ETHICAL DILEMMA: THE LIFEBOAT CASE

Would you murder one person to save three lives?

READINGS AND DISCUSSION GUIDES

1. THE QUEEN VS DUDLEY AND STEPHENS (1884) (THE LIFEBOAT CASE)

2. JEREMY BENTHAM, PRINCIPLES OF MORALS AND LEGISLATION (1780)

LECTURE 1 – DISCUSSION GUIDE (BEGINNER)

WELCOME TO THE STUDY OF JUSTICE!

Let's start with utilitarianism. 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 is that right? Should you always try to maximize happiness? Should you always do whatever is necessary to minimize unhappiness?

1. There are times when the only way to prevent harm to a large number of people is to harm a smaller number of people. Is it always permissible to harm a smaller number in order to prevent harm to a large number?

2. 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 have the right answer?
3. 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?

4. 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?

5. 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?

LECTURE 1 – DISCUSSION GUIDE (ADVANCED)
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**THE QUEEN VS DUDLEY AND STEPHENS (1884) (THE LIFEBOAT CASE)**

**JEREMY BENTHAM, PRINCIPLES OF MORALS AND LEGISLATION (1780)**

**LECTURE 1 – DISCUSSION GUIDE (BEGINNER)**

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WELCOME TO THE STUDY OF JUSTICE!

Episode One opens our study of justice by considering the philosophy of utilitarianism. A good way to continue the discussion is to consider the principle of utility and to ask whether it always gets the right answer.

**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?

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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?
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ETHICAL DILEMMA: THE COST OF LIFE & THE EPA: UTILITARIANISM

Should the value of a life be variable depending on age?

READINGS AND DISCUSSION GUIDES

J.S. MILL, UTILITARIANISM (1863)

LECTURE 3 – DISCUSSION GUIDE (BEGINNER)

Let's continue the discussion of utilitarianism. According to Jeremy Bentham's principle of utility, we should always do whatever will produce the greatest amount of happiness. Is that right? Consider the following questions, and ask yourself whether they point to a defect in the doctrine of utilitarianism.
1. Suppose we have to choose between building a new sports stadium and building a new hospital. Should we build the stadium if there are many more sports fans than sick people? What about the sick people? Aren’t we sacrificing their interests?

2. Suppose we have $1 million of government money. We can use it either to build a new school for one thousand children, or to buy one million ice cream cones for one million children. Should we buy the ice cream cones, if that would produce the greatest balance of pleasure? Are all pleasures created equal?

3. What if the majority of the members of a community derive pleasure from being racist? Should we let them be racist, if that would produce the greatest balance of pleasure? Are some pleasures objectionable?

4. Suppose you have to move to Boston or to Las Vegas. If you move to Boston, you’ll fall in love and get married. If you move to Vegas, you’ll get rich but stay single. Should you move to Vegas, if being rich gives you more pleasure? Are all pleasures commensurable?

5. John Stuart Mill, a utilitarian, says that we should protect individual rights because, in the long run, that is the best way to increase the sum of happiness. Is that true? Is that really the reason why you shouldn’t imprison and torture innocent people?
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READINGS AND DISCUSSION GUIDES

1. J.S. MILL, UTILITARIANISM (1863)

LECTURE 3 – DISCUSSION GUIDE (BEGINNER)

LECTURE 3 – DISCUSSION GUIDE (ADVANCED)

A good way to continue the discussion of utilitarianism is to describe its main features in detail and to evaluate each feature.
Describing Utilitarianism

According to the principle of utility, an action is right insofar it tends to increase happiness and wrong insofar as it tends to decrease happiness. In other words, the principle tells us that the right thing to do is always whatever will produce the greatest amount of happiness and whatever is necessary to prevent the greatest amount of unhappiness.

But how are we supposed to figure out what to do in a particular, real-life situation? Suppose that we have to choose between building a new sports stadium and building a new hospital. According to Bentham, we should consider how much pleasure sports fans would get if we were to build a new stadium, and how much pain sick people would be relieved of if we were to build a new hospital. If building the stadium would produce a greater balance of pleasure, then we should build the stadium. This explanation reveals three important features of Benthamite utilitarianism.

1. For utilitarians like Bentham, happiness is simply pleasure and the absence of pain. People are happy insofar as they feel pleasure, unhappy insofar they feel pain; there is nothing else that goes into happiness. Abilities, achievements, friendship, love—all these are, at best, only means to being happy, and only insofar as they give rise to pleasure.

2. The second feature of Benthamite utilitarianism is that it counts all pleasures and pains, and it treats every type of pleasure and pain as equal. If the quantity is the same, the pleasure of mocking someone counts just as much as the pleasure of helping someone. The pleasure of having a successful career can, in principle, be outweighed by the pleasure of eating a great many ice cream cones. The same goes for pains. The pain that someone feels when they are insulted can, in principle, be outweighed by the pleasure that another person derives from the insult.

3. The third feature of Benthamite utilitarianism is that it permits sacrificing one person’s interests for the sake of the majority. If the greater balance of pleasure would be produced by building a sports stadium rather than a hospital (say, because there are few sick people but many sports fans), then the principle of utility tells us to build the stadium—even if a small number of sick people will suffer greatly as a result.

Evaluating Utilitarianism

In your discussion, try to evaluate these three features:

1. Is it true that happiness is simply pleasure and the absence of pain, and that the goal of all human action should be pleasure? Or is utilitarianism too crude as a moral doctrine?

2. John Stuart Mill tried to defend utilitarianism against this charge by arguing that greater weight should be put on “higher” pleasures. But which pleasures are “higher” pleasures? Mill proposed that, of two pleasures, the pleasure preferred by a majority of people who
had experienced both pleasures should be counted as the higher pleasure. Is this a good way to distinguish “higher” from “lower” pleasures? Does the majority, even when it is well-informed, always prefer the “higher” pleasure? Does Mill’s proposal succeed in making Utilitarianism less crude? If not, is there another way to defend utilitarianism against this charge?

3. Are all goods commensurable? Can they all be weighed on a common scale, or is it possible that the value of some goods, such as love, cannot coherently be balanced against the value of other goods, like money? Is this a fatal problem for utilitarianism?

4. Do all pleasures deserve to be counted—even objectionable pleasures, like the pleasures that racists derive from being racist?

5. John Stuart Mill thought that the right laws, education, and public opinion would prevent people from having objectionable desires. Was he right to be so confident about this? Either way, does the fact that utilitarianism counts all pleasures make it admirably neutral or hopelessly defective?

6. Does utilitarianism threaten individual rights? What if the sum total of the pain caused by sacrificing the civil rights of a minority is less than the sum total of the pleasure derived as a result by the majority?

7. John Stuart Mill tried to rebut the objection that utilitarianism cannot account for individual rights. He argued that, far from being in tension with individual rights, the principle of utility was actually the justification for protecting rights. In other words, Mill believed that protecting individual rights is the best way to increase the sum of happiness in the long run. Was Mill right? Either way, is this really the reason why we should not violate people’s basic rights?
ETHICAL DILEMMA: OPERA & DOGFIGHTS: UTILITARIANISM

If more people support dogfighting than opera, should we fund dogfights?

READINGS AND DISCUSSION GUIDES

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READINGS AND DISCUSSION GUIDES

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LECTURE 4 – DISCUSSION GUIDE (BEGINNER)

LECTURE 4 – DISCUSSION GUIDE (ADVANCED)

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Should the government enforce safety on actions that only affects the individual who chooses that action?

**READINGS AND DISCUSSION GUIDES**

**LECTURE 5 – DISCUSSION GUIDE (BEGINNER)**

Utilitarians think that the right thing to do is whatever produces the greatest amount of happiness. Libertarians disagree. They think that we must never violate anyone’s rights—even if doing so would increase overall happiness.

According to libertarians, the greatest threat to individual rights comes from the government. You should be able to drive without a seat belt if you want. The government has no business giving you a ticket. That’s unacceptably paternalist. And if you want to use drugs or engage in deviant sexual practices, you should be free to do so, provided you don’t violate anyone else’s rights in the process. The government has no business passing moralistic legislation. It shouldn’t tell you how to live your life. Most importantly, the government should never tax for redistributive purposes. Redistributive taxation is theft. Taking your earnings and giving it to other people is like forcing you to work for those people. Libertarians say it’s almost like slavery. Libertarians make strong claims. But are they right about rights?

1. Is it unjust for the government to require people to wear seat belts and to prohibit them from engaging in other self-endangering activities? What if we know that many more
people will die without such legislation? Should people be free to hurt or kill themselves, provided their actions do not violate anyone's else rights?

2. Should the government legalize narcotics? After all, some adults want to use drugs privately.

3. Should the government legalize prostitution? After all, some adults want to buy and sell sex.

4. Should there be a minimum wage? What if employers want to pay people $1.25 per hour, and some desperately poor people would work for that wage? Is the government being unjust by requiring employers to pay them at least $7.25 per hour?

5. Should the government impose occupational safety standards? What if employers refuse to spend money on safety measures, and some desperately poor people would agree to work in dangerous conditions. Should the government prohibit certain contracts that some workers and employers would be willing to make, and insist on safe working conditions?

6. Is it just to tax the rich to pay for public services? Should the government tax Bill Gates and other wealthy people and use the money to pay for public schools, hospitals, roads, parks, fire departments, and police departments, or would all of that be unjust?

7. Is it just to tax the rich to give to the poor? Should the government tax Bill Gates and other wealthy people and use the money to supplement the income of unemployed people, single mothers with low incomes, or other poor people? Should the government tax rich people and loan the money, interest-free, to poor kids so that they can go to college? Would all of that be unjust? Why?
Should the government enforce safety on actions that only affects the individual who chooses that action?

Utilitarians think that the right thing to do is whatever produces the greatest amount of happiness. Libertarians disagree. They think that we must never violate anyone's “rights”—even if doing so would increase overall happiness.

According to libertarians, the greatest threat to individual rights comes from the government. Libertarians think that many kinds of laws violate people's rights. Whenever the government prohibits a self-endangering activity—like driving without a seat belt—it is being unacceptably paternalist. Whenever the government prohibits deviant but harmless behavior—like nonstandard sexual practices—it is being oppressive. Whenever the government taxes people for redistributive purposes, it is stealing from them and forcing them to work for the benefit of other people.

A good way to kick-start a discussion about libertarianism is to examine what libertarians say about redistributive taxation.
Distributive Patterns and Liberty

Robert Nozick, a libertarian philosopher, has three arguments against redistribution. The first argument observes that government tends to redistribute wealth according to some pattern. For example, it tends to tax rich people and spend money on poor people, so that there is more equality in the distribution of income, wealth, and other resources. But, Nozick believes, it is not possible to maintain a pattern like equality without restricting people’s liberty.

Suppose everyone in the United States had the same amount of money, and we all gave 25 cents to Michael Jordan in exchange for the pleasure of watching him play basketball. Then Jordan would have much more money than everybody else, and there would no longer be a pattern of equality. To restore the pattern, the government would have to take the money we gave to Jordan and give it back to each of us. And to maintain the pattern, it looks like the government would have to permanently forbid us from doing what we want with the money we have.

According to Nozick, this thought-experiment shows that all taxation for redistributive purposes is unjust. But is that right?

1. Must the government stop trying to make poor people less poor, and sick people less sick, and so on, or is it possible to maintain a desirable pattern without restricting people’s liberty to do what they want with what they own?
2. Even if it’s not possible to maintain a desirable pattern without restricting liberty somewhat, is Robert Nozick right to think that people should have the liberty to do whatever they want with the things they own?
3. Is it permissible for the government to regulate market transactions with an eye on the effects they have on the participants and other people?
4. Is it permissible for the government to pass laws against price gouging in the wake of a natural disaster?
5. Is it permissible for the government to regulate employment contracts? Are minimum wage laws really unjust?
6. Is it permissible for the government to insist on health and safety standards in workplaces?
7. Is it permissible for the government to block companies from forming a monopoly?
Redistributive Taxation and Forced Labor

Nozick objects to patterns like equality for a second reason. Maintaining a pattern requires taking a richer person’s earnings and giving them to a poorer person. But, thinks Nozick, taking the earnings of two hours of labor from the rich person is like taking two hours from the rich person. It is like forcing the rich person to work for two hours for the benefit of the poor person. Therefore, says Nozick, redistributive taxation is like forced labor. Is Nozick right?

1. Is redistributive taxation really like forced labor? Forced labor is a kind of slavery. Are rich people who have to pay taxes like slaves? In what sense?

Justice and What Really Happened

Nozick’s third argument against redistribution says that redistribution is incompatible with an “historical” view of justice. If something was originally acquired justly, and later transferred justly, then Nozick thinks it is now owned justly—and neither the government nor anyone else should be allowed to take it away.

1. Is an “historical” view of justice incompatible with redistribution? Many things that are owned today—money, land, natural resources—were originally acquired by force and violence, through war and colonization. What should be done about that? Shouldn’t there be some compensation and redistribution?
2. How is it that people can initially come to acquire something justly? Is it simply a matter of finders keepers or first come, first served, or are there other conditions? Are these conditions compatible with redistribution in the future?
3. What about unjust historical transfers? Many things owned today were stolen from someone a long time ago. How should we deal with that?
4. More generally, what is required for transfers of justly owned things to be just?
5. Must people be well-informed buyers in order for transfers to be just? If so, then do we need consumer rights legislation? Do you need a consumer rights bureau empowered to investigate complaints?
6. Must people have reasonable alternatives in order for a transaction to be just? If so, then do we need welfare and minimum wage laws to make sure that people are not exploited when they’re desperate?
7. If we need any of these background institutions to ensure the fairness of individual voluntary transfers, is it permissible to tax people in order to pay for them?