

# Using A Decision-Diagram For Ethical Decision-Making

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## Moral Decision-Making: State Of Play

This article offers an analysis of some reasons why groups find ethical decision making difficult, a proposal for remedying these difficulties, and a case study illustrating this proposal in action. Two potential sources of difficulty are:

- a) an unwillingness by participants to engage in dialogue with each other, and
- b) the controversial and deeply disputable nature of moral views.

Were these difficulties insurmountable this would provide little optimism that ethical decision-making could result in consensus, or even in a harmoniously conducted process. It is possible that other, more readily surmountable, difficulties play a large role in generating disagreement and heat, so that consensus is more reachable than is often imagined. Needless controversy is generated by thinking and communication failures that can be laid at the door of the following three sources:

- 1) Participants' failure to distinguish between the acceptability (truth), relevance and importance of claims and hence over exactly what they disagree and agree about. For example the abortion debate is often presented as a fight between those who believe in the mother's right to choose and those who defend the foetus's right to life. It is possible that all participants to this debate might agree that both these reasons are acceptable (true) as there is something to the claim that we should be allowed to do what we wish with our body *and* the claim that the continued existence of a living thing matters.<sup>1</sup> Where they might disagree is over the extent to which they find these reasons important, or relevant, to a particular case.
- 2) Ethical debates don't stay still, but rather participants easily jump from one argument to another so that all lose track of what is being debated. In the abortion debate participants might rapidly move from discussing whether we have a the right to do as we like with our own body, to claims about the

need for sexual responsibility, to accusations of hypocrisy.

- 3) Ethical decisions are often complicated, with many different reasons and many different options in the 'pot'. This results in excessive demands being placed upon the participants' capacity to hold many different considerations in their mind's eye at any one time, and to synthesise these into a reasonable decision.

A 'decision-diagram' is advanced as a tool to help to overcome these difficulties as it provides a visually compelling route to clarity and rigour. By using it participants are aware, at a glance, of all the potential reasons and options at stake, and can easily indicate which reason they wish to analyse and whether they are considering its acceptability, relevance or importance. The use of a decision diagram is illustrated with a class debating the issue of what a hospital should decide to do in the case of a woman, in a permanent coma, who is pregnant through a rape.

## Sources Of Ethical Disagreement

Ethical decisions are constant sources of controversy. As all teachers of ethics, and observers of how ethical discussions are discussed in groups and the media will realise, ethical discussions are nearly constantly characterised by disputes as parties will, it seems, almost inevitably disagree with each other over what is the right and wrong thing to do. This difficulty over finding consensus on ethical decisions might be something intrinsic to ethical issues; perhaps ethical intuitions vary and there is no reliable way for determining which ethical intuitions are more dependable, or perhaps disagreements about what the facts of a case are vary and there is no way to get a reliable understanding of what the true facts are, or perhaps predictions about what outcomes of actions will be vary and as the future cannot be accurately predicted there is no reliable way for us to say with sufficient certainty that something will or will not happen. If this were true to expect more agreement than there currently is would be to expect something that logically - in the strictest meaning of the word - there is no reason to expect.

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<sup>1</sup> Weston (1997) suggests that a key to progressing ethical debates is to ask not who is right, but rather what each is right about. This idea has influenced much of the thinking behind this article.

Now, no doubt, there is truth to this but even the briefest perusal of the rhetoric employed in moral disputes suggests another possibility. At least some of the disagreement, and certainly much of the heat, that arises in moral disputes arises because people are concerned about defending predetermined positions, and 'demonising' those that disagree with them, rather than engaging in a mutual exploration of the strengths and weaknesses of different claims.

In order to change from this rhetorical posturing it is necessary to adopt a willingness to think with others rather than to argue against others. To dialogue with others, by genuinely acknowledging the possibility that others might have wise things to contribute to our thinking, even when they disagree with our present views, requires a radical change in our current practice. Even this, radical as it is, is at most a necessary, rather than a sufficient, condition for wiser ethical decision-making, as a willingness to dialogue without a method for dialoguing well is likely to be severely limited in its effectiveness. We might be convinced that we need to talk together but what form is this talking going to take? How do we proceed? How can we better understand what others are saying, and how can we better investigate our own thinking with these others? How together can we make wiser decisions?

This question can be answered by investigating what is needed to make wise ethical decisions. A minimal conception of ethics, that all can surely agree on, is that one should give reasons for one's views.<sup>2</sup> Furthermore if we want an ethical decision to be a wise ethical decision then not any old reason will do, as reasons should be good reasons.

The critical thinking literature<sup>3</sup> contains analysis of the grounds of belief; i.e. the formal characteristics of good reasons. A claim is a good reason for, or supports, a conclusion if that reason makes the truth of the conclusion more likely. Analysis of informal argumentation shows that often there are many claims, both for and against a particular conclusion, and a particular conclusion is justifiable to the extent that, on balance, it is better supported by this network of claims than an alternative conclusion. If we substitute the concept of a decision for a conclusion in the above we discover that a justifiable decision is one that, on balance, is better supported by reasons than an alternative decision.

<sup>2</sup> For example Rachels 1995, p 14.

<sup>3</sup> For example Thomson (1999) and Blair and Johnson (1994).

Whether a reason really supports a decision can be answered by asking whether the reason is acceptable, relevant and important<sup>4</sup>. For instance, if we take the question of whether it is justifiable or not to turn off the machine providing Tony Bland with nutrition<sup>5</sup> we find a number of different possible claims at stake, such as the emotional well-being and wishes of his parents, the use of scarce medical resources, the autonomy of Tony Bland, and the long-range implications on others in similar situations. For each of these claims it is possible to ask whether the claim is acceptable at all, which option(s) the claim is relevant to, and how important the claim is. The importance of a claim is comparative as it is judged by weighing against other acceptable and relevant claims. For example, we can ask whether it is an acceptable argument *at all* that the scarce medical resources Tony Bland relies upon should be conserved, whether, in this case, keeping the machine on or turning it off conserves scarce medical resources, and how important the amount of medical resources conserved by keeping the machine on and turning it off are compared to, say, the emotional well-being of his parents. The assessment of the relevance and importance of these claims will turn, in part, upon facts about the situation, such as the nature and scarcity of the medical resources used as well as the level of emotional-well being of his parents.

This brief analysis of the nature of reasons allows us to draw some conclusions about the requirements of a successful decision-making dialogue. If we are going to move away from an 'arguing against' to a 'dialoguing with' we need to be clear about which reason we are talking about and whether we are trying to determine the reason's acceptability, relevance, or importance.

There are further requirements for making wise decisions. Human beings are limited in their ability to handle information. Descartes wondered whether he could be fooled by an evil demon because he couldn't hold in his mind the earlier parts of a proof so he couldn't 'see' that the later parts of the proof logically followed.<sup>6</sup> Perhaps, he

<sup>4</sup> This analysis of reasons is advanced in Blair and Johnson (1994).

<sup>5</sup> Following an accident Tony Bland was believed to be in a persistent vegetative state and a court was asked to determine whether in such a situation it is allowable to turn off the machine keeping him 'alive'. Answering this in the affirmative does not imply that the machine should be turned off, only that there are no overwhelming reasons favouring keeping it on.

<sup>6</sup> Descartes, *The Meditations*

wondered, the evil demon was fooling him into remembering the early parts of a proof were sound when in fact he was misremembering and the proof was flawed. Subsequent psychological research has confirmed that humans are indeed limited at processing information<sup>7</sup> and that Descartes was right to be concerned that his memory might be playing tricks on him. Given that ethical decisions are often complicated and complex people might sometimes disagree because one aspect of the problem strikes some vividly while a different aspect is uppermost in the minds of others.<sup>8</sup>

When human beings meet to try and make a decision together very often the meeting does not focus on sequentially sorting out ideas. Here is the sort of thing that often happens. Person 1 suggests one idea, which makes person 2 think of something else which they mention, person 3 comments on one aspect of what person 1 has said, person 4 disagrees with what person 3 said, then person 5 agrees with part of what person 2 has said, but suggests a new consideration as well.<sup>9</sup> Now there are advantages to such a free flow of ideas and it might well be that the participants in the meeting find new insights based on what others have said. But there are also disadvantages if you are trying to make a decision as many issues will not have been resolved and members of the group are unlikely to even know to what extent there is agreement or disagreement about key aspects.

In summary it is suggested that wise ethical decision-making by groups has at least the following requirements: A willingness to dialogue and a procedure for dialoguing that enables:

- i) The identification of potential options.

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<sup>7</sup> One of the early pieces of research was George Miller's *The Magical Number Seven, Plus or Minus Two: Some Limits on Our Capacity for Processing Information* *The Psychological Review*, 1956, vol. 63, pp. 81-97, pointing to our very limited capacity to hold information in our attention. Much subsequent work on bias in human thinking can be seen as following from human limitations in information processing as we are biased because we only process part of the available information. Nisbett, RE and Ross, L. (1980). *Human Inference: Strategies and Shortcomings of Social Judgement*. Englewood Cliffs, NJ: Prentice-Hall powerfully shows the influence of vividness upon our thinking.

<sup>8</sup> This might even be true within us. Not only do ethical disagreements rage between people but they also rage within us. This might in part be because at different times different aspects of the problem are more vividly in our mind's eye.

<sup>9</sup> A similar kind of process happens in other forms of communication, such as media coverage, as well.

- ii) The assessment of reasons for and against these different options according to their acceptability, relevance, and importance.
- iii) A mapping of how these reasons fit together into a pattern of argumentation.
- iv) A way to counteract memory limitations in human reasoning.
- v) A means to guide and focus the dialogue.

One way of trying to satisfy these requirements is to use a decision-diagram.<sup>10</sup>

## The Decision-Diagram Introduced

Once a decision problem has been identified a decision diagram is initially constructed in accordance with figure 1. For instance if the decision is whether to switch of the life support machine keeping Tony Bland 'alive' the options of 'switch on' and 'switch off' are written in the option boxes and possible reasons, such as 'it is wrong to take human life', 'effects upon parents' emotional well-being' and so on are placed in the reason boxes.

Having these reasons displayed visually in front of a group allows a group facilitator to work in the following way:

- a) Focus the attention of the group on each reason in turn and if the group has a tendency to stray the facilitator can either follow them and make it clear that they have shifted the focus of the dialogue, perhaps by pointing to the reason they have shifted to considering (and writing up a new reason if another is uncovered), or draw them back to the current reason.
- b) Begin by asking whether the group finds the reason acceptable, and keep a record of what members of the group consider about the acceptability of the reason by writing above the circle. If there is agreement that a premise is unacceptable it can be crossed out, if there is doubt this can be recorded with a question mark. Writing above the circle ensures, visually, that the group is aware that they are not talking about what the reason implies (this is recorded below the circle), but rather whether they think the reason is acceptable.
- c) Ask the group whether the reason is relevant to the different options. If the group decides that it is draw a line from the reason to each option it is relevant to. The facilitator can record on the line the reason for its relevance. Drawing the line below the circle visually ensures that the group is aware that they

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<sup>10</sup> The idea for this is adapted from Johnson and Blair (1994). Blair and Johnson provide a visual structure for analysing arguments in a piece of text. The structure of the decision diagram is similar.

are not talking about whether the reason is acceptable, but rather what they believe it implies about the different options.

- c) Ask the group whether the reason is important (calibrating its degree of importance in relation to other reasons). Write a measure of the importance of the reason for the option by writing on the line a number between 0 (not important at all) and 5 (very important). The facilitator can record next to this number the reason for its importance. As the line is already drawn to different options it is clear that the group is no longer talking about relevance but about importance.

### **The Decision-Diagram In Action: A Case Study**

The account above is rather abstract and gives little flavour of how this works in practice. While it is possible to construct a 'perfect example' of how the decision diagram captures all the important philosophical arguments and their analysis, as the procedure is meant to allow actual groups to make wiser decisions what follows is a report of using the decision-diagram with an adult education class who had little previous philosophical training.<sup>11</sup> The whole process took about two and a half hours.

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<sup>11</sup> The class was taking an 'A' Level in Philosophy (a pre-university level course)

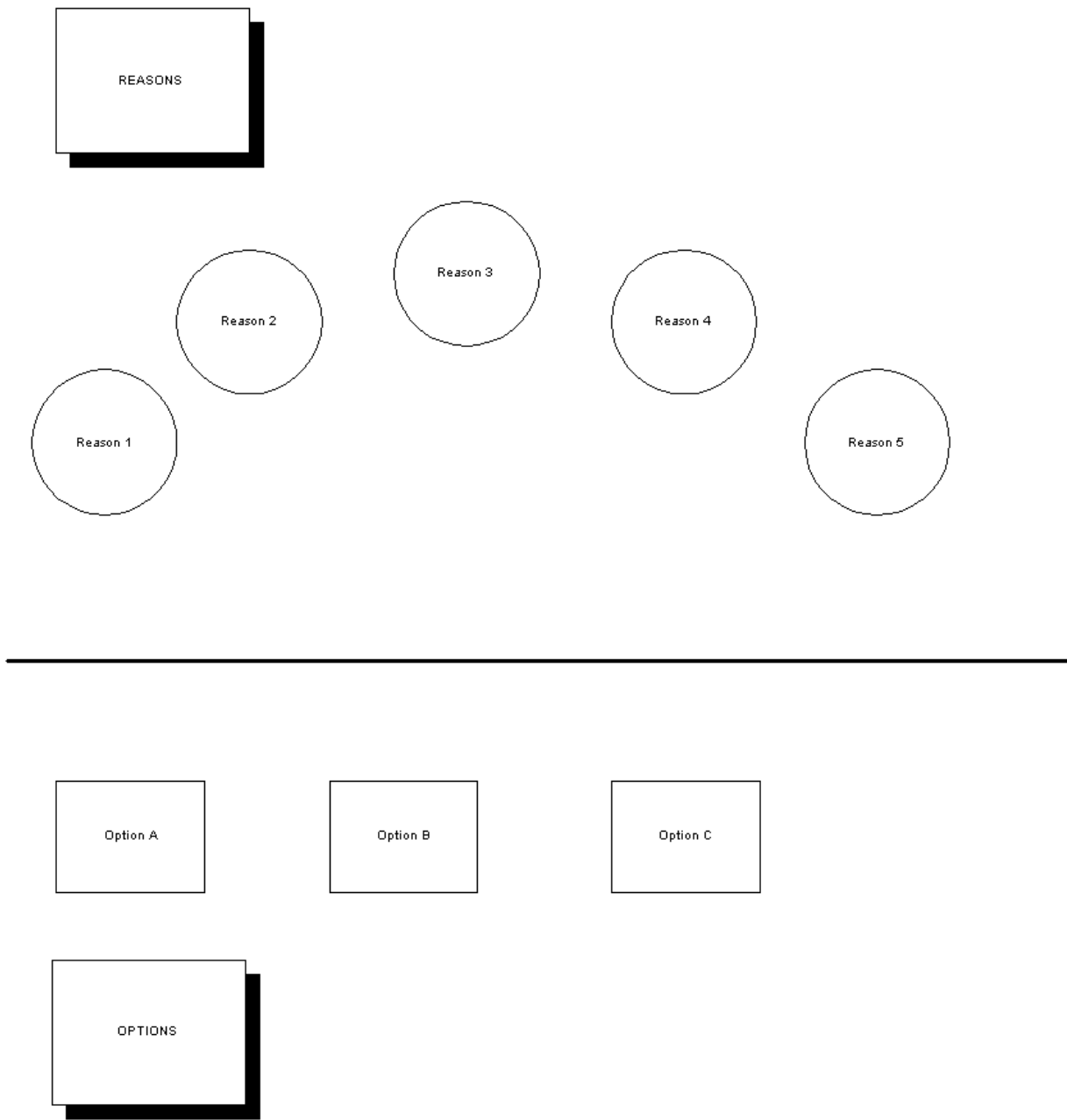


Figure 1: Getting reasons and options on the decision diagram

The class began by reading a real moral dilemma faced by a hospital in America.

A 24-year-old woman in New York, who has been in a coma for 10 years, has been found to be pregnant by an as yet unidentified rapist. If no one intervenes, she will give birth in May. The horrifying fact of the rape of an utterly defenceless and vulnerable woman is currently sending shock waves through the United States.

A potentially greater source of consternation, though, is the ethical conundrum: is it morally acceptable to allow a child, conceived and brought to terms in such circumstances, to be born?

In the United States some doctors and ethicists are arguing that to use a woman's body to produce a child, when she has clearly not consented to the pregnancy in the first place, is an affront to her humanity. Such a course of action is said to reduce her to the status of an object, used for someone else's purposes. However, the parents of the raped women are refusing to contemplate an abortion because they are strongly Catholic, as their daughter was, and because, understandably enough, they now see an opportunity to continue the link with their child, with the birth of her child. The fact that the child would grow up unable to communicate with her mother, and without the comfort of a loving father, but merely the highly distressing knowledge that her unknown father was a creature of obscene violence, is not something that the prospective grandparents appear to have taken into account.

The moral difficulties presented by this grotesque and tragic case are as disturbing and problematic as the emotional implications, but they are not new. In April last year the case of Karen Battenbough, who was pregnant and in a persistent vegetative state brought very similar issues to public attention. In that case doctors had decided, at the express wish of the father, to try to keep her baby alive until it was capable of independent survival. The decision was also characterised as a violation of a woman's right not to have her body used from other's benefit. Indeed it was described by some as a case of a baby 'growing in the grave'.

Whether allowing a child to develop inside the womb of a permanently unconscious woman is somehow a violation of her dignity is something we have to decide rather than find out. If we should come to regard such cases in that light then that judgement about pregnant comatose women will apply whether they are victims of rape or not. What is unusual about the current American case is that it is the parents who are insisting that no abortion should take place in circumstances where perhaps most of us would expect them to be revolted at the extra wrong done their already irreparably damaged daughter.

However, in cases where the consent of a patient to a proposed course of action cannot be obtained, it is established practice to consult the views of those closest to him or her as to what the patient would have wanted. In the case of Tony Bland, for instance, where the courts were trying to decide whether it was permissible to withdraw artificial feeding and dehydration from an irretrievably unconscious patient, the view of his parents that he would not have wanted to be kept alive in such circumstances was crucial.

**Figure 2: The Moral Dilemma<sup>12</sup>**

The class selected from the text those details about the situation that they thought were most important and these were put on a 'situation sheet'.

#### **SITUATION**

*Woman in coma for 10 years*  
*Raped -> pregnant*  
*She and her parents are Catholic*  
*Father is unknown*  
*She is six months pregnant*

**Figure 3: The Situation Sheet**

<sup>12</sup> This case is taken from the Independent, 1 February 1996 and quoted by Thomson (1999, p 154).

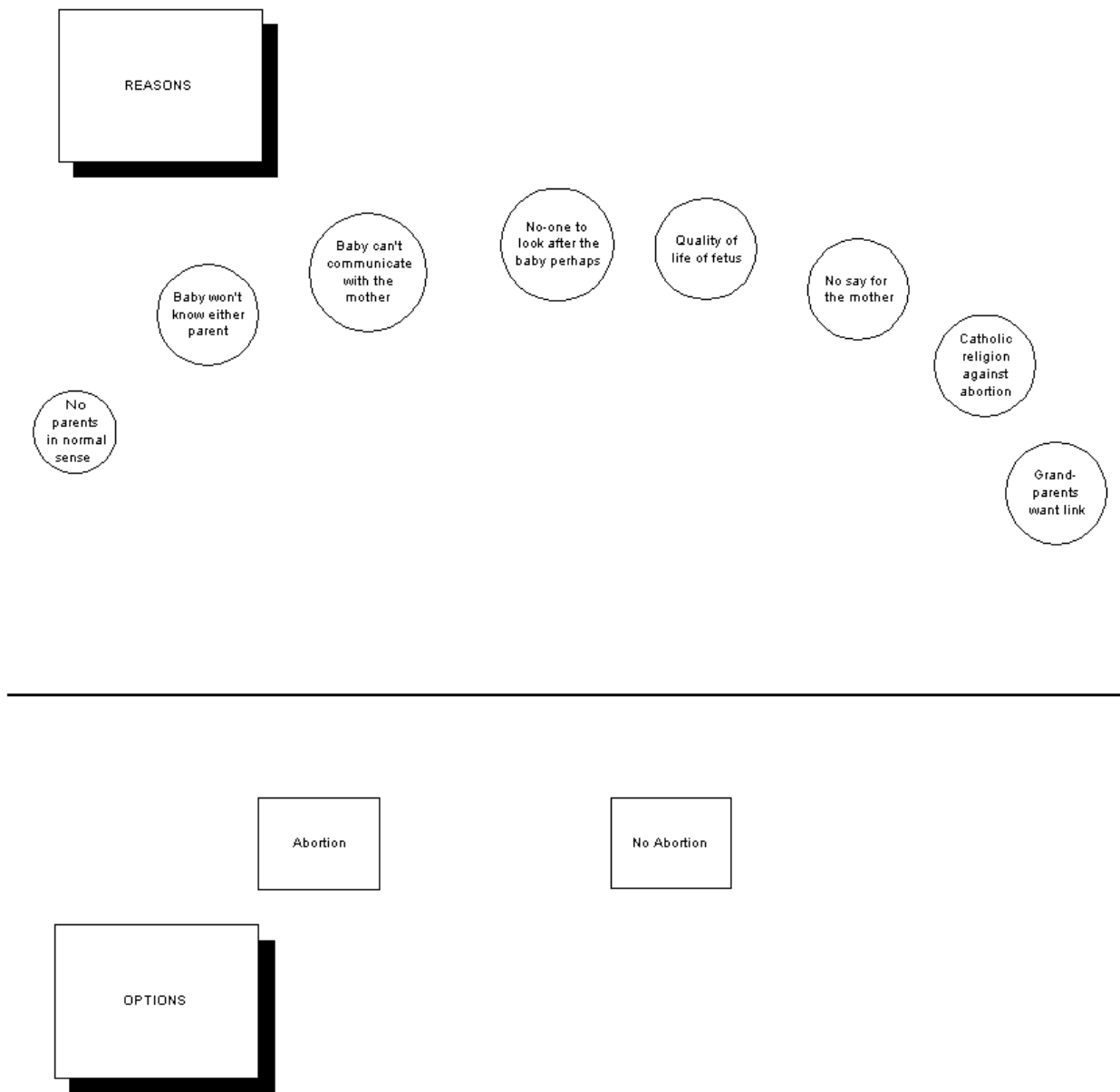


Figure 4: Filling in The Reasons and Options

The newspaper report carried only the barest outline of the situation and the class decided they wanted to know the age of the grandparents. This was added as a question on the 'situation sheet'. Reasons for and against abortion, that the class either identified in the article or generated themselves, were recorded on a 'reasons sheet'.

### REASONS

#### *Against abortion*

1. *Grandparents want it as a link to mother*
2. *Catholic religion against abortion*

#### *For abortion*

1. *No say for the mother*
2. *Baby can't communicate with the mother*
3. *Baby won't know either parent*
4. *Baby won't have parents in the normal sense*
5. *No-one to look after the baby perhaps*
6. *Quality of life of the child*

**Figure 5: The Reasons Sheet**

These reasons and options were now placed on the decision-diagram. With these reasons in front of them, and guided by a facilitator, the class began to systematically analyse the reasons.<sup>13</sup> The class started by assessing the argument that the foetus, if born, would not be able to communicate with its parents. First it was asked whether this premise was acceptable. Initially this was unproblematically accepted, but a member of the class questioned if there was any likelihood of the mother coming out of her coma. This was recorded on the situation sheet as a question next to the claim that the mother was in a coma. Another student pointed out that even if the baby would not be able to communicate with its biological mother it would still be able to communicate with its grandparents. As a result of these considerations the group decided that though it was true that the baby would not be able to communicate with its mother this wasn't relevant or, if relevant, wasn't important (some thought it was irrelevant, while others thought it was relevant but not important) as it would have other care figures to communicate with.

The premise that the baby wouldn't know its parents was questioned and it was thought that it would be more accurate to say that the baby wouldn't know but would know of its mother through the grandparents. Such a consideration was again thought to be either irrelevant or not important to the conclusion that

abortion was acceptable, as again other carers would be available and many thought the child could come to terms with the condition of its mother and its own origin.

The premise that the baby would not have parents in the normal sense was initially taken as unproblematic, but then a distinction between its biological parents and its future carers was drawn, and it was thought that it would have parents in the normal sense, as its carers would be normal, but it wouldn't be normal to lack biological parents. Given this distinction the class decided that not having 'normal parents' was again either irrelevant or not important to having an abortion.

At this point a student objected that considering the premises one by one was distorting the argument about the affect of the baby's origin on the baby's prospects. The quality of life of the foetus was advanced as a sub-conclusion of these different arguments and the circles were joined to indicate that the above arguments, about non-communication, not knowing its parents and not normal parents led to this sub-conclusion. The implication was that the importance of these different arguments should be added together to give a measure of the baby's total quality of life. The premise that the baby would have no-one to look after it was rejected as unacceptable as there were either the grandparents or other adoptive parents available so this reason was not felt to contribute to the claim that the baby would have a poor quality of life.

The premise that there should be an abortion because the mother had no say, although initially advanced as a reason for an abortion, was questioned. It was agreed that this reason would be better captured by talking about the mother's wishes and the reason in the diagram was altered accordingly. There was some disagreement about whether it would be possible to determine the mother's wishes on the basis of (i) what the grandparents say her wishes are, and (ii) the fact that the mother was a strong Catholic. Some thought the evidence they had indicated she would be in favour of keeping the foetus while others thought that the source of the pregnancy made the guessing of the mother's wishes too difficult, so the premise was either thought to point towards keeping the foetus, or to be unimportant as it couldn't be determined. That the mother was a Catholic, and would think the foetus would have a right to life, was taken as a strong argument by many in the class against abortion. This is represented by having the reason the Catholic religion is against abortion as providing evidence about the mother's wishes.

<sup>13</sup> Like all groups there was a frequent tendency to slip from one question to another, but the visual guidance provided by the decision-diagram allowed the dialogue to stay focused.



Some doubts were expressed about the relevance of the grandparents desire to have the child as there was concern that the grandparents really wanted the child as a memory of their daughter rather than for itself. This cast doubt in the minds of some that the premise was relevant to the no abortion option but most thought that the grandparents' desires were an additional reason in favour of the no abortion option. How the decision-diagram now looked like is illustrated in figure 6.

Finally the class wrote down which arguments they found most decisive. Participants read out their thoughts and there was near universal consensus that the foetus should be kept with the most decisive arguments being that the mother, as a Catholic, would probably wish it, and that the grand-parents wanted the baby. The argument that the baby would have a poor quality of life, and hence that abortion would be the right decision, was considered not to be strong by all participants except one. She worried that if the grandparents weren't young enough to care for the baby themselves the quality of life of the child would suffer leaving her uncertain what the right course of action was. If the grandparents were young enough she agreed with the rest of the class that the best decision was no abortion.

### Strengths And Limitations Of The Decision-Diagram

Keeping track of arguments and their implications is hard to do. It seems to be a simple fact of human psychology that we find it hard to keep many different considerations in our mind at the same time. This combined with a disinclination to think very long or hard,<sup>14</sup> and the tendency to defend and attack rather than to investigate, means that we often make moral decisions on the basis of a few considerations that make a big impression on us, rather than a balanced assessment of different arguments. Given the minimal conception of ethics, that we should have good reasons for our ethical decisions, this suggests that left to ourselves we are not likely to make wise decisions very often. The decision-diagram provides a way for us to do better. It guides us, in a visually compelling way, to consider separately issues that are separate (not only in terms of distinguishing different reasons but also the components of acceptability, relevance and importance within each reason) and at the end of the process leaves us with a

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<sup>14</sup> This is what Perkins (1985) calls 'makes sense' thinking. As soon as we produce an answer that seems to 'make sense' we give up our analysis.

visual summary of how these different arguments interlock and weigh.

While the experience of using the decision-diagram recorded above provides very limited data for assessment, and far more rigorous testing is needed, it does provide some empirical support that it can achieve what it is conceived to accomplish. Asked at the end what they thought of the process many participants expressed that they found the careful working through of arguments to have been most helpful. Although it is hard to know for sure prior to working through the decision-diagram many participants seemed to find the arguments in favour of abortion stronger. Certainly this was my initial impression of what the decision should be and it was what the article used seemed to be suggesting.<sup>15</sup> The participants themselves initially thought up arguments for abortion much more easily than arguments against, and began by thinking it was in the mother's interest to have an abortion. Reading the article leaves one with the impression that a terrible wrong has been done to this woman and that only someone completely heartless would not be moved to try to repair this wrong by aborting a foetus that anyway is bound to have a terrible life. However, carefully working through the arguments does instead show that there are no strong reasons either for thinking that the life of the foetus, if born, would be particularly traumatic,<sup>16</sup> or that the wrong done to the mother through her rape would be righted by an abortion. Instead an abortion might well be a further wrong committed against her as well as against the foetus and the grandparents.

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<sup>15</sup> I have carried this process out on this case with three different groups and each time the group has come to the conclusion that there should be no abortion. When I have asked before using the decision diagram what the right course of action is people have either suggested that an abortion should be carried out or that the issue is too confusing for them to make up their minds.

<sup>16</sup> While the class did not consider it the likely quality of life of the foetus is better seen as relevant to the no abortion than the abortion option.

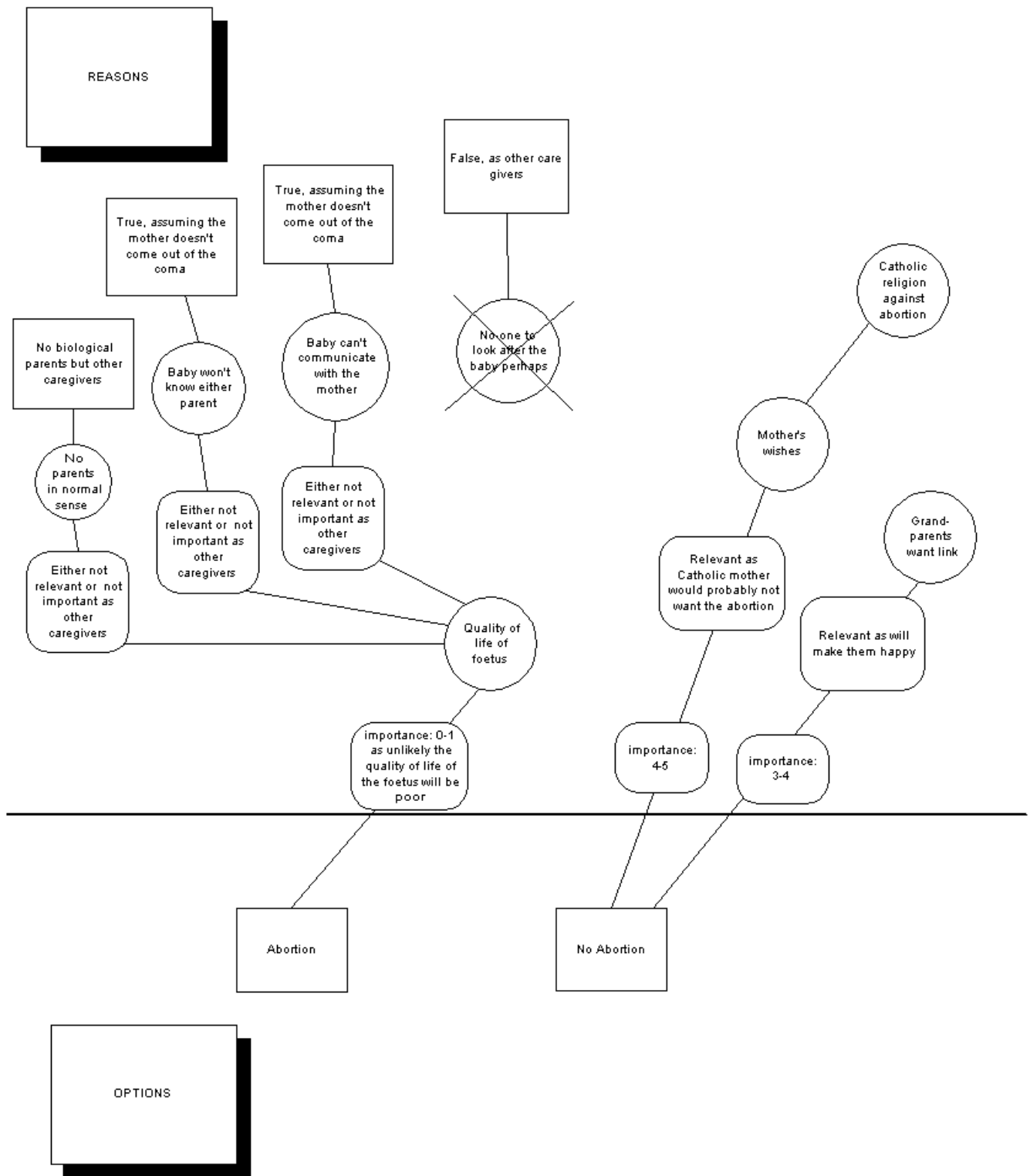


Figure 6: The completed decision-diagram

This procedure hardly replaces traditional moral philosophy as those with a training in moral philosophy will bring more sophisticated arguments into the process.<sup>17</sup> It does provide a way to test moral beliefs by forcing people away from the kind of wooliness that pervades public discussion of moral issues to examine how their beliefs apply to a concrete case. A process such as this one complements how moral philosophy is traditionally practised. Moral philosophers tend to approach their task by asking discrete questions such as 'Is there a right to life?' and the cognate questions of 'What is a right?' and 'What is life?' Answering these questions does not often provide a solution to particular moral decisions though as answers to these questions implicitly assume that there are no other compelling reasons in a particular case (i.e. that other things are equal).<sup>18</sup> The decision-diagram allows testing how equal these other things are.

The great strength of the decision-diagram lies in the structure it provides to allow us to carefully examine reasons that we have already generated for options we have already thought of. While this is important it must be remembered that this is not all that is needed. As well as critical thinking we also need creative thinking (LeBon and Arnaud, 2001). We need to be creative both in generating reasons to investigate for their acceptability, relevance and importance, and in generating options to satisfy those things that we come to decide are important considerations. While more reasons are generated in the course of using the decision-diagram, and how well options satisfy important reasons are assessed, complementary procedures for generating potential reasons and options should also be used.

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<sup>17</sup> Using the procedure on this case with trained philosophers produced a more careful analysis of the nature of rights and interests, and a more careful testing of moral intuitions generated about this case with other cases than is presented in the example here. However it should also be pointed out that the members of this group, like the 'A' Level students also initially expressed themselves either uncertain or in favour of abortion, although after using the decision diagram the unanimous agreement was that no abortion was the better option, suggesting that the decision diagram is not only useful for those who are 'beginners' in ethical analysis.

<sup>18</sup> The court in the Tony Bland case, practising what I have termed traditional moral philosophy, decided that in the case of PVS it is allowable to withdraw nutrition. In each particular PVS case it still needs to be decided whether or not to withdraw nutrition and this involves the analysis and balancing of arguments.

## Conclusion

This article has argued that group ethical decision-making is often flawed by failures of clarity and rigour and that consensus has a greater chance of emerging when clarity and rigour is achieved. The decision-diagram has been offered as a tool to improve clarity and rigour and a case study has shown how it has resulted in (near) ethical agreement. While a classroom discussion has provided the case study this tool should also be of use to help groups make decisions in real life cases.<sup>1</sup>

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