich football stadium packed with 70,000 spectators attending a match between Germany and England. Their efforts are in vain. What next? It is with this question that von Schirach's thought-provoking play challenges its audience for the next 90 minutes, as arguments for and against the prosecution for murder of one of the pilots for the decision to shoot down the aircraft are heard.

The German Aviation Security Law (Luftsicherheitsgesetz) passed in 2003 approved the shooting down of aircraft in such cases. But in 2006, the German Federal Constitutional Court ruled against such action on the grounds that the state could not weigh the value of the life of one citizen against that of another. As the gilt-engraved text on the wall of the court,

taken from Article 1 of the German Constitution, emphasises, *Die Würde des Menschen ist unantastbar* – 'Human dignity is inviolable'.

When does the balance of lives lost and lives saved become material?

Lieutenant Colonel Christian Lauterbach, sitting in the air traffic control centre that evening and called to give evidence at the trial, calmly and clinically recalls the sequence of steps he and his seniors followed until all legal options had been exhausted. In light of the Constitutional Court ruling, they could not give the order to fire. Lars Koch, the highly experienced pilot on trial for shooting down the aircraft, explains his perspective: a clear understanding that from that moment on his life would be changed forever, and the calculations he made as he positioned his aircraft behind the passenger jet and released a heat-seeking missile as it began its descent towards the assumed target. His description of the missile's impact, the disintegration of the wings and body of the aircraft and the scattering of baggage and bodies as the plane exploded and plunged to the ground in a potato field is emotionless, his composure only wavering when asked whether he would have made the same decision had his wife and child been onboard.

Juxtaposed with the matter-of-fact telling of the incident by the air force officers, the wife of one of the passengers brings a brief moment of emotion to the hearing, designed, no doubt, to inject doubt into proceedings. How can they be certain that the passengers would not have successfully broken into the cockpit and overpowered the hijacker?

Have passengers choosing to fly nowadays effectively consented to the risk of being sacrificed for the good of others?

And so the audience is asked to decide. The facts of the case are not in dispute. Yet, as events unfold, they take the proceedings beyond the law, to territory that has been considered in theory but never tested in practice: the lives of 164 passengers and crew onboard an aircraft that has been 'weaponised' by its hijacker, for the lives of 70,000 spectators at a football match. Have passengers choosing to fly nowadays effectively consented to the risk of being sacrificed for the good of others, as pilot Lars Koch argues? Were they inevitably destined to die at the hands of the hijacker and thus their lives were less valuable than the lives of those who could be saved by Koch's actions? When does the balance between lives lost and lives saved become material?

The audience faces a moral and ethical dilemma as the first act ends and we retire to the bar to consider our verdict and contemplate unanswered (and indeed unasked) questions, such as the responsibility of the airline pilots in such scenarios, before returning for the briefest of second acts. The audience then votes on the fate of the pilot. Press one for 'guilty', two for 'not guilty'. Or put differently, press two for making an impossible choice that weighs one life against another; press one for deciding fate will be left to play its role alone.

On the night this reviewer attended, the audience voted in line with most other audiences that have seen the play: a 60/40 vote for not guilty. The play runs a website full of statistics compiled from the productions it has run around the world at which more than a third of a million audience members have voted.¹

As a production, the Lyric Hammersmith performance was average. But as a vehicle for challenging an audience with a

scenario they can, unfortunately, all too easily imagine, and even in this day of regular and convenient air travel contemplate being an innocent part of, this drama is compelling. ■

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Note

- 1 The play's website provides the full, up-to-date results of the votes for all productions. At the time of writing, out of 342,155 jurors, 60.9 per cent voted 'not guilty': http://terror.theater/cont/results_main/en, accessed 10 July 2017.

