

# JUSTICE: WHAT'S THE RIGHT THING TO DO? BY MICHAEL J. SANDEL

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## I-THE MORAL MAELSTROM

In 1884, four English sailors were at sea when their yacht, the *Mignonette*, went down. Dangling there without food for weeks, they made a desperate choice: they killed and consumed the cabin boy, who was sick and feeble. They survived, but when they were picked up at sea, they were charged with murder. This is an extreme example that brings us to the essence of moral philosophy: Is it ever justifiable to take one life to save three?<sup>1</sup>

Michael Sandel's "Justice: What's the Right Thing to Do?" is not an arid academic overview but a stimulating, guided tour of the intellectual arguments that fuel such conundrums. It touches the essential work of public philosophy, skillfully rendering difficult ideas palatable, criticizing the dominant, myopic emphasis on individual rights, and forcing its readers to come face-to-face with their most fundamental assumptions regarding justice and the good life.<sup>2</sup>

Sandel's procedural genius is his pedagogical strategy. He rejects a conventional, abstruse exposition of philosophical theses in favor of using powerful, concrete instances such as the *Mignonette* to present and explain abstract philosophical principles. The "case-study" methodology is the key to the success of the book, compelling readers to consider the facts at a visceral, personal level before entering into the teleological and deontological frameworks that seek to solve them. He does not just tell us what philosophers wrote; he makes us see,

in these arresting stories, why their thoughts are still important. This makes the book not merely an intellectual work, but a moral one.<sup>3</sup>

## II- THE PHILOSOPHICAL TRADITIONS: AN INTELLECTUAL CONFLICT

### A. Utilitarianism: The Greatest Good

Sandel's search for philosophical tradition starts with utilitarianism, whose central proponents are Jeremy Bentham and John Stuart Mill. The central theory of this system is simple: the most ethical action is the one which brings about the greatest overall happiness or "utility." The calculus model of ethics argues that what we should do is to simply count up the pleasures and pains caused by an action, with the right decision being the one which generates the most net happiness for the most people.<sup>4</sup>

But Sandel's critique of utilitarianism is trenchant as well as persuasive, and this is where his pedagogical approach is at its best. His using the example of the case of *Mignonette* where the taking of one life to save three seems to maximize overall happiness in a horrifying manner illustrates how such a strategy can result in actions that ignore our most basic intuitions regarding human dignity and individual rights. A more traditional test, the trolley problem, similarly challenges us to define the moral boundaries of purely quantitative solutions to justice. The thought experiment sets up a situation in which

1 *R v. Dudley and Stephens*, (1884) 14 Q.B.D. 273 (Eng.), <https://www.bailii.org/ew/cases/EWCC/CCR/1884/1.html> (last visited Aug. 26, 2025).

2 Michael J. Sandel, *Justice: What's the Right Thing to Do?* (2009), <https://justiceharvard.org/justice-whats-the-right-thing-to-do> (last visited Aug. 26, 2025).

3 Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1789), <https://www.gutenberg.org/ebooks/60850> (last visited Aug. 26, 2025).

4 Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1789), <https://www.gutenberg.org/ebooks/60850> (last visited Aug. 26, 2025).

## JUSTICE: WHAT'S THE RIGHT THING TO DO?" BY MICHAEL J. SANDEL

one is forced to decide whether to allow a trolley to kill five or pull a lever to steer it into one person, killing just one. A hard-line utilitarian would turn the lever, yet most of us recoil at deliberately causing death, even to save others.<sup>5</sup>

Sandel also introduces Mill's effort to purify Bentham's more brutal articulation. Mill tried to save utilitarianism from its detractors by making a distinction between "higher" and "lower" pleasures and claiming that happiness in quality is as important as its quantity. For Mill, the enjoyment of reading poetry is better than the enjoyment of an ordinary game. Sandel finds this defense ultimately unsuccessful because Mill's differentiation necessitates an appeal to a value standard independent of utility itself—a value standard of human dignity not derived from mere pleasure but from some a priori conception of the good. This action, Sandel contends, quietly subverts the very basis of utilitarianism.<sup>6</sup>

### **B. Libertarianism: Justice as Freedom**

#### **Central Figures: Robert Nozick and Friedrich Hayek.**

Central Idea: A just society honors and preserves individual liberty, emphasizing self-ownership and property rights. The role of government is minimal, sometimes limited to a "night watchman."

Sandel's Critique: Refute the notion of absolute self-ownership. Apply Sandel's radical examples, like the discussion on consensual cannibalism or kidney-selling, to undermine the boundaries of personal freedom. Reason that Sandel employs these extreme examples to illustrate that libertarianism's a priori insistence on individual rights may be oversimplified and ignores our responsibilities for each other as society.<sup>7</sup>

### **C. Kant: Justice as a Categorical Imperative**

Sandel introduces Immanuel Kant as a powerful

intellectual foil to both utilitarianism and libertarianism. With Kant, morality is neither maximizing happiness nor safeguarding abstract rights; it is instead acting out of a sense of duty. The central concept of his moral philosophy is the categorical imperative, according to which a moral action is one we would wish to be a universal law for everyone. One of the central beliefs of this system is that human beings are ends in themselves, never a means to an end. This influential concept gives universal rights and human dignity a strong philosophical basis, in that it asserts that some actions, such as lying or killing, are wrong in themselves irrespective of their effects.<sup>8</sup>

In recognizing the strength of Kant's system as an imperfect justification of human dignity, Sandel's criticism hinges on one central question: is a formal and abstract theory of justice good enough to tackle the substantive moral issues of the good life? Sandel contends that Kant's philosophy, in its strict delineation of the right from the good, has nothing to say about what a good or admirable life is. He doubts whether it is conceivable to reason about justice in abstracto, independent of reference to the moral ends we aim at. Sandel is suggesting that Kant's dependence on a priori reason alone might not be enough, and that a full theory of justice should include the values and purposes that give meaning to our common lives.<sup>9</sup>

### **D. Aristotle: Justice, Virtue, and the Common Good**

Sandel brings his intellectual journey with Aristotle to a conclusion, offering his own philosophy not so much as another historical school but as an attractive framework he finds himself especially convinced by. For Aristotle, justice is teleological; it's about assigning individuals what they're owed, and what they're owed is necessarily connected to the purpose, or "telos," of a social practice. He insists that we cannot specify the right allocation of goods, offices, or honors until we first deliberate about the inherent purpose of the activity in question. Also, just society must intentionally foster virtue among its

5 Id. at 8–9, <https://www.gutenberg.org/ebooks/11224> (last visited Aug. 26, 2025)

6 Judith Jarvis Thomson, *The Trolley Problem*, 94 *Yale L.J.* 1395 (1985), <https://digitalcommons.law.yale.edu/yj/vol94/iss6/6> (last visited Aug. 26, 2025).

7 Robert Nozick, *Anarchy, State, and Utopia* (1974), <https://archive.org/details/anarchystatetop00nozi> (last visited Aug. 27, 2025).

8 Michael J. Sandel, *Justice: What's the Right Thing to Do?* 261–63 (2009), <https://justiceharvard.org/justice-whats-the-right-thing-to-do> (last visited Aug. 27, 2025).

9 Friedrich A. Hayek, *The Constitution of Liberty* (1960), <https://archive.org/details/constitutionoffli-00hayek> (last visited Aug. 27, 2025).

## JUSTICE: WHAT'S THE RIGHT THING TO DO?" BY MICHAEL J. SANDEL

citizens because human purpose is to live a virtuous life.<sup>10</sup>

This is where Sandel's own communitarian sympathies are most apparent. He utilizes the complicated, real-life controversy over affirmative action in order to make Aristotle's point. A debate about who belongs at a leading university always raises the question about the role of a university itself. Is its role to be a meritocracy that rewards scholarly achievement, or is it to contribute to the common good by creating diversity and producing leaders for the future? Sandel contends that we cannot resolve the question of who enters without first asking what the institution is for. This stands in stark contrast to Kant's and the libertarians' deontological and procedural approaches, which attempt to solve such dilemmas without appeal to the moral goals being sought.<sup>11</sup>

Sandel's support for an Aristotelian solution implies that justice is not simply a question of just procedures or universal rights, but a material discussion of the meaning and purpose of our common lives. He finally espouses a public philosophy that reconnects to questions of virtue and the good life, contending that a healthy and strong democracy needs its citizens to freely deliberate about what makes a just and thriving society. For Sandel, this is the very essence of the idea of a just and good society.<sup>12</sup>

### III. SANDEL'S CONTRIBUTION AND CRITIQUE OF LIBERALISM

Sandel's magisterial achievement is a powerful critique of modern liberalism. According to him, political philosophy under the influence of Immanuel Kant and John Rawls has become excessively preoccupied with procedural justice and individual

rights at the cost of substantive moral inquiries about the common good. This tradition, which he refers to as the "procedural republic," makes a priority of the right over the good, seeking to establish a neutral system of law and rights within which individuals are at liberty to make their own conceptions of the good life. In Sandel's view, this vision mistakenly supposes that justice can be defined independently of the moral purposes it serves.

The "procedural republic" is a regime characterized by rights and rules, yet one which shuns public discussion of the moral aims of its institutions or the virtues it demands of its citizens. Sandel thinks that this is to create a moral and civic emptiness. By pushing considerations of virtue and the common good out of public discourse, this type of liberalism has neither engendered a sense of commonality and reciprocal duty nor encouraged citizens to seek the truth about their community and themselves. He argues that this intellectual and moral vacancy makes us vulnerable to extremism and ill-prepared to face difficult moral questions such as the meaning of marriage, the duties of citizenship, or the mission of a university. For Sandel, an authentically just society is not possible without a strong and continuous public discussion on virtue, the common good, and the very reason for our institutions.<sup>13</sup>

### IV. CONCLUSION: THE LASTING LEGACY OF A BOOK AND A PROFESSOR

In "Justice: What's the Right Thing to Do?", Michael Sandel takes us on a fascinating tour of the central traditions of political philosophy and displays their virtues as well as their vices. He critically examines utilitarianism for its inability to secure individual rights and to respond to the qualitative distinctions among pleasures. He next attacks libertarianism by pointing to the questionability of the moral boundaries of consent and the idea of unconstrained self-ownership. Then he examines Kantian morality, praising its strong defense of human dignity but raising the question of whether a strictly abstract approach can adequately tackle the substantive issues of the good life. Lastly, he introduces Aristotle as a promising alternative,

10 Michael J. Sandel, *The Procedural Republic and the Unencumbered Self*, 12 *Pol. Theory* 81 (1984), <https://www.jstor.org/stable/1914694> (last visited Aug. 27, 2025).

11 Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785), <https://www.gutenberg.org/ebooks/5682> (last visited Aug. 27, 2025)

12 John Rawls, *A Theory of Justice* (1971), <https://archive.org/details/theoryofjustice0000rawl> (last visited Aug. 27, 2025).

13 Id. at 36–38, <https://www.gutenberg.org/ebooks/5682> (last visited Aug. 27, 2025).

## JUSTICE: WHAT'S THE RIGHT THING TO DO?" BY MICHAEL J. SANDEL

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proposing a teleological conception of justice that is inherently connected with virtue and the common good.

Finally, "Justice" is a singular and necessary work of public philosophy, skillfully bringing complex concepts to life and within reach of our everyday concerns.<sup>14</sup> Sandel's actual aim is not to offer a final, one-size-fits-all solution to the question of justice. Rather, his legacy is in his ability to re-commit the public to a crucial, long-slumbering discussion of the meaning of justice and the moral conditions of our common life. <sup>15</sup>The book's lasting value is in its ability to challenge thought and encourage public participation, to press us into examining our own assumptions and more fully engaging in the shared endeavor of creating a just society. It reminds us that a democratic society needs us to constantly deliberate on the question of what makes for a good and just life, not merely for ourselves, but for all of us.<sup>16</sup>

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14 Cass R. Sunstein, *The Anticaste Principle*, 92 Mich. L. Rev. 2410 (1994), <https://repository.law.umich.edu/mlr/vol92/iss8/17> (last visited Aug. 27, 2025).

15 John Rawls, *A Theory of Justice* (1971), <https://archive.org/details/theoryofjustice0000rawl> (last visited Aug. 27, 2025).

16 Aristotle, *Nicomachean Ethics* bk. V (Terence Irwin trans., 2d ed. 1999), <https://archive.org/details/nicomacheanethic0000aris> (last visited Aug. 27, 2025).