 Q and A group questions

Centipedes, liars and unconscious bias

Group 1

How does the text represent individual experience under our current systems of law and the decision making processes Judges/Counsel use? Is the system fair and without bias for individuals based on evidence provided in the speech?

* Explain the Metaphor of the Centipede and how it creates Hyper Reflexion
* Could the Centipede Effect be a reason or excuse for flawed decision making? Why?
* What does this Effect suggest about the human capacity for judgement and the Justice system itself?
* Using a variety of techniques, the speaker describes the tendency of decision makers to determine truthfulness, for example, based on the demeanour of a witness. He then extends the decision making process to texts describing how the Female witness should be treated. What point is the speaker making?
* How is your topic represented in ‘The Merchant of Venice’?

Group 2

What is it about the nature of being human that individuals and Judges/Counsel have in common? (Consider the human qualities of: bias, prejudice, self-interest, a tendency towards being judgmental, flawed, irrational, deceit, inconsistent, etc.)?

* What is Intuitive Decision making and in what ways might it not be a reliable method of determining truth?
* What reasons does the speaker provide for justifying the use of Intuition in accepting truth?
* To extend his point, the speaker goes on to detail notions of psychological disclosure, the Pinocchio Theory, psycho-analytical therapy and Recognition Reflex. What conclusion does the speaker reach in the use of these methods to determine Truth and Justice? How does scientific research support his conclusion?
* How does Intuitive Decision reflect the values personified in Lady Justice?
* How is your topic represented in ‘The Merchant of Venice’?

Group 3

What Anomalies, Paradoxes and/or Inconsistencies does the speech represent in terms of the decision making processes of Judges/Counsel as reflected by Lady Justice?

* What is unconscious bias? How are our decisions affected by mistakes of reason?
* Does the speaker represent a neutral and impartial system of justice as suggested by Lady Justice? Does Lady Justice represent an enduring value? Why?
* The speaker notes that Juries can ‘...discuss and debate amongst themselves which of the versions they prefer…’ What does this statement suggest about Truth?
* How is your topic represented in ‘The Merchant of Venice’?

Group 4

In general, list the flaws within our system of justice? Consider judges, witnesses and juries. Are they inherently honest and truthful?

* What are the consequences of adverse judgement on individuals?
* Judges and counsel are required to ‘find facts’. What does the use of the verb ‘find’ indicate about the availability, selection or interpretation of so called ‘facts’?
* How does the speaker explain and justify the use of differing, competing, false or inconsistent accounts from witnesses? What motivates individuals caught up in the system? What does this description suggest about our current systems of decision making?
* Explain the notion of common sense. In what ways is this notion dangerous in the legal decision making process or seen to be misleading? What assumptions do we make about the ‘common sense’ of Judges and the Judiciary? Does ‘common sense’ and ‘conventional wisdom’ have enduring value?
* Why do Judges, according to the speaker, need to explain their decisions?
* Why does the speaker argue for the articulation of reasons or judgements? What evidence does the speaker provide to guard against the arbitrary or capricious exercise of power, or self-serving stakeholders?
* How is your topic represented in ‘The Merchant of Venice’?

Group 5

How is power retained within the Justice system? Consider who might be the victims of bias, or prejudice, or an abuse of power or privilege within the Justice system according to all the evidence provided by the speaker?

* Why does the speaker say, ‘The administration of judgement is not a mechanical process undertaken by machines.’ How does this quote demonstrate the fallibility of Judges/Counsel and Justice in general?
* Do you agree with the speaker when he says that ‘Judges don’t exercise personal power, but the power of community over individuals’? Consider the ways in which law and decisions made by Judges/Counsel do or don’t keep pace with community expectations? Do you think Judges manage, through the explanation of decisions, to achieve consistency in judgement across crimes?
* What advantages ‘may’ be accorded a jury according to the speaker in the decision making process? In what ways could this be seen to be a fallible argument?
* Do decisions made through intuition and without reflection enable Justice to prevail?
* How does the Centipede Effect attempt to address issues of justice, fairness and accountability? Should judges be accountable to the community for the decisions they make?
* Are judges held accountable for the decisions they make?
* How is your topic represented in ‘The Merchant of Venice’?