

## **JUSTICE by Michael Sandel**

### **Questions for Student Reflection 2013**

NOTE: The online course [www.Justice.Harvard.org](http://www.Justice.Harvard.org) has a beginners and an advanced study guide for each episode. The questions below are primarily from the beginners study guide. Some are original and/or have been modified to fit current circumstances. The brief definitions of different philosophies are excerpted from the text or the on-line guides.

**Utilitarianism:** We should always do whatever will produce the greatest amount of happiness (Jeremy Bentham).

1. Is this right? Should we always try to maximize happiness?
2. Is it always permissible to harm a small number of people in order to prevent harm to a large number?
3. Suppose we have to choose between building a new sports stadium and building a new hospital (see the controversy in Brazil as they prepare for the World Cup and the Olympics). Should we build the stadium if there are more sports fans than sick people? If the sports stadium will bring more money into the economy?
4. John Stuart Mill, a utilitarian, says we should protect individual rights because, in the long run, that is the best way to increase the sum of happiness. Is this true? Is the reason why we should not imprison and torture innocent people?

**Libertarianism:** We must never violate anyone's rights – even if doing so would increase overall happiness (Robert Nozick).

1. Libertarians believe that the greatest threat to individual rights come from the government. They believe that taxing people in order to give it to others (redistributive taxation) in the example of health insurance for low income people (Medicaid) is like forcing you to work for those people. Do you agree? Why or why not?
2. Should there be a minimum wage? Why not just pay what the market will bear?
3. Should we have government loans for low-income students to attend college that are financed by federal taxes? Is this fair to those who must pay their own way?

**The Law of Nature:** There are unalienable rights afforded to every human being by the "law of nature" and no government can override these. These include a *natural* right to life, liberty, and property (John Locke).

1. What does Locke mean by "nature"?
2. Locke thinks that, to be legitimate, government must be by consent. But what counts as consent? Must every single person agree to be governed? What if some people hold out unreasonably?
3. In the 21<sup>st</sup> century, technology has afforded us many new ways to conceive a child. What would Locke say about a woman selling her eggs to an infertile couple so that they might conceive a child? Are the eggs her property to do with what she wants?
4. According to Locke, your natural right to life is "unalienable": you must never give it up, and therefore you must never commit suicide. Is he right? Is it morally wrong to commit suicide, even if one is terminally ill and in endless pain?

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5. What would Locke say about the conflict in the Middle East between the Israelis and the Palestinians? Who “owns” the property in dispute? Is there enough space in the Middle East for everyone and if not, how do we decide who has a right to this land?

**Categorical Imperative:** A law that binds us as rational human beings regardless of our particular ends. Reason can command the will through the categorical imperative. Two principles to use to test the morality of our actions - (I) Act only on principles that we could universalize without contradiction; (II) Act in such a way that you always treat humanity,... never simply as a means, but always at the same time as an end. (Immanuel Kant)

1. According to Kant, morality is doing the right thing *just because* you know it’s the right thing. Is that true? Kant imagines a shopkeeper who does not overcharge his customers only because he fears that word of his dishonesty will spread and he’ll lose money. Kant thinks there’s nothing morally worthy about his action; his honesty is mere prudence, mere selfishness. Do you agree?
2. Kant thinks that every rational human being has dignity, and that everyone’s worth is infinite. Is that true? Do murderers have dignity? (Kant thinks they do, because they have the capacity to choose to do the right thing.)
3. What would Kant think of the “hook-up” culture? Would he condone sexual relationships for the sake of pleasure?

**Principles of justice constructed behind a “veil of ignorance:** (John Rawls) They are the principles we would agree to if we were choosing rules for our society behind a “veil of ignorance,” where no one knows his or her age, sex, race, intelligence, strength, social position, family wealth, religion, or even life goals. Behind this “veil of ignorance,” it is impossible for anyone to propose social rules designed to benefit him more than other people. Therefore, Rawls argues, the principles we would agree to behind the veil of ignorance would be fair and just.

1. Rawls’s first principle says that everyone should have the same set of basic liberties. One example is that everyone should have an equal chance to influence legislation and political affairs. However, today wealthy individuals and corporations exercise much more influence on the government and the laws than the average citizen might. Is this unjust?
2. Rawls’ second principle says that people who are equally talented and equally motivated should have equal chances of success. It holds that social and economic inequality can be justified only if it works to the advantage of the least advantaged members of society.
3. Think of some of the advantages that you have in your life. Do you deserve them more than other people who lack them? Why?
4. Do you think it’s unjust if some people get paid less money for the same job merely because they are a woman or a member of a racial or ethnic minority?

### **Dilemmas of Loyalty: Solidarity, community and patriotism**

1. “Moral individualism” means to be free is to be subject only to obligations I voluntarily incur; whatever I owe others, I owe by virtue of some act of consent – a choice or a promise... I have made, be it tacit or explicit. Is this fair? Do you live this way?
2. The right over the good – Kant and Rawls vs. Aristotle. How

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3. Do we owe an allegiance to our country? If so, what if you lived in South Africa when apartheid was the national law but did not agree with the segregation and oppression of the majority of people?
4. Do you agree with the slogan “Buy American”? Do you try to follow this practice? Why or why not?
5. Do we have a collective responsibility for past injustices even if we were not specifically involved or in agreement? Both Kant and Rawls conceive the moral agent as independent of his or her particular aims and attachments.
6. What communities do you belong to? What loyalty should you have to those communities? What happens if the desires or rights of one community come into conflict with another?

### **General questions:**

1. The philosophers discussed in the text – and the author - are all men and the principle philosophers discussed in the text (Bentham, Mill, Rawls, and Kant) were white men with European backgrounds. Do these facts change how you view their philosophies? How does context and identity affect the development of political philosophy?
2. How would you define “the common good” as new student at UC? What does that mean in day-to-day terms? How do you want to live your life? What are your principles?
3. UC promotes a set of principles and values under the heading of “Just Community”. One of those values is inclusiveness. What does this mean to you? What would the philosophers discussed in the text have to say about inclusiveness?