

**ADVOCATING THE ROLE OF LAWYERS IN RESOLVING ETHICAL DILEMMAS**

Decisions with ethical implications naturally draw the attention of the public from religious, scientific, and legal viewpoints. The question then remains of who should ultimately make such decisions. Remembering that ethical dilemmas in a complex society extend beyond purely biological questions, the jurist stands in a position to approach the problem in a manner necessary to the continued, successful functioning of that same society. Both ideological and pragmatic arguments dictate the same result.

That religious and scientific views often contradict is readily apparent in modern debate on issues before our courts and in the news. The tensions demonstrated by these debates may be a reflection of more basic tensions between the methods of religious and scientific decision-making. God, as reflected by most modern religions, calls upon earthly representation (duly appointed by esoteric means) to dictate conduct and decide issues according to a dogmatic scheme of absolutes. Thou shalt, or thou shalt not. One must compare a proposed action to a code of conduct with the aim of eternal salvation, or the avoidance of eternal damnation. Thus, decisions are made with a view to a perfect ideal, with potentially dire or euphoric consequences awaiting the individual decision maker. Individuals, by following these ideals, will supposedly guide society to a glorious end.

To directly oppose science and religion may be to create a false dichotomy, but one may at least successfully contend that scientists make decisions in a very different manner from the clergy. Probability is the God of science. Scientific reasoning begins from a null hypothesis and attempts to disprove that assertion within an acceptable margin of error. These same scientists, then, must resolve ethical dilemmas with the *probable* consequences of their actions constantly in mind, and tailor their actions, hedged about by statistics, to effect the most favourable result. But, scientists, by their nature as purely rational and impartial analysts, must import this all-important favourable result from another source. Surely if we were to set a room of scientists upon a particular problem, and give them appropriate criteria, they would be able to tell us the best way to get from point A to point B. Unfortunately, though, the criteria by which we generally judge a decision or result - morality, justice, and societal equality - are non-cognisable ideas within the scientific realm. In an attempt to bring those scientists to task, we may set society's utility as their ultimate goal. Once again, though, we would surely find them asking for more information - temporal parameters, geographic scope - and even then they may be halted from action by their own personal demon of uncertainty, the ever present margin of error.

Thus ethical dilemmas of society must properly fall to lawyers for resolution. Although the public conception of lawyers may not often present them as the ideal choice for making morally respectable decisions, they at least have access to, and an intimate knowledge of, a system created for that purpose. In the United Kingdom we rely mainly upon an adversarial system to resolve our most complex or pressing disputes. While civil law countries may employ a more inquisitorial system, both embody the values that make them the proper forum for answering difficult moral questions in society as we know it. While our laws may often resemble the dictates of a religious regime - "thou shalt not" - they,

and the legal system, provide leeway for greater consideration beyond the strict application of printed words. In justifications and excuses for *prima facie* deplorable action we recognise that the decisions people make each day do not fall neatly within categories, and are often predicated by concerns more immediate than (if not more pressing than) their eternal souls. Through the arguments of trained advocates the legal system allows us to consider both the *probable* result of a decision, and the numerous conceptions of what is right or wrong according to ideals of a higher source than even the Houses of Parliament. Only this balancing of the ideal and the real will lead to the most acceptable result for a diverse population with ideal aspirations living in a real world.

To claim that this blending of concerns has been completely the work of lawyers is flattering, but false. As law in the UK is the result of a representative system, one may presume that these laws represent the views of a population considering its decisions from both a religious and scientific point of view in their choice of laws or representatives.

Pragmatically, if we were to hand decision making on difficult moral topics to scientists they would surely be faced with the dilemmas described above. To opt for religious decision-making, though, would take us from a group unable to make decisions, to those who may make decisions divorced of societal concerns or societal consequences. Even more, to hand decision making to religion would pose the daunting task to either choose one of many conceptions of God, or to integrate several religions. And, as is the case in interpreting any piece of legislation, we would have to interpret what God (He/She/It/They) meant by His/Her/Its/Their declarations. While the law as it now exists may not be divine, it has proven capable of handling most problems posed, and adapting to those novel dilemmas that arise each year.

The problem presented as impetus for this essay cleverly, and I assume intentionally, referred to essential aspects of what many recognise as the three true professions: the clergy, medicine, and the law. The clergy applies its learning to heal one's soul. Doctors apply their scientific knowledge to heal one's body. And lawyers apply their knowledge, and their understanding of a complex, yet occasionally elegant system, to heal society. There are few lawyers that would presume to undertake the respective tasks of the clergy or scientists; those professionals, then, should likewise be content leaving in the capable hands of lawyers that which they are trained to heal.