

FIRE ALARMS, JURIES, AND MORAL JUDGMENT

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It's nearly 10:00 AM on a Thursday morning and the courtroom is filled with more than 100 members of the jury pool. Court officials, state police officers, and defendants line the halls waiting to be called for pre-trial conferences and for jury selection to begin, then the fire alarm sounds. There is no obvious evidence of fire, no smoke, no shouts, and no other warnings. At the same time, no one announces that there is a fire drill in progress, that the alarm is merely being tested, or that the alarm was pulled by accident. Sitting in the court room, what would you do? And, more importantly, why would you do it? What goes through your head when you hear the alarm?

A number of psychological experiments have shown that a person's actions are likely to depend on the number of other people in the situation with him or her. In the social phenomenon call *diffusion of responsibility*, individuals are inclined to refrain from taking responsibility or acting if there are a number of other individuals who could bear responsibility in the situation. On the other hand, in situations where a person sees him or herself as the sole person responsible for acting in a given situation, he or she is more inclined to act. (Latané, B., & Darley, J. M. *The unresponsive bystander: Why doesn't he help?* (New York: Appleton-Century-Croft, 1970))

This phenomenon explains a number of devastating events. Most people are flabbergasted by the fact that average German citizens allowed the atrocities of the holocaust to occur in plain sight. The public was appalled by

neighbors' inaction while witnessing the murder of Kitty Genovese. We cannot believe American soldiers could become sadistic torturers as guards in Abu Ghraib. Why didn't someone do something? How could these people have allowed these injustices? Who is morally culpable? But, at the same time, we might wonder what we would have done in the same situation. Of course, we would like to think that we would have spoken up, that we would have helped the victims, or that we would have stopped the wrongdoing.

However, experiment after experiment has shown otherwise.

In Latané and Darley's (1970) experiments, a subject is asked to wait in a waiting room where he is alone and soon he notices smoke entering the room from under the door. Unaware that the experiment has begun, he immediately notifies the receptionist that there may be a fire. When the same experiment is run, but with other people in the waiting room with the subject, who ignore the smoke, the subject does not act. In a similar experiment, a lone subject acts immediately when she believes that a person she is communicating with by telephone is having a seizure and is asking for help, but she does nothing when there are others listening in to the pleas for help who do not respond to the requests for help. In each case, the subject's sense of responsibility is diminished when he or she is in the company of others who do not act. (The video, *The Human Behavior Experiments* (2006), available at <<http://www.youtube.com/watch?v=4YUMxsj6rl4&feature=related>> describes these and other interesting cases.)

While these sorts of experiments reveal interesting things about human psychology and behavior, there are important moral implications. The central moral question is what ought we to do? Or, what is the right thing to do? Notice that this is not a question about what we are required to do by law, but it something more fundamental than that. It is a philosophical question. And this question leads to questions about how we might go about determining what we ought to do or what is the morally right thing to do.

So let's go back to the courtroom. Latené and Darley's research suggests that the average person, upon hearing the fire alarm would be more inclined to leave the building if he or she were alone, and less inclined to leave the building if he or she were with a group of people. But how should we decide what to do? How would you decide what to do?

If you looked around and saw that no one else was leaving and on the basis of that you decided to stay, then you essential committed yourself to the view that the right thing to do is whatever a group of people decide is the right thing. This is essentially the view called moral relativism. According to this view, there is nothing more to an action's being morally right than people condoning that act. There are significant problems with this view of morality. Surely we think that what the Nazis did, what slave owners did, and what those who commit genocide do is morally wrong even though these groups of people saw themselves as acting within the boundaries of morality.

If you chose to stay not because other people were staying but for personal reasons, then some other type of justification is at work. Perhaps you thought to yourself, 'There is only a slim possibility that there is actually a fire or other emergency, while if I have to get up and walk outside, there is a very high probability that it will put me in a worse position than I am currently in.' Perhaps you suffer from a disability that makes walking up and down stairs difficult or painful, or perhaps you are afraid you will lose your seat next to a person you have enjoyed talking to. Maybe you fear the looks you will get when your rise to leave and other people don't. Whatever the reason, this line of thinking reveals an underlying commitment to ethical egoism. According to this view of morality, what makes any given action the morally best action is whether or not it is in one's own best self-interest. This view, too, suffers from a number of shortcomings not the least of which is that it cannot hold universally. It cannot be the case that what everyone ought to do, morally speaking, is whatever is in his or her own self-interest simply because

it is not in my own self interest for you to do what is in your self interest.

Alternatively, rather than thinking simply about yourself, perhaps you thought about the consequences for everyone, including yourself, in your deliberation about whether to stay or go. There are two ways this could play out. You could have thought, in this particular case, given the lack of any other indicators that there is a fire or other emergency, we would all be better off staying where we are. No one would have to struggle getting out of their seat, maneuver the stairs, stand around outside, or incur any other hardships. The morally theory at work here is *act utilitarianism*. According to this theory, determining the morally right thing to do is a matter of weighing the consequences of the act for everyone involved. It may be that the act utilitarian could justify staying put during the fire alarm in this particular case. On the other hand, we might consider the consequences if people were always to ignore the warnings of fire alarms. It seems pretty obvious that the discomfort caused by getting out of your seat, walking down a flight of stairs and standing outside for 20 minutes pales in comparison to suffering the effects of smoke inhalation or fire. Thus a *rule utilitarian* would reason that because the consequences of making a rule of leaving a building when the fire alarm sounds outweigh the consequences of staying, the morally best thing to do would be to leave the building.

It's true that both types of utilitarianism face a number of difficulties. If the only thing that is morally significant is the ultimate consequences of our actions, then it would seem to result in an 'ends justify the means' scenario. Surely it is counter intuitive to suggest that every case of murder, torture, imprisonment, mistreatment, or discrimination is morally justified if the consequences of these actions are good. It may be the case that accusing an innocent person of an act of terrorism, finding him guilty, and putting him to death makes the general public feel safer or more secure, or raises their overall happiness, but what of the innocent victim? While the consequences of our action surely carry

moral weight, at the same time the rights of individuals cannot be so easily ignored.

It seems like what has gone wrong in the case of average German standing by while millions of innocent people were tortured and murdered, in the case of American citizens condoning and participating in the enslavement and torture of human beings, or the case of apathetic neighbors watching a woman be murdered on the street below them while they did nothing is that they failed in their moral duty. There are certain things we simply ought to do, not because they raise overall happiness, not simply because we believe it would be good to do them, and not because it is in our own self-interest to do them. Human beings have moral worth, moral standing. If our actions violate the moral worth of individuals, then our actions are immoral.

There is some question about the nature of an individual's moral standing, but the usual line of reasoning is that an individual has this moral standing in virtue of being capable of moral deliberation, being capable of reasoning, and/or being capable of feeling pain. One philosopher (Tom Regan) has described the condition for moral status as being a self-aware subject, of being aware of your own existence and interested in your continued existence. On these grounds, he has argued that non-human animals are moral subjects. So the idea is that we have a duty to ourselves and to others, including non-human animals, who are moral subjects.

Perhaps this alone doesn't help us decide what to do back in the courtroom when the alarm sounds. Those who hold that morality is grounded in our having certain duties point out that a duty is an obligation to follow certain rules, and a moral duty is the obligation to follow certain moral rules. These rules are universal, that is, they apply to everyone; and they must not conflict with reason. For instance, there is no moral rule that would allow me to cheat on a test because this cannot be a universal rule. If everyone were to cheat on tests, then there would be no

tests as measures of learning. It therefore would be irrational for me to cheat on a test since if doing so were a universal rule, there would be no test to cheat on.

Or, to look at it another way, the only way that I am going to get ahead by cheating on a test would be if the universal rule is not to cheat on tests since that would preserve the practice of giving tests. But if this were the universal rule, when I cheat on the test, I am making myself an exception to the rule and I am also thinking in a contradictory way: at the same time I want to hold that everyone should not cheat on tests, I want to maintain that I should cheat on this test. Both of these statements cannot be true; they contradict each other. For those who say that morality is grounded in doing our moral duty, they usually describe this duty as being based in reason or rationality. This is consistent with the fact that we think that murderers, rapists, and terrorists are crazy. We think that they have done a wrong in thinking that the moral rules do not apply to them.

So here we are in the courtroom. The fire alarm sounds. What ought we to do? I might look to see what others are doing. I might think about my own self-interest. I might think about the consequences of this particular act or of the general practice of ignoring or heeding such alarms. Or I can think, what would happen if the universal rule were to ignore fire alarms? If that were the case, fire alarms would not be fire alarms; they would be useless. In order for there to be a real means of warning people of the potential dangers of fire, other things being equal, we must act when we hear a fire alarm whether or not it is a false alarm. It is the right thing to do, just as every grade school child knows.

Perhaps there is no law that mandates that we heed the warning of a fire alarm, but I would think that officers of public safety would act to promote the respect for the warnings provided by a fire alarm. So why didn't most people leave the building? Why didn't the safety officers instruct people to exit the building? Perhaps they have yet to reach moral maturity.

In other psychological studies, subjects have been described as progressing through various stages of moral development in a fairly predictable pattern. According to one theory, Lawrence Kohlberg's, our first sense of right and wrong is associated with gaining rewards or avoiding punishment. At this stage, moral behavior is largely motivated by self-interest. For example, a child might say that lying is wrong because she gets punished when she lies, but that picking up her room is good because it results in an allowance.

Eventually, most people progress to the next stage and come to associate being good with following certain conventions or social rules. These may include laws, customs, or traditions. Deviation from the norm is deemed immoral while according with the norms and following the laws is morally praiseworthy. At this stage, a child might say that a bully is a bad person or has done something wrong because there is a rule against bullying at school, and an adult might say that what makes stealing morally wrong is that it is against the law.

The highest stage of moral development, according to Kohlberg's theory, is one in which subjects appeal to universal moral principles to distinguish right from wrong action. Here a person will appeal to objective moral principles. These may include appealing to certain virtuous character traits, the consequences actions have for everyone affected, and the rights and duties of persons. In this highest stage of moral reasoning, we must rise above self-interest and established norms of behavior and seek objective grounds for moral judgments. At this stage, for instance, a person might explain that what makes stealing morally wrong is that it is not fair to take something that does not belong to you, or she might take honesty as morally praiseworthy because it respects the dignity of others. Sadly, very few people reach this stage of moral development.

So what does this say about our decisions to stay in or leave the courtroom? The fire alarm sounds and only a handful of people leave the building. None of the agents of

public safety or guardians of the law instructs the jurors to vacate the building. In fact, from where I stood outside the building, none of the uniformed police officers left the building. As a matter of fact, I am curious to know people came to their decision to stay or to leave. And more importantly, what ought we to have done and why? This sort of philosophical reflection on our own actions and those of others provides a means of becoming full moral agents, and it certainly doesn't hurt society as a whole. War, genocide, and apathy come from unreflective, herd mentality. Surely we can do better; we can be better.

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