

00:00:04

Funding for this program is provided by: Additional funding provided by This is a course about Justice and we begin with a story suppose you're the driver of a trolley car, and your trolley car is hurdling down the track at sixty miles an hour and at the end of the track you notice five workers working on the track you tried to stop but you can't your brakes don't work you feel desperate because you know that if you crash into these five workers they will all die let's assume you know that for sure

00:01:05

and so you feel helpless until you notice that there is off to the right a side track at the end of that track there's one worker working on track you're steering wheel works so you can turn the trolley car if you want to onto this side track killing the one but sparing the five. Here's our first question what's the right thing to do? What would you do? Let's take a poll, how many would turn the trolley car onto the side track? How many wouldn't? How many would go straight ahead keep your hands up, those of you who'd go straight ahead.

00:02:04

A handful of people would, the vast majority would turn let's hear first now we need to begin to investigate the reasons why you think it's the right thing to do. Let's begin with those in the majority, who would turn to go onto side track? Why would you do it, what would be your reason? Who's willing to volunteer a reason? Go ahead, stand up. Because it can't be right to kill five people when you can only kill one person instead. it wouldn't be right to kill five if you could kill one person instead

00:02:47

that's a good reason that's a good reason who else? does everybody agree with that reason? go ahead. Well I was thinking it was the same reason it was on 9/11 we regard the people who flew the plane who flew the plane into the Pennsylvania field as heroes because they chose to kill the people on the plane and not kill more people in big buildings. So the principle there was the same on 9/11 it's tragic circumstance, but better to kill one so that five can live is that the reason most of you have, those of you who would turn, yes?

00:03:31

Let's hear now from those in the minority those who wouldn't turn. Well I think that same type of mentality that justifies genocide and totalitarianism in order to save one type of race you wipe out the other. so what would you do in this case? You would to avoid the horrors of genocide you would crash into the five and kill them? Presumably yes. okay who else? That's a brave answer, thank you. Let's consider another trolley car case and see whether those of you in the majority want to adhere to the principle,

00:04:31

better that one should die so that five should live. This time you're not the driver of the trolley car, you're an onlooker standing on a bridge overlooking a trolley car track and down the track comes a trolley car at the end of the track are five workers the brakes don't work the trolley car is about to careen into the five and kill them and now you're not the driver you really feel helpless until you notice standing next to you leaning over the bridge is it very fat man. And you could give him a shove

00:05:23

he would fall over the bridge onto the track right in the way of the trolley car he would die but he would spare the five. Now, how many would push the fat man over the bridge? Raise your hand. How many wouldn't? Most people wouldn't. Here's the obvious question, what became of the principle better to save five lives even if it means sacrificing one, what became of the principal that almost everyone endorsed in the first case I need to hear from someone who was in the majority in both cases is how do you explain the difference between the two?

00:06:18

The second one I guess involves an active choice of pushing a person and down which I guess that that person himself would otherwise not have been involved in the situation at all and so to choose on his behalf I guess to involve him in something that he otherwise would have this escaped is I guess more than what you have in the first case where the three parties, the driver and the two sets of workers are already I guess in this situation. but the guy working, the one on the track off to the side

00:06:55

he didn't choose to sacrifice his life any more than the fat guy did, did he? That's true, but he was on the tracks. this guy was on the bridge. Go ahead, you can come back if you want.

Alright, it's a hard question but you did well you did very well it's a hard question. who else can find a way of reconciling the reaction of the majority in these two cases? Yes? Well I guess in the first case where you have the one worker and the five it's a choice between those two, and you have to make a certain choice and people are going to die because of the trolley car

00:07:41

not necessarily because of your direct actions. The trolley car is a runway, thing and you need to make in a split second choice whereas pushing the fat man over is an actual act of murder on your part you have control over that whereas you may not have control over the trolley car. So I think that it's a slightly different situation. Alright who has a reply? Is that, who has a reply to that? no that was good, who has a way who wants to reply? Is that a way out of this? I don't think that's a very good reason because you choose

00:08:12

either way you have to choose who dies because you either choose to turn and kill a person which is an act of conscious thought to turn, or you choose to push the fat man over which is also an active conscious action so either way you're making a choice. Do you want to reply? Well I'm not really sure that that's the case, it just still seems kind of different, the act of actually pushing someone over onto the tracks and killing them, you are actually killing him yourself, you're pushing him with your own hands you're pushing and

00:08:43

that's different than steering something that is going to cause death into another...you know it doesn't really sound right saying it now when I'm up here. No that's good, what's your name? Andrew. Andrew and let me ask you this question Andrew, suppose standing on the bridge next to the fat man I didn't have to push him, suppose he was standing over a trap door that I could open by turning a steering wheel like that would you turn it? For some reason that still just seems more more wrong. I mean maybe if you just accidentally like leaned into this steering wheel or something like that

00:09:30

or but, or say that the car is hurdling towards a switch that will drop the trap then I could agree with that. Fair enough, it still seems wrong in a way that it doesn't seem wrong in the first case to turn, you say An in another way, I mean in the first situation you're involved directly with the

situation in the second one you're an onlooker as well. So you have the choice of becoming involved or not by pushing the fat man. Let's forget for the moment about this case, that's good, but let's imagine a different case. This time your doctor in an emergency room

00:10:06

and six patients come to you they've been in a terrible trolley car wreck five of them sustained moderate injuries one is severely injured you could spend all day caring for the one severely injured victim, but in that time the five would die, or you could look after the five, restore them to health, but during that time the one severely injured person would die. How many would save the five now as the doctor? How many would save the one? Very few people, just a handful of people. Same reason I assume,

00:10:51

one life versus five. Now consider another doctor case this time you're a transplant surgeon and you have five patients each in desperate need of an organ transplant in order to survive on needs a heart one a lung, one a kidney, one a liver and the fifth a pancreas. And you have no organ donors you are about to see you them die and then it occurs to you that in the next room there's a healthy guy who came in for a checkup. and he is you like that and he's taking a nap you could go in very quietly

00:11:57

yank out the five organs, that person would die but you can save the five. How many would do it? Anyone? How many? Put your hands up if you would do it. Anyone in the balcony? You would? Be careful don't lean over too much How many wouldn't? All right. What do you say, speak up in the balcony, you who would yank out the organs, why? I'd actually like to explore slightly alternate possibility of just taking the one of the five he needs an organ who dies first and using their four healthy organs to save the other four

00:12:50

That's a pretty good idea. That's a great idea except for the fact that you just wrecked the philosophical point. Let's step back from these stories and these arguments to notice a couple of things about the way the arguments have began to unfold. Certain moral principles have already begun to emerge from the discussions we've had and let's consider what those moral principles

look like the first moral principle that emerged from the discussion said that the right thing to do the moral thing to do

00:13:39

depends on the consequences that will result from your action at the end of the day better than five should live even if one must die. That's an example of consequentialist moral reasoning. consequentialist moral reasoning locates morality in the consequences of an act. In the state of the world that will result from the thing you do but then we went a little further, we considered those other cases and people weren't so sure about consequentialist moral reasoning when people hesitated to push the fat man

00:14:24

over the bridge or to yank out the organs of the innocent patient people gestured towards reasons having to do with the intrinsic quality of the act itself. Consequences be what they may. People were reluctant people thought it was just wrong categorically wrong to kill a person an innocent person even for the sake of saving five lives, at least these people thought that in the second version of each story we reconsidered so this points a second categorical way of thinking about moral reasoning

00:15:16

categorical moral reasoning locates morality in certain absolute moral requirements in certain categorical duties and rights regardless of the consequences. We're going to explore in the days and weeks to come the contrast between consequentialist and categorical moral principles. The most influential example of consequential moral reasoning is utilitarianism, a doctrine invented by Jeremy Bentham, the eighteenth century English political philosopher. The most important philosopher of categorical moral reasoning

00:15:57

is the eighteenth century German philosopher Emmanuel Kant. So we will look at those two different modes of moral reasoning assess them and also consider others. If you look at the syllabus, you'll notice that we read a number of great and famous books. Books by Aristotle John Locke Emanuel Kant, John Stuart Mill, and others. You'll notice too from the syllabus that we don't only read these books, we also all take up contemporary political and legal controversies that raise philosophical questions.

00:16:37

We will debate equality and inequality, affirmative action, free speech versus hate speech, same sex marriage, military conscription, a range of practical questions, why not just to enliven these abstract and distant books but to make clear to bring out what's at stake in our everyday lives including our political lives, for philosophy. So we will read these books and we will debate these issues and we'll see how each informs and illuminates the other. This may sound appealing enough but here I have to issue a warning,

00:17:23

and the warning is this to read these books in this way, as an exercise in self-knowledge, to read them in this way carry certain risks risks that are both personal and political, risks that every student of political philosophy have known. These risks spring from that fact that philosophy teaches us and unsettles us by confronting us with what we already know. There's an irony the difficulty of this course consists in the fact that it teaches what you already know. It works by taking what we know from familiar unquestioned settings,

00:18:16

and making it strange. That's how those examples worked worked the hypotheticals with which we began with their mix of playfulness and sobriety. it's also how these philosophical books work. Philosophy estranges us from the familiar not by supplying new information but by inviting and provoking a new way of seeing but, and here's the risk, once the familiar turns strange, it's never quite the same again. Self-knowledge is like lost innocence, however unsettling you find it, it can never be unthought

00:19:10

or unknown what makes this enterprise difficult but also riveting, is that moral and political philosophy is a story and you don't know where this story will lead but what you do know is that the story is about you. Those are the personal risks, now what of the political risks. one way of introducing of course like this would be to promise you that by reading these books and debating these issues you will become a better more responsible citizen. You will examine the presuppositions of public policy, you will hone your political

00:19:56

judgment you'll become a more effective participant in public affairs but this would be a partial and misleading promise political philosophy for the most part hasn't worked that way. You have to allow for the possibility that political philosophy may make you a worse citizen rather than a better one or at least a worse citizen before it makes you a better one and that's because philosophy is a distancing even debilitating activity And you see this going back to Socrates there's a dialogue, the Gorgias

00:20:42

in which one of Socrates' friends Calicles tries to talk him out of philosophizing. calicles tells Socrates philosophy is a pretty toy if one indulges in it with moderation at the right time of life but if one pursues it further than one should it is absolute ruin. Take my advice calicles says, abandon argument learn the accomplishments of active life, take for your models not those people who spend their time on these petty quibbles, but those who have a good livelihood and reputation and many other blessings.

00:21:22

So Calicles is really saying to Socrates quit philosophizing, get real go to business school and calicles did have a point he had a point because philosophy distances us from conventions from established assumptions and from settled beliefs. those are the risks, personal and political and in the face of these risks there is a characteristic evasion, the name of the evasion is skepticism. It's the idea well it goes something like this we didn't resolve, once and for all, either the cases or the principles we were arguing when we began

00:22:10

and if Aristotle and Locke and Kant and Mill haven't solved these questions after all of these years who are we to think that we here in Sanders Theatre over the course a semester can resolve them and so maybe it's just a matter of each person having his or her own principles and there's nothing more to be said about it no way of reasoning that's the evasion. The evasion of skepticism to which I would offer the following reply: it's true these questions have been debated for a very long time but the very fact

00:22:49

that they have reoccurred and persisted may suggest that though they're impossible in one sense their unavoidable in another and the reason they're unavoidable the reason they're

inescapable is that we live some answer to these questions every day. So skepticism, just throwing up their hands and giving up on moral reflection, is no solution Emanuel Kant described very well the problem with skepticism when he wrote skepticism is a resting place for human reason where it can reflect upon its dogmatic wanderings

00:23:29

but it is no dwelling place for permanent settlement. Simply to acquiesce in skepticism, Kant wrote, can never suffice to overcome the restlessness of reason. I've tried to suggest through these stories and these arguments some sense of the risks and temptations of the perils and the possibilities I would simply conclude by saying that the aim of this course is to awaken the restlessness of reason and to see where it might lead thank you very much. Like, in a situation that desperate, you have to do what you have to do to survive. You have to do what you have to do you? You've gotta do

00:24:21

What you gotta do. pretty much, If you've been going nineteen days without any food someone has to take the sacrifice, someone has to make the sacrifice and people can survive. Alright that's good, what's your name? Marcus. Marcus, what do you say to Marcus? Last time we started out last time with some stores with some moral dilemmas about trolley cars and about doctors and healthy patients vulnerable to being victims of organ transplantation we noticed two things about the arguments we had one had to do with the way we were arguing

00:25:11

it began with our judgments in particular cases we tried to articulate the reasons or the principles lying behind our judgments and then confronted with a new case we found ourselves re-examining those principles revising each in the light of the other and we noticed the built-in pressure to try to bring into alignment our judgments about particular cases and the principles we would endorse on reflection we also noticed something about the substance of the arguments that emerged from the discussion.

00:25:55

We noticed that sometimes we were tempted to locate the morality of an act in the consequences in the results, in the state of the world that it brought about. We called is consequentialist moral reason. But we also noticed that in some cases we weren't swayed only

by the results sometimes, many of us felt, that not just consequences but also the intrinsic quality or character of the act matters morally. Some people argued that there are certain things that are just categorically wrong even if they bring about

00:26:43

a good result even if they save five people at the cost of one life. So we contrasted consequentialist moral principles with categorical ones. Today and in the next few days we will begin to examine one of the most influential versions of consequentialist moral theory and that's the philosophy of utilitarianism. Jeremy Bentham, the eighteenth century English political philosopher gave first the first clear systematic expression to the utilitarian moral theory. And Bentham's idea, his essential idea

00:27:38

is a very simple one with a lot of morally intuitive appeal. Bentham's idea is the following the right thing to do the just thing to do it's to maximize utility. What did he mean by utility? He meant by utility the balance of pleasure over pain, happiness over suffering. Here's how we arrived at the principle of maximizing utility. He started out by observing that all of us all human beings are governed by two sovereign masters, pain and pleasure. We human beings like pleasure and dislike pain and so we should base morality

00:28:46

whether we are thinking of what to do in our own lives or whether as legislators or citizens we are thinking about what the law should be, the right thing to do individually or collectively is to maximize, act in a way that maximizes the overall level of happiness. Bentham's utilitarianism is sometimes summed up with the slogan the greatest good for the greatest number. With this basic principle of utility on hand, let's begin to test it and to examine it by turning to another case another story but this time

00:29:31

not a hypothetical story, a real-life story the case of the Queen versus Dudley and Stephens. This was a nineteenth-century British law case that's famous and much debated in law schools. Here's what happened in the case I'll summarize the story and then I want to hear how you would rule imagining that you are the jury. A newspaper account of the time described the

background: A sadder story of disaster at sea was never told than that of the survivors of the yacht Mignonette. The ship foundered in the south Atlantic

00:30:19

thirteen hundred miles from the cape there were four in the crew, Dudley was the captain Stephens was the first mate Brooks was a sailor, all men of excellent character, or so the newspaper account tells us. The fourth crew member was the cabin boy, Richard Parker seventeen years old. He was an orphan he had no family and he was on his first long voyage at sea. He went, the news account tells us, rather against the advice of his friends. He went in the hopefulness of youthful ambition thinking the journey would make a man of him.

00:31:03

Sadly it was not to be, the facts of the case were not in dispute, a wave hit the ship and the Mignonette went down. The four crew members escaped to a lifeboat the only food they had were two cans of preserved turnips no fresh water for the first three days they ate nothing on the fourth day that opened one of the cans of turnips and ate it. The next day they caught a turtle together with the other can of turnips the turtle enabled them to subsist for the next few days and then for eight days they had nothing

00:31:44

no food no water. Imagine yourself in a situation like that what would you do? Here's what they did by now the cabin boy Parker is lying at the bottom of the lifeboat in a corner because he had drunk sea water against the advice of the others and he had become ill and he appeared to be dying so on the nineteenth day Dudley, the captain, suggested that they should all have a lottery. That they should all draw lots to see who would die to save the rest. Brooks refused he didn't like the lottery idea

00:32:29

we don't know whether this was because he didn't want to take that chance or because he believed in categorical moral principles but in any case no lots were drawn. The next day there was still no ship in sight so a Dudley told Brooks to avert his gaze and he motioned to Stephens that the boy Parker had better be killed. Dudley offered a prayer he told a the boy his time had come and he killed him with a pen knife stabbing him in the jugular vein. Brooks emerged from his conscientious objection to share in the gruesome bounty.

00:33:10

For four days the three of them fed on the body and blood of the cabin boy. True story. And then they were rescued. Dudley describes their rescue in his diary with staggering euphemism, quote: "on the twenty fourth day as we were having our breakfast a ship appeared at last." The three survivors were picked up by a German ship. They were taken back to Falmouth in England where they were arrested and tried Brooks turned state's witness Dudley and Stephens went to trial. They didn't dispute the facts

00:33:54

they claimed they had acted out of necessity that was their defense they argued in effect better that one should die so that three could survive the prosecutor wasn't swayed by that argument he said murder is murder and so the case went to trial. Now imagine you are the jury and just to simplify the discussion put aside the question of law, and let's assume that you as the jury are charged with deciding whether what they did was morally permissible or not. How many would vote not guilty, that what they did was morally permissible?

00:34:50

And how many would vote guilty what they did was morally wrong? A pretty sizable majority. Now let's see what people's reasons are, and let me begin with those who are in the minority. Let's hear first from the defense of Dudley and Stephens. Why would you morally exonerate them? What are your reasons? I think it's I think it is morally reprehensible but I think that there's a distinction between what's morally reprehensible what makes someone legally accountable in other words the night as the judge said what's always moral isn't necessarily

00:35:31

against the law and while I don't think that necessity justifies theft or murder any illegal act, at some point your degree of necessity does in fact exonerate you from any guilt. ok. other defenders, other voices for the defense? Moral justifications for what they did? yes, thank you I just feel like in a situation that desperate you have to do what you have to do to survive. You have to do what you have to do ya, you gotta do what you gotta do, pretty much. If you've been going nineteen days without any food

00:36:10

you know someone just has to take the sacrifice has to make sacrifices and people can survive and furthermore from that let's say they survived and then they become productive members of society who go home and then start like a million charity organizations and this and that and this and that, I mean they benefit everybody in the end so I mean I don't know what they did afterwards, I mean they might have gone on and killed more people but whatever. what? what if they were going home and turned out to be assassins?

00:36:36

What if they were going home and turned out to be assassins? You would want to know who they assassinated. That's true too, that's fair I would wanna know who they assassinated. alright that's good, what's your name? Marcus. We've heard a defense a couple voices for the defense now we need to hear from the prosecution most people think what they did was wrong, why? One of the first things that I was thinking was, oh well if they haven't been eating for a really long time, maybe then they're mentally affected

00:37:15

that could be used for the defense, a possible argument that oh, that they weren't in a proper state of mind, they were making decisions that they otherwise wouldn't be making, and if that's an appealing argument that you have to be in an altered mindset to do something like that it suggests that people who find that argument convincing do you think that they're acting immorally. But I want to know what you think you're defending you k 0:37:41.249,0:37:45.549 you voted to convict right? yeah I don't think that they acted in morally

00:37:46

appropriate way. And why not? What do you say, Here's Marcus he just defended them, he said, you heard what he said, yes I did yes that you've got to do what you've got to do in a case like that. What do you say to Marcus? They didn't, that there is no situation that would allow human beings to take the idea of fate or the other people's lives into their own hands that we don't have that kind of power. Good, okay thanks you, and what's your name? Britt? okay. who else? What do you say? Stand up

00:38:28

I'm wondering if Dudley and Stephens had asked for Richard Parker's consent in, you know, dying, if that would exonerate them from an act of murder, and if so is that still

morally justifiable? That's interesting, alright consent, now hang on, what's your name? Kathleen. Kathleen says suppose so what would that scenario look like? so in the story Dudley is there, pen knife in hand, but instead of the prayer or before the prayer, he says, Parker, would you mind we're desperately hungry,

00:39:14

as Marcus empathizes with we're desperately hungry you're not going to last long anyhow, you can be a martyr, would you be a martyr how about it Parker? Then, then then what do you think, would be morally justified then? Suppose Parker in his semi-stupor says okay I don't think it'll be morally justifiable but I'm wondering. Even then, even then it wouldn't be? No You don't think that even with consent it would be morally justified. Are there people who think who want to take up Kathleen's consent idea

00:39:57

and who think that that would make it morally justified? Raise your hand if it would if you think it would. That's very interesting Why would consent make a moral difference? Why would it? Well I just think that if he was making his own original idea and it was his idea to start with then that would be the only situation in which I would see it being appropriate in anyway

0:40:25.940,0:40:28.359 because that way you couldn't make the argument that he was pressured you know it's three to one or whatever the ratio was,

00:40:33

and I think that if he was making a decision to give his life then he took on the agency to sacrifice himself which some people might see as admirable and other people might disagree with that decision. So if he came up with the idea that's the only kind of consent we could have confidence in morally, then it would be okay otherwise it would be kind of coerced consent under the circumstances you think. Is there anyone who thinks that the even the consent of Parker would not justify their killing him?

00:41:15

Who thinks that? Yes, tell us why, stand up I think that Parker would be killed with the hope that the other crew members would be rescued so there's no definite reason that he should be killed because you don't know when they're going to get rescued so if you kill him you're killing him in vain do you keep killing a crew member until you're rescued and then you're left with no one?

because someone's going to die eventually? Well the moral logic of the situation seems to be that. That they would

00:41:46

keep on picking off the weakest maybe, one by one, until they were rescued and in this case luckily when three at least were still alive. Now if if Parker did give his consent would it be all right do you think or not? No, it still wouldn't be right. Tell us why wouldn't be all right. First of all, cannibalism, I believe is morally incorrect so you shouldn't be eating a human anyway. So cannibalism is morally objectionable outside so then even in the scenario of waiting until someone died still it would be objectionable.

00:42:27

Yes, to me personally I feel like of it all depends on one's personal morals, like we can't just, like this is just my opinion of course other people are going to disagree. Well let's see, let's hear what their disagreements are and then we'll see if they have reasons that can persuade you or not. Let's try that Let's now is there someone who can explain, those of you who are tempted by consent can you explain why consent makes such a moral difference, what about the lottery idea does that count as consent. Remember at the beginning

00:43:09

Dudley proposed a lottery suppose that they had agreed to a lottery then how many would then say it was all right. Say there was a lottery, cabin boy lost, and the rest of the story unfolded. How many people would say it's morally permissible? So the numbers are rising if we add a lottery, let's hear from one of you for whom the lottery would make a moral difference why would it? I think the essential element, in my mind that makes it a crime is the idea that they decided at some point that their lives were more important than his, and that

00:43:54

I mean that's kind of the basis for really any crime right? It's like my needs, my desire is a more important than yours and mine take precedent and if they had done a lottery were everyone consented that someone should die and it's sort of like they're all sacrificing themselves, to save the rest, Then it would be all right? A little grotesque but, But morally permissible? Yes. what's your name? Matt. so, Matt for you what bothers you is not the cannibalism, but the lack of due process. I guess you could say that

00:44:35

And can someone who agrees with Matt say a little bit more about why a lottery would make it, in your view, morally permissible. The way I understood it originally was that that was the whole issue is that the cabin boy was never consulted about whether or not it something was going to happen to him even though with the original lottery whether or not he would be a part of that it was just decided that he was the one that was going to die. Yes that's what happened in the actual case but if there were a lottery and they all agreed to the procedure

00:45:12

you think that would be okay? Right, because everyone knows that there's gonna be a death whereas you know the cabin boy didn't know that this discussion was even happening there was no you know forewarning for him to know that hey, I may be the one that's dying. Okay, now suppose the everyone agrees to the lottery they have the lottery the cabin boy loses any changes his mind. You've already decided, it's like a verbal contract, you can't go back on that. You've decided the decision was made

00:45:41

you know if you know you're dying for the reason for at others to live, you would, you know if the someone else had died you know that you would consume them, so But then he could say I know, but I lost. I just think that that's the whole moral issue is that there was no consulting of the cabin boy and that that's what makes it the most horrible is that he had no idea what was even going on, that if he had known what was going on it would be a bit more understandable. Alright, good, now I want to hear

00:46:15

so there's some who think it's morally permissible but only about twenty percent, led by Marcus, then there are some who say the real problem here is the lack of consent whether the lack of consent to a lottery to a fair procedure or Kathleen's idea, lack of consent at the moment of death and if we add consent then more people are willing to consider the sacrifice morally justified. I want to hear now finally from those of you who think even with consent even with a lottery even with a final murmur of consent from Parker

00:47:07

at the very last moment it would still be wrong and why would it be wrong that's what I want to hear. well the whole time I've been leaning towards the categorical moral reasoning and I think that there's a possibility I'd be okay with the idea of the lottery and then loser taking into their own hands to kill themselves so there wouldn't be an act of murder but I still think that even that way it's coerced and also I don't think that there's any remorse like in Dudley's diary we're getting our breakfast

00:47:45

it seems as though he's just sort of like, oh, you know that whole idea of not valuing someone else's life so that makes me feel like I have to take the categorical stance. You want to throw the book at him. when he lacks remorse or a sense of having done anything wrong. Right. Alright, good so are there any other defenders who say it's just categorically wrong, with or without consent, yes stand up. Why? I think undoubtedly the way our society is shaped, murder is murder murder is murder and every way our society looks down at it in the same light

00:48:22

and I don't think it's any different in any case. Good now let me ask you a question, there were three lives at stake versus one, the one, that the cabin boy, he had no family he had no dependents, these other three had families back home in England they had dependents they had wives and children think back to Bentham, Bentham says we have to consider the welfare, the utility, the happiness of everybody. We have to add it all up so it's not just numbers three against one it's also all of those people at home

00:48:59

in fact the London newspaper at the time and popular opinion sympathized with them Dudley in Stephens and the paper said if they weren't motivated by affection and concern for their loved ones at home and dependents, surely they wouldn't have done this. Yeah, and how is that any different from people on the corner trying to having the same desire to feed their family, I don't think it's any different. I think in any case if I'm murdering you to advance my status, that's murder and I think that we should look at all

00:49:25

of that in the same light. Instead of criminalizing certain activities and making certain things seem more violent and savage when in that same case it's all the same act and mentality that

goes into the murder, a necessity to feed their families. Suppose there weren't three, supposed there were thirty, three hundred, one life to save three hundred or in more time, three thousand or suppose the stakes were even bigger. Suppose the stakes were even bigger I think it's still the same deal. Do you think Bentham was wrong to say the right thing to do

00:49:58

is to add up the collected happiness, you think he's wrong about that? I don't think he is wrong, but I think murder is murder in any case. Well then Bentham has to be wrong if you're right he's wrong. okay then he's wrong. Alright thank you, well done. Alright, let's step back from this discussion and notice how many objections have we heard to what they did. we heard some defenses of what they did the defense has had to do with necessity the dire circumstance and, implicitly at least, the idea that numbers matter

00:50:36

and not only numbers matter but the wider effects matter their families back home, their dependents Parker was an orphan, no one would miss him. so if you add up if you tried to calculate the balance of happiness and suffering you might have a case for saying what they did was the right thing then we heard at least three different types of objections, we heard an objection that's said what they did was categorically wrong, right here at the end categorically wrong. Murder is murder it's always wrong

00:51:20

even if it increases the overall happiness of society the categorical objection. But we still need to investigate why murder is categorically wrong. Is it because even cabin boys have certain fundamental rights? And if that's the reason where do those rights come from if not from some idea of the larger welfare or utility or happiness? Question number one. Others said a lottery would make a difference a fair procedure, Matt said. And some people were swayed by that. That's not a categorical objection exactly

00:52:12

it's saying everybody has to be counted as an equal even though, at the end of the day one can be sacrificed for the general welfare. That leaves us with another question to investigate, Why does agreement to certain procedure, even a fair procedure, justify whatever result flows from the operation of that procedure? Question number two. and question number three the basic

idea of consent. Kathleen got us on to this. If the cabin boy had agreed himself and not under duress as was added then it would be all right to take his life to save the rest.

00:53:02

Even more people signed on to that idea but that raises a third philosophical question what is the moral work that consent does? Why does an act of consent make such a moral difference that an act that would be wrong, taking a life, without consent is morally permissible with consent? To investigate those three questions we're going to have to read some philosophers and starting next time we're going to read Bentham, and John Stuart Mill, utilitarian philosophers. Don't miss the chance to interact online with other viewers of Justice

00:53:44

join the conversation, take a pop quiz, watch lectures you've missed, and a lot more. Visit [www.justiceharvard.org](http://www.justiceharvard.org). It's the right thing to do. Funding for the program is provided by Additional funding provided by

Justice: What's The Right Thing To Do? Episode 01 "THE MORAL SIDE OF MURDER"