Chapter 6

Two Other Stories

ABSTRACT

This chapter looks at two other cases of complex real-life situations, which we believe lend themselves well to cross-disciplinary debate. One is a legal case, following the 1987 capsize of Herald of Free Enterprise, a roll-on ferry on its way from Belgium to the UK, which led to 193 deaths; the collapse of the legal proceedings against both company and individual directors contributed to the process of legal reform, which culminated with the introduction of a new law of corporate manslaughter in 2007. We analyse the case from a legal, ethical, philosophical, and public policy perspective, thereby maintaining a Gadamerian focus on practice and public impact. The other case is that of a Balinese artist who, following a spiritual experience, has entirely changed not only his artistic style, but also his way of life. We compare and contrast this with the artistic practice of monks in the Orthodox Christian tradition, where art is yet another form of religious manifestation. Both are good illustrations of the neo-pragmatist notion of a philosophical art of living, and both entail an inter-disciplinary approach to fully understand, one that combines aesthetic, religious, socio-economic, and political considerations.

A HERALD OF HOPE: THE STORY OF A NEW LAW

There are three disciplinary levels intertwined in this story: first, there is the legal case, and how it contributed to a change in law – its impact on UK public policy; second, there is the ethical question concerning the interplay between firms’ moral and legal responsibilities, as well as the wider ethical issue of responsibility towards society; and third, we address the philosophical debate...
Two Other Stories

around how can an inanimate entity such as an organization be held to moral standards and be expected to display moral behavior, as if it had a conscience? With this, we are back to the Frankenstein issue — or the brain-in-a-vat dilemma. Are human beings the only conscious entities? (For purposes of this debate, philosophical distinctions between conscience and consciousness are immaterial). If an entity can think and act autonomously — in the way that companies most certainly can — does that mean it is also self-conscious and responsible for its actions? Does one need a soul to behave ethically?

The Context

The 80’s and the 90’s were dark years for public health and safety in Britain. Train crash after train crash, and building site after building site collapsing, people were dying — unnecessarily. These accidents were avoidable. Admittedly, some of these accidents were taking place at work — especially in so-called hazardous industries as agriculture and construction. (Which is why the unions started protesting.) But a lot of them were due to failures in public transport (ships, trains, etc.), thus affecting the whole society. So, when the then new Prime Minister Tony Blair promised a new law to address the gap in corporate accountability, which would allow companies to be held to account when they were committing gross negligence offences (leading to deaths or serious injuries), trade union members were not the only ones to cheer.

It took ten years for the new law to finally be introduced — and then, only in a diluted form. I was involved in that public campaign during the second half of that decade, between 2004 – 2009, whilst working at the Centre for Corporate Accountability (CCA), a small NGO that led the legal efforts to convince Parliament of the need for the new law. The test of liability imposed by the Corporate Manslaughter and Corporate Homicide Act 2007 is difficult to meet, especially for large corporations — where the management structure is too complex for the line of responsibilities for health and safety polices implementation to be clear, and too remote from the operational levels where safety measures are implemented — or not — to establish liability. Even so, the new law was considered a herald of improved justice insofar as corporate responsibility is concerned.

This chapter looks at one such story of a maritime ‘accident’ that took place in March 1987, where 193 people lost their lives, and no meaningful justice was subsequently achieved in courts. We’ll be asking legal, ethical, and philosophical questions about:
Positive Technology: The Use of Technology for Improving and Sustaining Personal Change
Giuseppe Riva, Daniela Villani, Pietro Cipresso and Andrea Gaggioli (2016). Integrating Technology in Positive Psychology Practice (pp. 1-37). www.igi-global.com/chapter/positive-technology/146897?camid=4v1a

Augmenting Online Mental Health Support Services
Rafael A. Calvo, M. Sazzad Hussain, David Milne, Kjartan Nordbo, Ian Hickie and P. Danckwerts (2016). Integrating Technology in Positive Psychology Practice (pp. 82-103). www.igi-global.com/chapter/augmenting-online-mental-health-support-services/146901?camid=4v1a