

FIFTH CLASS: OCTOBER 20

JUSTICE: CAN IT BE VIEWED AS DEONTOLOGY PLUS CONSEQUENTIALISM?

In Jonsen, Topics 3, Autonomy and Topic 12, Health Care System. What is justice? Is the moral principle of justice compatible with the principle of autonomy? How does justice apply to sickness and health, health care? Is there a Right to health care? What are Rights?

1. **Elements of Moral Judgment:** a) Obligatory Principles; b) Autonomy; c) Consequences; d) Distribution of Consequences
2. In **Utilitarianism**, distribution is governed by two, seemingly conflicting rules, e.g. each person is to count as one, and no one as more than one vs. those persons who fall into the lesser number in a utilitarian calculus are excluded from the beneficiaries, i.e. the greater number.
3. Thus, we confront the problem of justice: how can the first utilitarian rule of impartiality and the intuitive moral sense of the dignity and rights of individuals?

“Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. *For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many.* Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests....Being the first virtues of human activities, truth and justice are uncompromising. John Rawls, *Theory of Justice*, 1971, p.3-4.

4. Aristotle says, “justice is a sort of proportion...the man who acts unjustly gets too much and the victim of injustice gets too little of what is good.” *Ethics* V, iii.
5. **Justice** means giving to each person that which is due to him or her. That which is due is determined by merit, by need, by contribution, or by equal distribution. Justice is a system of rules for settling the moral claims arising from liberty and from equality in a setting of social cooperation.
6. Rawls Theory of Justice: a) The **Original Position of Self-Interested Persons behind a Veil of Ignorance**; b) the **Two Principles of Justice as Fairness**: i) each person has the same claim to equal basic liberties, compatible with the same basic liberties for all; ii) social and economic inequalities must satisfy two conditions, first, they are associated with positions open to all under conditions of

fair opportunity; second, they are to be to the greatest benefit of the least advantaged members of society.

7. **Health Care as a Social Institution:** can it be formed or reformed in accord with Principles of Justice as Fairness? See Jonsen, pp. 149-150
8. **Conclusion:** Moral Deliberation takes place in social settings demanding cooperation between Autonomous Persons, each pursuing own interests and protecting and promoting the interests of some others associated with them (Autonomy). The deliberation must take account of obligatory principles (deontology) that are parameters establishing the legitimate expectations of all parties; and take account equally of the beneficial or harmful consequences that will follow from choices (teleology), and of the manner in which these consequences will be distributed to all who must cooperate within the social setting (justice).

Sandel MJ. *Justice. What's the Right Thing To Do?* NY: Farrar, Straus, 2009

NO CLASS ON OCTOBER 27. NEXT CLASS NOVEMBER 3

NOTES

Readings for the SIXTH CLASS: NOVEMBER 3

NEUROETHICS

In Jonsen, Topic 10, Neuroscience.

How are moral responses, choices, judgments, attitudes, emotions related to the brain? Is Morality anything more than the responses of the human neural system to various stimuli? If moral choices and behavior are processes of the physical neuropsychological system, how do we deal with determinism? Is there Free Will (without which morality is implausible)?

