

## A PROBLEM IN DECISION-MAKING

The purpose of this exercise is to examine and expose the way in which you solve cases, *i.e.*, the way in which you “judge.” But the following scenario has no plaintiffs and defendants, no rules of evidence. Instead, it has two young people and a missing bowl of chocolate mousse dessert. You are to read the problem, spend a few minutes by yourself solving it on your own, and then meet in a small group to seek a group solution to the problem. After each group has had an opportunity to thrash out its own solution, each group will present its resolution of the problem to the group as a whole.

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You are the parent of two children, a boy (age 12) and a girl (age 9). The following is a brief biographical sketch of each:

TOM, age 12. Small, lithe, physically very quick. Bright, but with a tendency to slough off his studies – so much so that you have found it necessary to cut off his playing X-Box Live games until he has read three books. Although he presently is very put out with you for taking away his video games, Tom has always been a sunny outgoing child, confident and honest with adults and his peers, rarely needing discipline of any kind. Lately, however, he has been showing the first signs of the onset of adolescence – secretiveness, a passion for privacy, a tendency to be sullen and resentful. Keeps a neat and tidy room. He loves chocolate.

JANE, age 9. A tomboy, very athletic and independent. Bright, like her brother, but solidly interested in books, rather than video games. Mischievous, at times flagrantly disobedient. Presently is “grounded” for going to a friend’s house after school and not letting you know where she was until after 6 p.m. Seems to resent being treated as younger than Tom, but never blames him for that. Lately, Jane has seemed to be growing out of her mischievous phase and, the recent visit to her friend notwithstanding, has seemed far more ready than in the past to obey the rules of the house. Keeps the messiest bedroom that you have ever seen. Has a tendency to overeat sweets; also loves chocolate.

You are having guests to dinner. The dessert is to be a specially prepared chocolate mousse, done from “scratch.” Four bowls of the dessert have been left in the refrigerator, with specific notice to both children that they are not to touch the bowls. After dinner, you go to the refrigerator and discover that one of the bowls is missing. You serve the desserts to your spouse and the guests, leaving yourself out.

The children have had their supper by themselves, in the kitchen. Tom does not seem to have been very hungry; part of his supper remains untouched. Jane eats everything put in front of her.

After dinner, you confront both children. Each denies taking the mousse; each declines to speculate as to how it disappeared. Tom has never, to your knowledge, lied to you about anything of any importance. On the other hand, he seems generally truculent, still smarting from loss of his X-Box time. Jane, who is unhappy with being “grounded,” has lied to you many times – but you usually feel that you can tell when she is doing it. This time, you cannot be sure.

Both children had access to the refrigerator during the afternoon, Jane for an hour longer (Because she came home from school an hour earlier than Tom did). A check of both children’s rooms discloses a paper towel, with smears on it that might be chocolate, in Tom’s room. So far as you can tell, there is nothing in Jane’s room that is pertinent. The missing dessert bowl, empty but for a very clean spoon, is found in a cabinet in the bathroom that is located between the two children’s rooms.

You consider the theft of the mousse to be too serious to ignore. You feel that you must name the culprit and punish him or her. How do you go about deciding which of your children took the mousse? What assumptions do you make as you start the process of solving the theft? What biases do you have toward each child? What factors seem to you the most important in deciding who took the mousse? Why? What factors seem least important? Why? Once you decide, what punishment will you impose? (In your house, physical punishment is not practiced, and “grounding” is never for more than two weeks.)