

2-9-2015

The Philosopher's Stone

Philosophical Discussion Group, Armstrong State University

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Recommended Citation

Philosophical Discussion Group, Armstrong State University, "The Philosopher's Stone" (2015). *The Philosopher's Stone*. 9.
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THE PHILOSOPHER'S STONE

Dare to join us for the Greatest Thriller of all Time on Friday the 13th !

WHAT IS JUSTICE?

By Christopher Davis (cd8237@stu.armstrong.edu) and
Melissa Bates (mb2879@stu.armstrong.edu)

Chris Davis: Lately I've been concerned about the amount of violent conflict in the world, precipitated by the idea of justice.

Melissa Bates: I have noticed that as well and it seems that there is a division of what "justice" means to each individual or group. How would you define justice?

CD: I think Justice is subjectively understood and applied.

MB: What about a rational basis to analyze justice? Which do you think reason would lead us to? Duty (right) or Happiness (good)? According to Kant, an action is just when one's motivation is for duty's sake alone and when that duty is universalizable according to reason. J.S. Mill asserts that an action is just when the consequences of one's actions result in the greatest good for the greatest number of people.

CD: I think reason would lead us to justice rooted in adherence to duty in the strictest sense. Happiness does not always lead to what's right.

MB: But does happiness have a say? Can you be just but not happy?

CD: Absolutely.

MB: That's ironic. You first said that justice is subjective, but you also say that justice relies more so on the right, than the good. There is only one right, but happiness is subjective. If we rely on happiness as the standard in which justice operates, then we would only be concerned with a judicial system that produces the maximum amount of good for the maximum amount of people.

CD: True, but when you're dealing with something like justice we are confronted with the problem that people have many different definitions of what's "good". Vengeance, retribution, etc.

MB: Good point. Let me propose this to you: say there's a rapist. Convicted. He gets a debilitating disease where he can no longer engage in sexual activity. He is wealthy and can self-sustain his lifestyle and he is placed on an island.

However, every month he is taken to prison to have pictures taken to be sent to the victims' family. The family believes he is in prison. They are relieved and happy. Is that justice?

CD: No. He is still experiencing some degree of freedom. His punishment is a facade and is only there as peace of mind for the family. Disease or not, he must face the consequences of his crime. That is justice.

MB: So, you don't believe that the peace of mind given to the family via the pictures taken at the prison is enough?

CD: That's placation, that's not justice.

MB: Well let me ask you this: can we really say that incarceration or a fine is a proportionate punishment for a violent crime such as rape?

CD: No. Kant asserts a law of reciprocity, in which the punishment should be proportionate to the crime. Much like the aphorism "an eye for an eye".

MB: Fair enough. But back to our previous discussion, do you think the definition of justice has changed? Do you think it is more subjective now?

CD: Yes and no. The ideal of justice is the same as it ever was. What has changed is the application of justice. The judicial system takes into account extenuating circumstances that weakens the strict interpretation of the law.

MB: You think justice has been compromised?

CD: Yes. Justice should be: if there is a rule and it is broken, there is a penalty that is carried out swiftly. No exceptions.

MB: So, theoretically, our justice system should be working that way, but when you introduce a human element into it, those imperfections manifest within the justice system?

CD: I think that is very well put. Justice should be, as it's generally put, blind. Justice should not see race, gender, political affiliation, etc. Let me propose the Judge Dredd method to you. If you break the law, you are killed. That is the justice system. Do you think that would work in our society?

MB: Off the cuff, I'd say that it would work better than what we have now. We would see a stark decrease in crimes across the board. However, from a Kantian perspective, this would not be the correct application of justice given his affirmation of reciprocity which does not suggest one should be killed for stealing a loaf of bread for example. Realistically, that type of system would require a large rewrite to our freedoms. There would be no freedom of speech, freedom of protest, and our entire idea of liberty would be drastically altered. I do not think American society would be willing to make that type of sacrifice.

CD: The reason I bring that up, is currently when someone commits a crime, the perpetrator may have done a "risk vs. reward" system. They may make enough money selling drugs that the jail time doesn't really affect them all that much. But with the Judge Dredd system, that would likely give them more than pause. However, I also understand that if, for instance, someone were to be framed it would be a fair assumption to assume that if the jury would be unable to figure out who actually committed the crime, they would just kill both of the accused.

MB: True, but I also believe that would make people more careful about the company they keep. Moving on, I think there is a disconnect between our codified law and the practicality of our justice system. Our codified justice system is grounded on the concept of duty, but the application of those laws take in far too many exceptions that negate its intentions. Specifically, extenuating circumstances such as race, gender, socio-economic status play an integral role in the judicial process in the United States.

CD: Do you think it's because our world view is conditioned by our beliefs and values?

MB: Yeah, I think it has a lot to do with our own beliefs and values.

CD: I think that's certainly true, as questions such as "what is this person's background" shouldn't matter to a jury, but it does.

MB: What did the justice system used to be?

CD: That's even more difficult because I have no concept of what it used to be.

MB: You seem to think the justice systems of the past were more in line with the ideal of justice. We say that

in order for us to deal with each other, we adhere to an ethical standard. Not an emotional one. An ethical one. If acting on emotion even with good intentions, would that make you less of an ethical person?

CD: Honestly, I think today emotions supersede ethics. I absolutely believe that ethics should take precedence. Not emotion.

MB: So I think we agree that our current judicial system is based upon utility (emotion), but it ought to be about ethically adhering to a standard of law and not concerned with who it placates or makes happy.

CD: Yes, and it seems evident that the wide divide between ideal justice and manifest justice is insurmountable on our present trajectory.

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horrifying unresolved thriller of all time**

**THE
FRIDAY THE 13TH
JUSTICE DISCUSSION**

GAMBLE HALL 106 @2PM