

AN ALIEN'S VIEW OF THE JURY SYSTEM

By Ian Turnbull

The patient had been examined by her general practitioner and then by a surgeon. Radiologists had taken X-rays, and pathologists had performed laboratory tests. The diagnosis was a malignant tumour in the brain. On the day before the operation, she had been admitted to hospital. She had been interviewed by the anaesthetist, who checked her medical history to reduce any risks in administering the anaesthetic.

On the day of the operation, she was prepared by the nurses and wheeled into a ward next to the operating theatre. In the theatre, two surgeons were seated, wearing gowns but no masks. At the stroke of the clock, a third surgeon swept in, wearing a different gown, and took his seat between the others. He announced to the two assistant surgeons that the proceedings could begin.

The chief surgeon signalled to one of the assistant surgeons. The assistant surgeon turned to an enclosure at one side of the theatre where twelve people were sitting. He addressed them at length, explaining the medical history of the patient, the nature of the tumour and its exact position. He carefully described two alternative methods for the operation. He told them that the chief surgeon would perform the operation, but it was their duty to decide which method would be adopted. He strongly urged them to choose the first of the two methods. He stressed several times that it was vital that they should not make a mistake. The patient's life could depend on their decision. It was clear from the words he used that the panel of twelve people had no medical training. He was very logical and methodical, with a quiet, persuasive manner. His address was long and detailed.

The chief surgeon then nodded to the other assistant. She, in turn, addressed the panel. With courteous language she agreed with her colleague's account of the medical history of the patient, the nature of the tumour and its position. But then she said they must disregard everything else he had told them. In particular, she told them that the method he had suggested for the operation was quite wrong and very dangerous. She urged them to choose the second method, which she assured them was the only proper one in the circumstances. She, too, reminded them of the extreme importance of their duty. Her voice was carefully modulated, and she used dramatic language to make her points. She did her utmost to win the panel to her point of view. Her address was also long and detailed.

The chief surgeon then addressed the panel. He carefully reviewed all the matters discussed by the others. He pointed out certain errors in their addresses, and told the panel to disregard them. However, he was scrupulously impartial, and took extreme care to avoid telling the panel which method he thought was the proper one to adopt. He said that if the panel accepted certain statements as being true, this would indicate which method to choose, but they had to decide for themselves which statements were true. He reminded them again that it was a matter of the utmost seriousness. He concluded by telling them that they must not decide anything unless they all agreed. He also told them that they would not be allowed to leave until they had made a decision. Because he had to cover both arguments, his address was even longer than the others.

Throughout all the addresses, the people on the panel were silent. They did not ask a single question. They did not take notes. They listened intently, trying to absorb all this information. After the last address, the surgeons and nurses withdrew, leaving the panel alone.

In the observation room above the theatre, the blinds closed over the observation windows and the sound relayed from the theatre was switched off. A medical student, who had been watching intently, turned to his friend, a visitor from Alpha Centauri. "What do you think?" he asked.

The alien was pale with horror. "Why doesn't the chief surgeon decide what to do? Surely those people don't know."

The student answered proudly "This, my friend, is the jury system, one of the foundations of medical science, an ancient tradition brought by the early settlers from Earth. We don't allow the chief surgeon to decide, because he might be wrong. Remember, this is a matter of life and death. In serious cases where there is a conflict of opinion we can't take any chances, so we use a panel of people we call the jury. To make sure they are able to make the right decision, we choose people who have no medical training and know nothing about the case."

The alien looked unconvinced. "But what was the purpose of those speeches by the assistant surgeons? Wouldn't they just confuse the jury? And why didn't the chief surgeon tell the jury what *he* thought?"

The student explained patiently. "The addresses by the assistants are to help the jury make the right decision. They must see both sides of the case. The chief surgeon isn't allowed to tell what he thinks, because that would influence the jury and prevent them from making a free decision."

The alien thought for a moment, and then asked triumphantly "What if they can't all agree?"

"Oh, we have thought of that" replied the student. "They are locked up until they make up their minds. Sometimes it takes days, but they usually manage to agree in the end. If they really can't decide, a new jury is appointed and the whole thing starts again".

The alien gestured at the blinds on the observation windows. "Why are these closed? I'd like to watch them and hear what they say."

"This is one of the most important parts of the system" the student replied. "It has to be done in secret. If the public got to hear what they said and how they came to a decision, the whole jury system might fall into disrepute, and people might lose faith in our wonderful medical tradition. The patient must live or die by the reasoning of the jury, which remains secret for ever."

"No offence" said the alien, "but if I get sick here I'll be on the next flight home".