

## Ethical Jury Report

### Held at Southampton University Atheist Society

On Monday 26<sup>th</sup> November 2012

This Ethical Jury was run by Southampton University Atheist Society and facilitated by Matthew Power. There were approximately 20 people in attendance.

This is, to the author's knowledge, the first Ethical Jury run by a student group. In addition to the normal aims of an Ethical Jury, this was an experiment in seeing how the format of the Ethical Jury would transfer to a group of students.

Before the event, members had been informed of the basic layout of an Ethical Jury, so that the concept was not alien. However, some length at the start of the meeting was spent explaining the process in more detail, with a pause for Q&A.

A number of dilemmas or situations were presented by the Jury, some personal stories, and some more general:

- Is there a right to education?
- Are Starbucks (and other companies) who use legal tax avoidance methods morally justified?
- \*†A person is taking part in a competitive game who is playing against a less skilled opponent. Should they reduce their performance?
- \*†Should you stop a drunk friend in a relationship from cheating?
- Should you charitably give to the homeless or street beggars, where you don't know what they'll do with the money?
- Animal Welfare – why bother when there is so much human suffering?
- Does might equal right?
- \*†Whose feelings should be taken into account when thinking of moving long distance?
- \*How do we treat disabled students? - Specifically with regards to examinations.

\* denotes a dilemma that was shortlisted to be voted on

† denotes a personal dilemma or situation

The shortlisted dilemmas were put to a vote. The dilemma chosen was: *Should you stop a drunk friend in a relationship from cheating?*

The society had originally intended to record the event and make it available, however the personal nature of the dilemma chosen meant that it was asked whether the speaker, **S**, of the dilemma wanted the recorder turned off, which was accepted. Naturally, this report has been anonymised.

**S** was asked to give some more detail to the dilemma.

Friend of **S**, **F**, has a long-distance relationship (about 3 years to **S**'s knowledge), which was described as "on/off". A group of friends including **S** and **F** were celebrating at a club, and **F** gets very drunk. **S** feels they were looking out for **F**, and had to intervene to stop **F** from making out with other people at the club. This was a one-off, i.e. not a habit of **F**'s. August was the last time that **F** saw their partner, **P**, and **F&P** are not in an "open" relationship. **S** believes that **F&P** were together at the time of the event, was not sure of **F** was being honest about this either way. **S** never felt that the issue was **F**'s direct safety.

**S** feels they acted in the best interests of **F**, but the general question of whether the decision to step in on her behalf was justified.

Next, the toolbox was brought up for discussion. First, the suggested contents of the toolbox, from West London Humanists, was brought up for evaluation, repeated below for completeness.

**The Golden Rule** - Do as you would be done by.

**Principle of least harm** - Choose the action that results in the least aggregate harm

**Kant's Categorical Imperatives**

1<sup>st</sup>: "Act only on that maxim which you could will to be universal law."

2<sup>nd</sup>: "Always treat other people as ends in themselves, never as means to an end"

**Utilitarianism - John Stuart Mill**

Achieve the greatest good for the most amount of people

**Triax - Philip Veasey**

**Be Kind**: Recognise that humans have evolved as social animals and that it is in our nature and to our advantage to look out for one another

**Be Courageous**: Manage your fears and don't let them stop you doing what you think is right

**Have Integrity**: Defined as never lying to yourself (lying to others is not excluded and may sometimes be kind).

It was asked if whether the **Golden Rule** was just based on **Kant's 2<sup>nd</sup> Imperative**, and whether as a result it should still be included. No decision was reached.

Only **Utilitarianism** attracted any real objections. It was argued that it wasn't really applicable to the dilemma, since Utilitarianism applies best to large groups of people. However the opinion was that this wasn't sufficient to warrant it being removed from the toolbox.

Next, the floor was opened for suggestions for additions to the toolbox. All of the following were voted in. It was noted that some whilst some tools could be considered contradictory with each other, that this did not necessarily impair the function of the toolbox as a whole. It was also noted that some of these perhaps a recasting of existing tools.

**Virtue Ethics** - Actions decided by virtues and vices.

**Duties and Responsibilities based Ethics**

**Objectivist Ethics** - The single most important factor is personal happiness

**"Desirism"** – People had the right to choose their own desires, as long as it does not interfere with others' desires

For a future Jury it was suggested that a **Democracy or Consensus based Ethics** might make an addition to the toolbox.

### **Morals vs. Skills vs. Knowledge**

It was also mentioned to the Jury that often it is difficult to make moral decisions not because of the moral question, but because of uncertainties in the practical application of a solution. Is a solution possible? Often an uncertainty in knowledge can lead to indecision too. How would this person react to this solution?

Next, some broad aims were agreed on, that any possible solution should be aiming towards. This functioned to start the thinking process of deciding how

- The wellbeing (could be physical or mental) of **F**
- The wellbeing (could be physical or mental) of **B**
- The wellbeing (could be physical or mental) of **S**
- Respecting gender equality of **F**, i.e. equal treatment of **F** if they were male or female.
- Moral self-esteem of **S**

At this point It was mentioned by **S** that the focus in **S'** mind was on the first bullet, the wellbeing of **F**.

Although many possible courses of action were suggested, the jury quickly discounted many that were considered to be impractical. The options moved forward for further discussion were:

- Do nothing at all
- Take **F** home
- Attempt to delay any decision making by **F** until the morning.
- Persuasion and appeal to **F's** reason
- Commit to supporting **F** regardless of decision.

Each of these were then discussed in some more depth:

### **Do nothing at all**

It was suggested that this option was supported by Objectivist Ethics, given that no action that **S** took would affect her personally, thus the simplest is to do nothing. However, it was also argued that even under objectivism that people should still be making individual decisions for themselves but based on the advice of others.

Sometime was spent arguing whether the Golden Rule did or did not support this course of action, which came down to the whether it could be accurately determined how **F** would have wanted to be treated. Would **F** have stepped in for **S** if the roles were reversed?

Furthermore, it was mentioned how these two potential justifications for this decision would be modified by **F's** state of mind. Would **F's** drunk state negate their ability to make a decision? How do

we determine what is “too much” to make a decision? It was also mentioned that there was a still a decision made on the part of **F** to have gotten drunk in the first place.

Next it was raised that inaction on the part of **S** could harm other parties, particularly **P**. It was more generally agreed that even if morally justifiable, this course of action didn't actively meet any of the aims decided on, so was a poor decision from that basis.

### **Take Friend home**

It was immediately noted that this course of action was from a least harm perspective, an action that minimised some potential harm to **F**. Whilst it wouldn't be repercussion free, this course of action would remove the some of the conceivable “worst case” scenarios, minimising the maximum level of harm.

It was argued that this possible decision was the most infringing on **F**'s independence and autonomy. The decision felt like an overreaction, given the low probability of any “worst case” scenario.

It was, when asked, confirmed by **S** that it was unlikely that **F** would have wanted to go home, and **S** would have met with resistance had they tried. Did this matter? It was considered that this depended on how drunk **F** was, given that at past a certain point, **S** would have wanted to wanted to take **F** home anyway given that this dilemma would have been a secondary concern!

### **Delay decision making**

This was first expanded on. The aim would be to try and persuade **F** that any decision they might make would be best left to the morning. This might involve taking a phone number and saying they'd call in the morning.

The Jury considered this course of action to be an attempt to bridge between the aims of respecting **F**'s autonomy, whilst stopping them from making any potentially bad decisions they could later regret. By leaving options open, it would enable **F** to make decisions when in a better state of mind to do so.

It was argued that it was a potentially deceitful course of action. E.g. By persuading **F** to call in the morning, it forces her into making a commitment she might not keep (by potentially deciding to follow through and call, having decided it was a bad decision).

However from a least harm perspective, the Jury argued this could be the best course of action, since it attempts to not remove some unfound best course of action from the equation.

### **Persuasion and appeal to **F**'s reason**

A variation on the previous possible solution, and the closest to the action taken by **S** on the evening, aim to persuade **F** that they're making a decision they might later regret.

The Jury had arguably covered many of the supporting arguments for such a course of action when discussing the possibility of **taking the friend home**. This course of action still preserves **F**'s autonomy.

This action is supported by the same argument used to justify **taking the friend home**, trying to be a good friend, but is possibly a better fit.

It was noted that due to the difficulty **S** might have in persuading **F**, or that they might be ineffective in stopping **F** from making a bad decision, that the action is as good as taking no action.

### **Support friend regardless of decision**

This option wasn't given much discussion by the Jury. It was felt that it wasn't a particularly moral decision, since it didn't meet any of the aims stated, particularly that it acted against upholding the moral self-esteem of **S**, in that the actions feels a non-decision.

Time constraints also moved the Ethical Jury on to the next stage, and it was felt that the Jury was reaching a point where the discussion was becoming less valuable, and providing less insight.

### **Conclusions**

It was felt that all of the suggested actions hinged on a few key points which didn't have obvious answers, or answers that we're not necessarily moral questions.

- How far should **S** intervene? All the solutions proposed seem to fall on an axis of intervention. At one end, **do nothing at all** represents one end, acting to not intervene at all, vs. **taking the friend home**, which might be the most drastic intervention possible.
- Respecting **F**'s autonomy vs. attempting to stop **F** from making a bad decision. These two appear to be opposed, with some kind of middle ground to be found.
- Judging how drunk **F** is, and how much this impairs decision making.

At the core of the issue seems to be the conclusion that morally speaking, it seems to be permissible to intervene on behalf of someone when their judgement is impaired. It follows then that judging the state of **F** appears to determine what action should be recommended. This turns a moral issue into a practical or skill based one. How accurately can **S** determine **F**'s state?