Episode One

PART ONE: THE MORAL SIDE OF MURDER
If you had to choose between (1) killing one person to save the lives of five others and (2) doing nothing even though you knew that five people would die right before your eyes if you did nothing—what would you do? What would be the right thing to do? That’s the hypothetical scenario Professor Michael Sandel uses to launch his course on moral reasoning. After the majority of students votes for killing the one person in order to save the lives of five others, Sandel presents three similar moral conundrums—each one artfully designed to make the decision more difficult. As students stand up to defend their conflicting choices, it becomes clear that the assumptions behind our moral reasoning are often contradictory, and the question of what is right and what is wrong is not always black and white.

PART TWO: THE CASE FOR CANNIBALISM
Sandel introduces the principles of utilitarian philosopher, Jeremy Bentham, with a famous nineteenth century legal case involving a shipwrecked crew of four. After nineteen days lost at sea, the captain decides to kill the weakest amongst them, the young cabin boy, so that the rest can feed on his blood and body to survive. The case sets up a classroom debate about the moral validity of utilitarianism—and its doctrine that the right thing to do is whatever produces "the greatest good for the greatest number."

Harming the Innocent
According to the principle of utility, we should always do whatever will produce the greatest amount of happiness and whatever is necessary to prevent the greatest amount of unhappiness. But what if the only way to produce happiness, and to prevent unhappiness, is to harm or even kill innocent people?

1. Suppose you are driving through a narrow tunnel and a worker falls onto the road in front of you. There is not enough time for you to stop. If you keep straight, you will hit the worker and kill him, but if you swerve left into oncoming traffic, you will collide with a school bus and kill at least five children. What’s the right thing to do? Does utilitarianism get the right answer?

2. Suppose ten thousand innocent civilians live next to a munitions factory in a country at war. If you bomb the factory, all of them will die. If you don’t bomb the factory, it will be used to produce bombs that will be dropped on fifty thousand innocent civilians in another country. What’s the right thing to do? Does utilitarianism get the right answer?
3. Suppose a man has planted a bomb in New York City, and it will explode in twenty-four hours unless the police are able to find it. Should it be legal for the police to use torture to extract information from the suspected bomber? Does utilitarianism get the right answer?

4. Now suppose the man who has planted the bomb will not reveal the location unless an innocent member of his family is tortured. Should it be legal for the police to torture innocent people, if that is truly the only way to discover the location of a large bomb? Does utilitarianism have the right answer?

Telling the Truth

The principle of utility tells us to do whatever is necessary to minimize pain and unhappiness, but pain and unhappiness have many sources. There are times when telling people the truth would make them very unhappy. Should you lie to a person whenever lying is the only way to spare his or her feelings and prevent unhappiness?

1. Suppose your friend likes to sing in the shower, and he thinks he is an excellent singer. In fact, however, he sounds truly awful. Should you tell him the truth, even if it will ruin his self-confidence? Does utilitarianism have the right answer?

2. Suppose a man has been missing for many years, and you have just learned that he is dead. Should you tell the man’s father, even if it will crush his hopes and send him into despair? Does utilitarianism have the right answer?

3. If you think it would be wrong to lie in one or both of these cases, do you think there is sometimes a moral duty to tell the truth despite the consequences? Does this duty mean that the principle of utility is mistaken?

Living Your Life

The principle of utility says that we should always maximize happiness. It does not matter whether we are deciding on the laws of our country as citizens and officials, or whether we are deciding what to do in our own private lives. In every possible case, the principle of utility tells us to choose the course of action that will produce the greatest amount of happiness. Is that right?

1. There are many needy people in the world who could benefit from your help. If you were to volunteer one evening per week, you could reduce need and thereby
increase the sum of happiness. But if you were to volunteer all of your evenings, then you could produce even more happiness. Should you volunteer all of your spare time to helping the needy? Would it be wrong not to do so?

2. There are many poor people in the world who lack the money to buy food, clothing, shelter, and medicine. If you were to donate $100 to a charity such as Oxfam, then some of these people would get what they desperately need and you would thereby increase happiness. But if you were to donate all of your spare income each month, then even more people would get what they desperately need and you would produce even more happiness. Should you donate all of your spare income to charities such as Oxfam? Would it be wrong not to do so?

**Episode Two**

**PART ONE: PUTTING A PRICE TAG ON LIFE**

Today, companies and governments often use Jeremy Bentham’s utilitarian logic under the name of “cost-benefit analysis.” Sandel presents some contemporary cases in which cost-benefit analysis was used to put a dollar value on human life. The cases give rise to several objections to the utilitarian logic of seeking “the greatest good for the greatest number.” Should we always give more weight to the happiness of a majority, even if the majority is cruel or ignoble? Is it possible to sum up and compare all values using a common measure like money?

**PART TWO: HOW TO MEASURE PLEASURE**

Sandel introduces J.S. Mill, a utilitarian philosopher who attempts to defend utilitarianism against the objections raised by critics of the doctrine. Mill argues that seeking “the greatest good for the greatest number” is compatible with protecting individual rights, and that utilitarianism can make room for a distinction between higher and lower pleasures. Mill’s idea is that the higher pleasure is always the pleasure preferred by a well-informed majority. Sandel tests this theory by playing video clips from three very different forms of entertainment: Shakespeare’s Hamlet, the reality show Fear Factor, and The Simpsons. Students debate which experience provides the higher pleasure, and whether Mill’s defense of utilitarianism is successful.

**Episode Three**
PART ONE: FREE TO CHOOSE
Sandel introduces the libertarian conception of individual rights, according to which only a minimal state is justified. Libertarians argue that government shouldn’t have the power to enact laws that 1) protect people from themselves, such as seat belt laws, 2) impose some people’s moral values on society as a whole, or 3) redistribute income from the rich to the poor. Sandel explains the libertarian notion that redistributive taxation is akin to forced labor with references to Bill Gates and Michael Jordan.

PART TWO: WHO OWNS ME?
Libertarian philosopher Robert Nozick makes the case that taxing the wealthy—to pay for housing, health care, and education for the poor—is a form of coercion. Students first discuss the arguments behind redistributive taxation. Don’t most poor people need the social services they receive in order to survive? If you live in a society that has a system of progressive taxation, aren’t you obligated to pay your taxes? Don’t many rich people often acquire their wealth through sheer luck or family fortune? A group of students dubbed “Team Libertarian” volunteers to defend the libertarian philosophy against these objections.

Episode Four

PART ONE: THIS LAND IS MY LAND
The philosopher John Locke believes that individuals have certain rights so fundamental that no government can ever take them away. These rights—to life, liberty and property—were given to us as human beings in the “the state of nature,” a time before government and laws were created. According to Locke, our natural rights are governed by the law of nature, known by reason, which says that we can neither give them up nor take them away from anyone else. Sandel wraps up the lecture by raising a question: what happens to our natural rights once we enter society and consent to a system of laws?

PART TWO: CONSENTING ADULTS
If we all have unalienable rights to life, liberty, and property, how can a government enforce tax laws passed by the representatives of a mere majority? Doesn’t that amount to taking some people’s property without their consent? Locke’s response is that we give our “tacit consent” to obey the tax laws passed by a majority when we choose to live in a society. Therefore, taxation is legitimate and compatible with individual rights, as long as it applies to everyone and does not arbitrarily single anyone out.

Episode Five
PART ONE: HIRED GUNS
During the Civil War, men drafted into war had the option of hiring substitutes to fight in their place. Professor Sandel asks students whether they consider this policy just. Many do not, arguing that it is unfair to allow the affluent to avoid serving and risking their lives by paying less privileged citizens to fight in their place. This leads to a classroom debate about war and conscription. Is today’s voluntary army open to the same objection? Should military service be allocated by the labor market or by conscription? What role should patriotism play, and what are the obligations of citizenship? Is there a civic duty to serve one’s country? And are utilitarians and libertarians able to account for this duty?

PART TWO: MOTHERHOOD: FOR SALE
In this lecture, Professor Sandel examines the principle of free-market exchange in light of the contemporary controversy over reproductive rights. Sandel begins with a humorous discussion of the business of egg and sperm donation. He then describes the case of “Baby M”—a famous legal battle in the mid-eighties that raised the unsettling question, “Who owns a baby?” In 1985, a woman named Mary Beth Whitehead signed a contract with a New Jersey couple, agreeing to be a surrogate mother in exchange for a fee of $10,000. However, after giving birth, Ms. Whitehead decided she wanted to keep the child, and the case went to court. Sandel and students debate the nature of informed consent, the morality of selling a human life, and the meaning of maternal rights.

Episode Six

PART ONE: MIND YOUR MOTIVE
Professor Sandel introduces Immanuel Kant, a challenging but influential philosopher. Kant rejects utilitarianism. He argues that each of us has certain fundamental duties and rights that take precedence over maximizing utility. Kant rejects the notion that morality is about calculating consequences. When we act out of duty—doing something simply because it is right—only then do our actions have moral worth. Kant gives the example of a shopkeeper who passes up the chance to shortchange a customer only because his business might suffer if other customers found out. According to Kant, the shopkeeper’s action has no moral worth, because he did the right thing for the wrong reason.

PART TWO: THE SUPREME PRINCIPLE OF MORALITY
Immanuel Kant says that insofar as our actions have moral worth, what confers moral worth is our capacity to rise above self-interest and inclination and to act out of duty. Sandel tells the true story of a thirteen-year old boy who won a spelling bee contest, but then admitted to the judges that he had, in fact, misspelled the final word. Using this story and others, Sandel explains Kant’s test for determining whether an action is morally right: to identify the principle expressed in our action and then ask whether that principle could ever become a universal law that every other human being could act on.
According to utilitarians, the right thing to do is always to maximize happiness. Libertarians think that the right thing to do is most often to let people do whatever they want. John Locke’s theory says that there are unalienable rights, afforded to every human being by the “law of nature.”

The famous philosopher Immanuel Kant thought that each of these views was mistaken. Against utilitarians, Kant holds that freedom—and not happiness—is the goal of morality; against Libertarians, Kant denies that freedom consists in doing whatever you want; and against Locke, he holds that morality, duty, and rights have their basis in human reason, not in a law of nature.

So who got it right? A good way to broach the discussion is to examine what Kant says about duty, law, humanity, and freedom.

Duty

According to Kant, it’s common sense that you should always do your duty. Moreover, common sense tells you to do the right thing just because it’s the right thing and not for some other reason. Morality is a matter of having the right attitude, or acting for the right reason. It’s your motive that is important.

To explain this idea, 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. Sure, the prudent shopkeeper does the right thing, so to speak. But he does it for the wrong reason. There’s nothing morally worthy about his action. His honesty is mere prudence, mere selfishness. Kant’s conclusion is that morality consists in doing the right thing for the right reason, or, as he argues, morality is acting from the motive of duty.

Kant imagines a second person, who is naturally sweet and kind and loving. She always does the right thing—but she does it because being good brings her pleasure. Kant thinks this person is not really moral; her actions deserve “praise and encouragement,” but not “esteem.” In a way, they’re just like the actions of the prudent shopkeeper, since they aim at personal pleasure. That’s not morality but habit, argues Kant. Morality is doing the right thing just because you know it’s the right thing.

Is Kant right about what it is to do your duty?

1. Do you always have to do the right thing just because it’s the right thing?
2. Suppose you tell truth because you’re afraid you’ll be caught lying. Haven’t you done the right thing in the end?
3. Suppose a man rescues someone from drowning only to get a reward. Has he done the right thing?
4. Are children who are brought up to be honest and kind not truly moral?
5. Is your childhood education really just a kind of conditioning, or is there value in it aside from making you reflect on your duty?
6. What is moral character, anyway? Is it what you tend to do, or is it your attitude?

Law

Kant says that morality is doing the right thing for the right reason. But what is the right thing?

What is our duty?

Kant’s claim is that our duty is given by the idea of a law—something that tells us what we must do, no matter what. The idea of a law is that it binds everyone, unconditionally. Everyone has to obey it. But this means that, for something to be a law, it must be the case that everyone could obey it. Indeed, says Kant, this is the test for morality. Your action is moral only if it’s done from a motive that everyone else could act on at the same time as you’re acting on it.

Kant demonstrates this test using an example. Suppose you want to swindle your way into some money. You think to yourself, “I’m going to ask my friend to lend me $50, and I’ll promise to pay him back—but I won’t.” Kant thinks your motive doesn’t pass the test. If everyone made false promises in order to get money, and then you tried to make a false promise to get money, it wouldn’t work; your friend wouldn’t believe you, since everyone is always lying. Therefore, your motive is not the kind that everyone else could act on while you’re acting on it, and that means it’s immoral, thinks Kant.

Is this the right test for morality?

1. Kant’s test rules out actions that work by making an exception of yourself. Can you think of other examples of such actions that seem to be immoral?
2. Can you think of exceptional actions that aren’t immoral? Suppose you want to visit a nature preserve. If everyone were to visit at the same time, they would destroy it. But you know they won’t visit, so isn’t it alright for you to go? Is there something problematic about an action that can never be open to everyone? Does Kant have a point?

Humanity

According to Kant, there are different ways to state what our duty is. One of them involves the idea of a law. Another involves the idea of humanity, or human reason. Morality says that you
should never treat rational human beings *merely* as means to your end. Whenever you use someone’s skills or services to your own end, you should always also treat that person as an end in him- or herself.

Since you’re a rational human being, this includes you! Kant thinks that you should never use your *own* reason merely as a means to your end. Therefore, you must never commit suicide, he thinks. That would be to use your reason to end your own existence, which is incompatible with making your own reason your end.

1. Is Kant right that you must never commit suicide? What if you are terminally ill and in endless pain?
2. More generally, is he right that you must always have humanity or human reason as your end?
3. Is there something immoral about a person who seeks only pleasure—like a couch potato—at the expense of developing his mind?
4. Is it necessarily immoral to sacrifice your life to save a beautiful object, like a painting by Picasso, or the Grand Canyon? Isn’t there something potentially noble about such an action, even if sacrifices your own humanity?

**Freedom**

Kant thinks that the goal of morality is not happiness but freedom. But freedom is not just doing whatever you want. Kant has a more demanding idea of freedom as self-determination.

You are free in Kant’s sense only if you live by your own reason. If someone brainwashes you into doing something, you are not free. Likewise, if you buy expensive shoes only because you’ve had the desire implanted in you through advertising, then you are also not free. If you eat lots of ice cream because you can’t control your cravings, then you’re also not free. You are little more than a slave to your desires. You lack freedom in each of these cases because it’s not your own reason that makes you do what you do, but something else—another person, your given desires, your natural cravings, and so on. In Kant’s view, you are not fully free.

Is Kant right about freedom?

1. Isn’t freedom just the ability to do what you want, when you want?
2. What difference does it make that some of your desires come from advertising? Or does Kant have a point? Is it possible to be unfree even if no one holds you back?
3. Are smokers fully free? No one keeps them from quitting smoking, but they often still can’t quit, even though they want to. Are these smokers enslaved to their desires, to cigarettes, to their own bodies?
4. Do you have impulses, cravings, or desires that you find it hard to control? Would it be *liberating* to be able to control them to a greater extent?
Episode Seven

PART ONE: A LESSON IN LYING
Immanuel Kant’s stringent theory of morality allows for no exceptions. Kant believed that telling a lie, even a white lie, is a violation of one’s own dignity. Professor Sandel asks students to test Kant’s theory with this hypothetical case: if your friend were hiding inside your home, and a person intent on killing your friend came to your door and asked you where he was, would it be wrong to tell a lie? If so, would it be moral to try to mislead the murderer without actually lying? This leads to a discussion of the morality of “misleading truths.” Sandel wraps up the lecture with a video clip of one of the most famous, recent examples of dodging the truth: President Clinton talking about his relationship with Monica Lewinsky.

PART TWO: A DEAL IS A DEAL
Sandel introduces the modern philosopher John Rawls and his theory of a “hypothetical social contract.” Rawls argues that principles of justice are the outcome of a special kind of agreement. They are the principles we would all agree to if we had to choose rules for our society and no one had any unfair bargaining power. According to Rawls, the only way to ensure that no one has more power than anyone else is to imagine a scenario where no one knows his or her age, sex, race, intelligence, strength, social position, family wealth, religion, or even his or her goals in life. Rawls calls this hypothetical situation a “veil of ignorance.” What principles would we agree to behind this “veil of ignorance”? And would these principles be fair? Professor Sandel explains the idea of a fair agreement with some humorous examples of actual contracts that produce unfair results.

Episode Eight

PART ONE: WHAT’S A FAIR START?
Is it just to tax the rich to help the poor? John Rawls says we should answer this question by asking what principles you would choose to govern the distribution of income and wealth if you did not know who you were, whether you grew up in privilege or in poverty. Wouldn’t you want an equal distribution of wealth, or one that maximally benefits whomever happens to be the least advantaged? After all, that might be you. Rawls argues that even meritocracy—a distributive system that rewards effort—doesn’t go far enough in leveling the playing field because those who are naturally gifted will always get ahead. Furthermore, says Rawls, the naturally gifted can’t claim much credit because their success often depends on factors as arbitrary as birth order. Sandel makes Rawls’s point when he asks the students who were first born in their family to raise their hands.

PART TWO: WHAT DO WE DESERVE?
Professor Sandel recaps how income, wealth, and opportunities in life should be distributed, according to the three different theories raised so far in class. He summarizes libertarianism, the meritocratic system, and John Rawls’s egalitarian theory. Sandel then launches a discussion of
the fairness of pay differentials in modern society. He compares the salary of former Supreme Court Justice Sandra Day O'Connor ($200,000) with the salary of television’s Judge Judy ($25 million). Sandel asks, is this fair? According to John Rawls, it is not. Rawls argues that an individual’s personal success is often a function of morally arbitrary facts—luck, genes, and family circumstances—for which he or she can claim no credit. Those at the bottom are no less worthy simply because they weren’t born with the talents a particular society rewards, Rawls argues, and the only just way to deal with society’s inequalities is for the naturally advantaged to share their wealth with those less fortunate.

According to the philosopher John Rawls, principles of justice are the outcome of a special kind of hypothetical agreement.

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. Such ignorance makes it 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 a veil of ignorance would be fair and just.

Rawls’s First Principle

Rawls thinks that two principles would be agreed to behind the veil of ignorance. His first principle says that everyone should have the same set of basic liberties, including the freedoms of speech and conscience, the right to hold office and to vote for elected officials, freedom from arbitrary arrest, the right to hold personal property, and so on. According to the first principle, a society in which some people are slaves or serfs, or in which very few people get a say in the government, would be unjust.

1. Do you agree that everyone should have the same basic liberties, whether they are a man or a woman, young or old, rich or poor, part of the minority or part of the majority?
2. Which liberties should everyone have?
3. Why would it be unfair for some people to have more liberty than other people?

Rawls thinks that the unfairness is explained by the idea of a hypothetical agreement made behind a “veil of ignorance.” For example, people would not agree to a system of liberties for men only if they didn’t know whether they themselves would wind up being men or women.
Is Rawls right to think that the unfairness of a society that distributes liberties unequally is best explained by the idea of an agreement behind the veil of ignorance? If not, what explains the unfairness?

1. Rawls’s first principle says that everyone should have an equal chance to run for public office. Do you agree? By law, U.S. citizens who were born outside of the United States are not eligible to run for president. Do you think this law is unjust? Does Rawls’s theory provide the best way of thinking about the justice or injustice of this law?

2. Rawls’s first principle says that everyone should 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? If so, do you think that Rawls’ theory best explains why it is unjust?

**Fair Equality of Opportunity**

Rawls’s second principle of justice has two parts. The first part says that society must ensure that there is fair equality of opportunity. Fair equality of opportunity is different from formal equality of opportunity, or the idea of careers open to talents.

There is even a lack of formal equal opportunities when the best jobs are legally restricted to members of a powerful group. This was the case in the United States before the Civil Rights Movement and racial desegregation. However, there can be inequality of opportunity even without such legal restrictions. Often, poor kids who are very talented have unequal opportunities because their parents lack the money to send them to good schools, to pay for private lessons, and so on. Compared to equally talented children of rich parents, poor kids have fewer opportunities to develop their talents.

According to Rawls’s idea of fair equality of opportunity, this is unjust. People with the same natural talents and the same willingness to use them should have the same chances of success, no matter how rich or poor their parents, no matter their sex, or race, or any other social distinction. Do you agree?

1. If you think that poor kids should have the same chances of success as equally talented rich kids, does that mean you agree with Rawls’s second principle? Suppose it turns out that satisfying this principle would require enormous taxes on the rich. After all, it would cost a lot of money to provide schools of the exact same quality to everyone. Do you think that justice requires such taxation?
2. Rawls’s idea of fair of equality of opportunity could also be seen to require steep inheritance taxes. After all, children who inherit lots of money have a huge advantage in the competition for jobs, money, and success. Do you think that children should be able to inherit great wealth from their parents?

3. Should the children of rich parents be allowed to get very expensive, private math lessons, or singing lessons, or basketball lessons? What if such lessons give them a huge, unearned advantage in the race for jobs, careers, and wealth? Is it just for poor children to have much lower prospects as a result?

The Difference Principle

The second part of Rawls’s second principle is called the difference principle, and it is even more egalitarian than Rawls’s idea of fair equality of opportunity.

The difference principle says that there should be no differences in income and wealth, except those differences that make even the least advantaged members of society better off. Not even superior effort makes a person deserving of special rewards. After all, argues Rawls, your ability to make a good effort is partly dependent on how good your childhood was, whether your parents loved you and provided encouragement, or whether you were neglected and abandoned. All of these are factors over which you had no control. Therefore, if you are now able to make a good effort, you can’t really claim credit for it. Do you agree?

1. Is it true that you can’t really claim credit for your upbringing? Surely, your habits and temperaments today are partly the result of your upbringing. Does this mean that you don’t really deserve what you get from making an effort?

2. Think of some of the advantages that you have in your life. Do you deserve them more than other people who lack them? If so, why? If not, should these advantages be provided to everyone?

3. Do you think it’s unjust if some people do not get to vote in elections merely because they are a woman or merely because of the color of their skin?

4. Do you think it’s unjust if some people earn much less money and are much worse off than others merely because they are a woman or a member of a racial or ethnic minority?

5. If you answered “yes” to the last two questions, do you think it’s also unjust if some people are much worse off than others merely because they were born with fewer talents or with a debilitating disease and the need for expensive medicines? Why should people be worse off merely because of the way they were born?

Episode Nine
PART ONE: ARGUING AFFIRMATIVE ACTION
Sandel describes the 1996 court case of a white woman named Cheryl Hopwood who was denied admission to a Texas law school, even though she had higher grades and test scores than some of the minority applicants who were admitted. Hopwood took her case to court, arguing the school’s affirmative action program violated her rights. Students discuss the pros and cons of affirmative action. Should we try to correct for inequality in educational backgrounds by taking race into consideration? Should we compensate for historical injustices such as slavery and segregation? Is the argument in favor of promoting diversity a valid one? How does it size up against the argument that a student’s efforts and achievements should carry more weight than factors that are out of his or her control and therefore arbitrary? When a university’s stated mission is to increase diversity, is it a violation of rights to deny a white person admission?

PART TWO: WHAT’S THE PURPOSE?
Sandel introduces Aristotle and his theory of justice. Aristotle disagrees with Rawls and Kant. He believes that justice is about giving people their due, what they deserve. When considering matters of distribution, Aristotle argues one must consider the goal, the end, the purpose of what is being distributed. The best flutes, for example, should go to the best flute players. And the highest political offices should go to those with the best judgment and the greatest civic virtue. For Aristotle, justice is a matter of fitting a person’s virtues with an appropriate role.

Episode Ten

PART ONE: THE GOOD CITIZEN
Aristotle believes the purpose of politics is to promote and cultivate the virtue of its citizens. The telos or goal of the state and political community is the “good life”. And those citizens who contribute most to the purpose of the community are the ones who should be most rewarded. But how do we know the purpose of a community or a practice? Aristotle’s theory of justice leads to a contemporary debate about golf. Sandel describes the case of Casey Martin, a disabled golfer, who sued the PGA after it declined his request to use a golf cart on the PGA Tour. The case leads to a debate about the purpose of golf and whether a player’s ability to “walk the course” is essential to the game.

PART TWO: FREEDOM VS. FIT
How does Aristotle address the issue of individual rights and the freedom to choose? If our place in society is determined by where we best fit, doesn’t that eliminate personal choice? What if I am best suited to do one kind of work, but I want to do another? In this lecture, Sandel addresses one of the most glaring objections to Aristotle’s views on freedom—his defense of slavery as a fitting social role for certain human beings. Students discuss other objections to Aristotle’s theories and debate whether his philosophy overly restricts the freedom of individuals.
Aristotle, one of the most important philosophers ever to write about justice lived in ancient Greece, some 2400 years ago. He thought that justice means giving each person his due, or what he deserves. But how do we know what people deserve? What goods and opportunities should go to which persons?

Aristotle’s answer is that we have to consider the “telos”—the point, the end, or the purpose—of the good in question. Say we have some nice flutes. Who should get them? According to Aristotle, it’s not the rich person, since playing flutes has nothing to do with money. Nor is it the person who will be made most happy, since making good music is different than being happy. The purpose of a flute is to be played, and to be played well. So, Aristotle thinks, the flutes should go to the best flute players.

Aristotle’s method is to think about justice by thinking about the purpose of a good, an institution, or even a person. If the purpose of a tennis court is to play tennis, then the best tennis players should get priority. If the purpose of universities is to pursue and reward scholarly excellence, then the students with the best academic records should be admitted. If the purpose of a human being is to live a good life, then society should promote the good life by ensuring that citizens have the resources necessary for living a good life, and by encouraging them in the pursuits that make for a good life.

Is this the right way to think about justice?

What is the Purpose of an Institution?

If we want to use Aristotle’s “teleological” method to think about the justice of a particular institution, we need to determine the point or the purpose of the institution. But how are we to know the purpose?

Consider the practice of golf. Is the purpose of golf merely entertainment, or is it athletic excellence? The question is important because the answer will help to determine how golf should be played. If the purpose of golf is mere entertainment, then it shouldn't matter if players ride golf carts from one hole to the next. The use of golf carts does not conflict with the purpose of entertainment. Indeed, allowing golf carts may even serve this purpose better than making everyone walk the long course, by hastening the pace of play. However, if the purpose of golf is
not mere entertainment but athletic excellence, then perhaps players should be required to walk the long course, or else forfeit the game.

How do we know the purpose of golf or any other practice or institution? Should we say that the purpose of an institution is given by what most people believe it to be? The problem with this answer is that people tend to disagree about the purposes of institutions. Does the purpose of an institution lie in its beneficial consequences? Does the purpose lie in the values that the institution promotes, honors, and rewards? Consider each of these alternatives as you think about the following questions.

1. Suppose there are some very good, public tennis courts in your town. Who should get priority to use the courts? Should priority be given to the tennis players who are willing to pay the most? Should court-time be assigned on a first-come, first-served basis? Should priority be given to the worst tennis players, who most need the practice? Should it be given to the best tennis players, who will play the best tennis? Which of these arrangements would be fair or just? What is the purpose of tennis, and does it help you to answer this question?

2. Who should be admitted to colleges and universities? Should admission decisions be made strictly on the basis of academic merit? Or should colleges and universities admit students with a variety of academic and other backgrounds, and to strive for diversity? What would be fair? What is the purpose of higher education, and does it help you to answer this question?

3. For much of its history, the US military did not permit women to serve in its ranks. Was this unjust? What is the purpose of the military, and does it help you to answer this question?

4. “Hooters” is a restaurant that hires only female waitresses who are willing to wear revealing clothing. However, some men want to work there as waiters, too. Is it unfair that “Hooters” hires only women? Consider the purpose of the restaurant. Is it merely to serve food? Or is it to entertain men? Who should get to decide the purpose?

Reasoning from the Purpose
Aristotle’s method of reasoning about justice asks us to reason from the purpose of an institution to a conclusion about how the institution should function. In other words, we start with the purpose and ask how the institution can best serve this purpose. However, can’t the purpose of an institution itself be questioned?

1. Think of the Ku Klux Klan—an association founded with the intention of harassing and even killing African American, Jewish, Hispanic and other minority citizens. This purpose seems clearly unjust. How should we proceed if we want to use Aristotle’s method of thinking about justice? Try to construct a teleological argument against an association such as the KKK. Is it possible to argue against the KKK by reflecting on the purpose of voluntary associations generally?

2. How do we know whether the purpose of a given institution is just or unjust? Try to find a teleological method of answering this question. Perhaps we should ask whether—and how well—the institution contributes to a good society, or to a good human life. But what is a good society, or a good human life?

3. Aristotle thought that human beings were by nature meant to use their reason to deliberate about important moral questions, and to share in the political life of the community. He also thought that government should promote this purpose, by helping people to become better informed, and more virtuous. Do you agree?

4. Think of a law designed to promote civic virtue. Does this law run the risk of unfairly imposing the majority’s values on everyone? Can you think of a law that promotes civic virtue but escapes this objection?

5. Aristotle thinks that the reasoned life of an engaged citizen is a necessary part of a good human life. Is he right? Suppose someone chooses to live alone in the woods, away from the hustle and bustle of communal life. Is there something less good, and less fully human, about a life spent in solitude and isolation? Would it be better to spend one’s life living in a community of equals?

6. Consider this challenge to Aristotle: “Even if it is better to live in a community of equals than to live an isolated life, people should be free to choose for themselves what kind of life to live.” Do you agree?
7. Is Aristotle’s method of reasoning about justice and individual rights in tension with the modern emphasis on individual freedom? Or can his approach make adequate room for the value of individual freedom?

Episode Eleven

PART ONE: THE CLAIMS OF COMMUNITY
Professor Sandel presents Kant’s objections to Aristotle’s theory. Kant believes politics must respect individual freedom. People must always respect other people’s freedom to make their own choices—a universal duty to humanity—but for Kant, there is no other source of moral obligation. The discussion of Kant’s view leads to an introduction to the communitarian philosophy. Communitarians argue that, in addition to voluntary and universal duties, we also have obligations of membership, solidarity, and loyalty. These obligations are not necessarily based on consent. We inherit our past, and our identities, from our family, city, or country. But what happens if our obligations to our family or community come into conflict with our universal obligations to humanity?

PART TWO: WHERE OUR LOYALTY LIES
Professor Sandel leads a discussion about the arguments for and against obligations of solidarity and membership. Do we owe more to our fellow citizens that to citizens of other countries? Is patriotism a virtue, or a prejudice for one’s own kind? If our identities are defined by the particular communities we inhabit, what becomes of universal human rights? Using various scenarios, students debate whether or not obligations of loyalty can ever outweigh universal duties of justice.

Episode Twelve

PART ONE: DEBATING SAME-SEX MARRIAGE
If principles of justice depend on the moral or intrinsic worth of the ends that rights serve, how should we deal with the fact that people hold different ideas and conceptions of what is good? Students address this question in a heated debate about same-sex marriage. Should same-sex marriage be legal? Can we settle the matter without discussing the moral permissibility of homosexuality or the purpose of marriage?

PART TWO: THE GOOD LIFE
Professor Sandel raises two questions. Is it necessary to reason about the good life in order to decide what rights people have and what is just? If so, how is it possible to argue about the
nature of the good life? Students explore these questions with a discussion about the relation of law and morality, as played out in public controversies over same-sex marriage and abortion. Michael Sandel concludes his lecture series by making the point that, in many cases, the law can’t be neutral on hard moral questions. Engaging rather than avoiding the moral convictions of our fellow citizens may be the best way of seeking a just society.