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## Justice according to Michael J. Sandel

Justice is among the most commonly discussed issues in philosophy, and the history of justice is as old as the history of man; it seems to us that it is natural to man.<sup>1</sup> It assumes a high degree of importance

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in every sphere of human endeavour. In the past several centuries, justice has played one of the most important roles in the micro and macro societies. It is not only a recurrent concept, an idea in philosophy and ethics, jurisprudence, governance or other form of human undertaking that involve human relationships, administration, and management, but it is also a cardinal virtue due to which global peace is guaranteed. Maybe that's why so many researchers have focused on this issue. Through the ages, the definition of "justice" has taken the colouring of cultures, philosophies, individuals, and schools of thought. Most of the social and political philosophers aimed at solving this problem. It seems to be a common problem to find definitions of justice.<sup>2</sup>

The aim of this study is the analysis of the vision of justice in terms of Michael Sandel. This paper is divided into two sections. Sandel deeply traces the advances in the evolution of the definition of justice, so the

<sup>1</sup> Cf. K. Binmore, *Natural Justice*, Oxford University Press 2005, s. 1.

<sup>2</sup> Cf. U.P. Obioha, *The Nature of Justice*, "Journal of Social Sciences: Interdisciplinary Reflection of Contemporary Society" 29 (2011) 2, p. 185.

first section gives a brief overview of the most popular ideas of justice in the analysis of Michael Sandel. The second section examines his own reflections about justice.

## 2. About Michael Sandel

The last three decades have seen a huge growth in popularity of Michael Sandel. In this time he has been lecturing at one of the most popular undergraduate courses at Harvard University, which is quite simply called: “justice.” His long-running Harvard course on justice regularly draws more than a thousand students, and in 2007 attracted a total of 1,115 students, the largest ever in Harvard history. Autumn 2005 the course was recorded and is offered online for students by the Harvard Extension School. What’s more, it was the university’s first course freely available online and on television.<sup>3</sup>

Sandel has also turned these lectures into a widely read book exploring similar themes, which is a journey through moral and political reflections. Sandel believes that philosophy is not distant and abstract. Instead, it is a function of hard ethical choices that life throws up. That’s why we are invited, like students on Sandel’s lecture, to explore the reasons, considerations, and reasoning that underlie and shape policy debates and public controversies. His method is not to provide lecture from on high but to lead a kind of debate in which members of the audience try to solve moral conundrums. It is just like in Socratic method.<sup>4</sup>

In the field of philosophy, various definitions of justice can be found. So what is the justice? Very often in interviews, Sandel gives a simple and short answer to this question: “Justice is treating people the way they deserve.”<sup>5</sup> In these words, he does not discover anything new, but

<sup>3</sup> Cf. T. Hanaki, *Justice and Dialogue in Japan’s Top Press: Philosopher Michael Sandel as Cultural Authority*, “Communication, Culture & Critique” 7 (2014), p. 473.

<sup>4</sup> Cf. T. Hanaki, *Justice and Dialogue in Japan’s Top Press*, p. 474.

<sup>5</sup> N. Warburton, *Interview: Michael Sandel on Justice*, “Prospect Magazine” January 21, 2011, <https://www.prospectmagazine.co.uk/magazine/interview-michael-sandel-on-justice-bbc4-justice-citizens-guide> (12.11.2021).

he refers directly to Aristotle. Of course, such a simple answer requires in-depth analysis, and its results are not unambiguous.<sup>6</sup>

Sandel considers justice from various angles. It can be divided into three kinds: welfare, freedom, and virtue. Ideas of freedom are the foundation of liberal philosophy, and virtue is the foundation of ancient philosophy. As Sandel states: “There are three different ways of thinking about justice. The first is the utilitarian belief that justice means seeking the greatest happiness for the greatest number of people. The second, the freedom-based theory of justice, has two different camps within it: those who think that respecting freedom means letting people choose what value to place on the goods they exchange in a free market; and those who think that people are never really free in the course of buying and selling goods in the market. (...) The third tradition, however, says that a just society is not one that simply maximizes utility or even that respects free, the individual choice for consenting adults. A just society has to concern itself with the civic education of citizens so that they care about the common good, not just their own interests.”<sup>7</sup>

Aristotelian virtue ethics, which is presented by Sandel as an improvement upon the historically much later theories of utilitarianism and liberalism, is the oldest of all theories which he considers. However, in his lectures and in the book, Sandel does not make his arguments chronologically but uses the order mentioned above.<sup>8</sup> I also want to present his comments in my work in this collection.

### 3. Justice in terms of utilitarianism

Following the order proposed by Sandel, I will first present a vision of justice in terms of utilitarian philosophy. Welfare is the basic premise of this

<sup>6</sup> Cf. N. Warburton, *Interview: Michael Sandel on Justice*, <https://www.prospectmagazine.co.uk/magazine/interview-michael-sandel-on-justice-bbc4-justice-citizens-guide> (12.11.2021).

<sup>7</sup> M. Sandel, *Justice: What's the Right Thing to Do?*, “RSA Journal” 155 (2009) No. 5540, p. 49.

<sup>8</sup> Cf. M. Sandel, *Public Philosophy: Essays on Morality in Politics*, Cambridge–Massachusetts 2005, p. 29.

philosophy. As an example of a founder of the doctrine of utilitarianism belief, Sandel shows an English moral philosopher and reformer of law: Jeremy Bentham. He said we are governed by two sovereign masters: pleasure and pain. Bentham thought that morality and legislation should all be about maximizing the balance of pleasure over pain. He draws our attention to the fact that the right thing to do is whatever will maximize utility. By “utility,” he means whatever produces pleasure or happiness, and whatever prevents pain or suffering.<sup>9</sup> Utilitarianism emphasizes its own simplicity. It tries not to assume anything that would disturb the impression of clarity and practicality.<sup>10</sup>

Maximizing utility is a principle not just for individuals but it is also for legislators. That’s why in deciding what laws or policies to enact, a government should do whatever will maximize the happiness of the community as a whole. In his analysis of maximizing utility, Bentham claims that community is “a fictitious body,” composed of the sum of the individuals who comprise it. Accordingly, legislators and all members of a community should ask themselves a simple question: If we add up all of the benefits of this policy, and subtract all the costs, will it consequently create more happiness than the other? Moreover, Bentham’s argument for the principle that we should maximize utility takes the form of an overriding theorem: There is no possibility for rejecting it. He reaches the conclusion that every moral argument, must implicitly draw on the idea of maximizing happiness.<sup>11</sup>

<sup>9</sup> In his book *Justice: What’s the Right Thing to Do?* Sandel, commenting on Beneth’s concept, lists pleasure and happiness right next to each other. In fact, it should be noted that they are not synonymous, and the concept of utility as a happiness was developed by Mill. By happiness is meant “an existence exempt as far as possible from pain, and as rich as possible in enjoyments,” “an existence made up of few and transitory pains, many and various pleasures.” J.S. Mill, *Utilitarianism* (1861), ed. G. Sher, Indianapolis–Cambridge 1979, p. 215.

<sup>10</sup> Cf. J. Bentham, *Introduction to the Principles of Morals and Legislation*, Dover 1789; *An Introduction to the Principles of Morals and Legislation*, eds. J.H. Burns H.L.A. Hart, Oxford 1996 (The Collected Works of Jeremy Bentham), chap. 1; M. Sandel, *Justice: What’s the Right Thing to Do?* (2009), p. 49.

<sup>11</sup> Cf. M. Sandel, *Justice: What’s the Right Thing to Do?*, New York 2010, p. 31.

Sandel also critiques the question of quality and quantity in Bentham's philosophy. Problematically, the issue in Bentham's thought is not clear-cut.<sup>12</sup>

"It is to be observed, then, that for the sake of accuracy, it was necessary, instead of the word quantity to make use of the less perspicuous term value. For the word quantity will not properly include the circumstances (...) which, in estimating the value of a lot of pain or pleasure, must always be taken into account."<sup>13</sup>

Such an argument seems one insufficient for Sandel: "The only basis for judging one experience better or worse than another is [for Bentham] the intensity and duration of the pleasure or pain it produces (...) Bentham recognizes no qualitative distinction among pleasures."<sup>14</sup>

The main weakness in this theorem was showed by Sandel in a simple example: "Suppose the majority has a very intense dislike of a minority religion and wants to ban it. In principle, follow Bentham. If the majority is big enough and if their hatred of the religious group is strong enough, then the 'happiness principle' says the right thing to do is to ban the religion. (...) It's true that those who would like to wear it would suffer some unhappiness according to the utilitarian calculus, but it's outweighed by the greater happiness of the majority (...) The main problem is precisely its failure to judge the quality and the moral significance of the preferences."<sup>15</sup>

Sandel makes it clear that good societies-neutral rules and procedures-are based on a common moral culture, which will be reflected in his philosophical thought. Also seen here is the concept of positive rights, which are rights or guarantees to certain things.

<sup>12</sup> Bentham speaks of quantity as "the force (...) of the impulse that the mind receives" from a lot of pains and pleasures, and of quality as the "direction of those impulses," the direction in which they tend to move the mind. *An Introduction to the Principles*, p. 57.

<sup>13</sup> *An Introduction to the Principles*, p. 169.

<sup>14</sup> M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 52.

<sup>15</sup> N. Warburton, *Interview: Michael Sandel on Justice*, <https://www.prospectmagazine.co.uk/magazine/interview-michael-sandel-on-justice-bbc4-justice-citizens-guide> (12.11.2021).

Serious criticism of utilitarianism is that it totally fails to respect individual rights.<sup>16</sup> By caring only about the sum of satisfaction, it can run roughshod over individual people. Such an unreasonable misleading assumption can lead to a grave consequence. Sandel claims that if in Ancient Rome enough citizens derive enough pleasure from the violent spectacle, the utilitarian calculus would not condemn it. So throwing Christians to the lions in the Coliseum for the amusement of the crowd was justified and legal. The Christians suffer excruciating pain as the lion devours them, but collective ecstasy of the cheering spectators watching the Coliseum is higher than the pain of the small group.<sup>17</sup>

Another charge against utilitarianism is the common currency of values. Utilitarians claim the right to create a morality based on measuring, aggregating, and calculating happiness.

Bentham invented the concept of utility precisely to capture, on a single scale, the disparate range of things we care about, including even the value of human life. Some versions of cost-benefit analysis try to do this, even to the point of placing a dollar value on human life. But we intuitively feel that not all values can be translated into monetary terms. In Sandel's view, attempts of the common currency of values are only speculations based on ambivalent, unsubstantiated and dangerous assumptions.<sup>18</sup>

Also, John Stuart Mill saw that bases for the theory of justice have to be more sophisticated than utilitarianism wanted, and also have to assume much more than the clarity and practicality. For this purpose Mill draws a distinction between levels of pleasure and pain. Mill's researches can be read as a constant attempt to reconcile individual rights with the utilitarian philosophy. He thought that for correct evaluation we should maximize utility in the long run. Mill claims, over time, that

<sup>16</sup> This is well illustrated by the fact that communitarians criticize the image of man as an atomistic individual, while emphasizing that individuals who are well integrated into communities are better able to reason and act responsibly than isolated individuals. They therefore strongly emphasize the importance of the social sphere, and communities in particular.

<sup>17</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 33.

<sup>18</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 33.

respecting individual liberty will lead us to the greatest human happiness. That's why he creates the conception of higher pleasures. The Bentham's misconception was trying to maximize utility case by case and also accepting the situation as a binary: pleasure is pleasure and pain is a pain. He wrote: "The quantity of pleasure being equal (...) push-pin is as good as poetry."<sup>19</sup>

The judgment of pleasure was simple and limited for him. Differences between experience better or worse were determined by the intensity and duration of the pleasure or pain, which it produced. There has been some disagreement with regard to this. Contrary to Bentham, Mill thinks that it is possible to distinguish between higher and lower pleasures to assess the quality, not just the intensity or quantity of our desires. Moreover, he claims that we can make this distinction relying only on moral ideas based on utility.<sup>20</sup> That's his idea: "Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure."<sup>21</sup>

Sandel, however, does not agree with this thesis, considering it too simplistic. This is confirmed in his style, in an easy way by the question he asks his students during the lecture: „I show the students three examples of popular entertainment: a World Wrestling Entertainment fight, a Hamlet soliloquy performed by a Shakespearean actor; and an excerpt from The Simpsons. I then ask two questions: Which of these performances did you enjoy most, find most pleasurable, and which do you think is the highest, or worthiest? Invariably The Simpsons get the most votes as most enjoyable, followed by Shakespeare. (...) But when asked which experience they consider qualitatively highest, the students vote overwhelmingly for Shakespeare."<sup>22</sup>

<sup>19</sup> The quote comes from obscure writing by Bentham, *The Rationale of Reward*, published in the 1820s. Bentham's statement was brought to prominence by John Stuart Mill. See: R. Harrison, *Bentham*, London 1983, p. 5.

<sup>20</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 52.

<sup>21</sup> J.S. Mill, *Utilitarianism*, chap. 2.

<sup>22</sup> M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 53.

Moreover, Sandel notes that even Mill expresses faith in appealing to man's higher faculties while at the same time departing from utilitarian premises.

"It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question."<sup>23</sup>

Desires cannot be the sole basis for judging what is noble and what is vile. This derives from the ideal of human dignity, independent of our desires and wants. Higher pleasures are not higher because we prefer them; we prefer them because we recognize them as higher. We appreciate them not because we like them better than minor amusements, but because they engage our highest capacities and make us more fully human. We cannot reduce everything to a crude calculus of pleasure and pain, but to a moral ideal of human dignity and personhood, independent of utility.

#### 4. Justice in terms of liberalism

I would now like to present Sandel's approach to liberalism. Sandel is well known for his polemics conducted with representatives of freedom-based conceptions of philosophy and a free market. Because this is a very extensive issue, I will only present the most important concepts with which Sandel polemizes. This can be useful to present his basic principles in building the theory of justice.

Sandel takes a polemic, especially with Rawls and his concept, described in the work *A Theory of Justice*. John Rawls defends redistribution, on the grounds of hypothetical consent. He argues that if we imagined a hypothetical social contract in an original position of equality, everyone would agree to a principle that would support some form of redistribution. In this book, Rawls analyzes justice as the first virtue of social institutions, such is the truth for the systems of thought. He deals with

<sup>23</sup> J.S. Mill, *Utilitarianism*, chap. 2.

the demands that his version of justice imposes on these institutions. These have to be absolutely neutral with respect to particular moral and religious conceptions. This is the only way to ensure a system that treats people equally, regardless of their race, class, gender, etc.<sup>24</sup>

Sandel locates modern liberalism in the tradition of Kant. He has in mind that the idea will be best described as “deontological liberalism.” Its main assumption is that society, being composed of a plurality of persons, each with his own aims, interests, and conceptions of the good, is best arranged when it is governed by principles that do not presuppose any particular conception of the good. These regulative principles are justified above all not because they maximize the social welfare or promote the good in any other way, but because they are in accordance with the concept of right, a moral category is given prior to the good and is independent on it.<sup>25</sup>

Sandel also doubts about Rawls’s conception of the self. It says that we are free and independent selves, capable of choosing our own ends, and that we need a framework of rights that is neutral among ends. Rawls’s self only asks what ends it should choose and is thus not equipped to do anything more than turn its attention to superficial preferences and desires.<sup>26</sup>

Sandel claims, that not only it does not enable us to see the sense of certain moral and political obligations that may not be due to our choice, but also it doesn’t take adequate account of the sense in which we may be partly constituted by certain purposes or attachments and commitments, that may give rise to obligations of solidarity or membership.<sup>27</sup>

“(…) it is not clear how the original position confers moral status on the results of an exercise in rational choice, not obvious what the justificatory force of the argument from the original position consists in. The question of justification is complicated by the fact that Rawls

<sup>24</sup> Cf. J. Rawls, *A Theory of Justice*, Massachusetts 1971, p. 49.

<sup>25</sup> Cf. M. Sandel, *Liberalism and the Limits of Justice*, Massachusetts 1998, p. 14.

<sup>26</sup> Cf. J. Rawls, *A Theory of Justice*, p. 153.

<sup>27</sup> Cf. M. Sandel, *Public Philosophy*, p. 214.

seems simultaneous to rely on two different sorts of justification, one appealing to the method of reflective equilibrium, the other to the tradition of the social contract, and sorting out their respective roles poses certain difficulties.”<sup>28</sup>

The novel element in Sandel’s assessment of the Rawls’s theory is the special use it makes of the idea of community. Rawls’ “community” consists of units, each of which uses the form of “deliberative rationality” to organize and make a choice between desires, and then define strategies to achieve them.

Sandel’s use of the idea of community is altogether deeper and more philosophically interesting. In his analyses, he focuses more on the importance of community and also a tradition in matters of justice. He researches more on solutions to ethical dilemmas based on a particular society’s evolved norms.<sup>29</sup>

As mentioned by Sandel, Rawls’s reasoning relies too heavily on individualism. Sandel critical comments on what he calls the “deep individualism” embedded in the premises of Rawls’s theory and, more generally, in the foundations of liberal political theories which are influenced by Kantian moral philosophy. Similarly he doesn’t believe in the possibility and the desirability of politics being neutral with respect to particular moral and religious conceptions. Liberalism and the liberal emphasis on rights have been criticized on the grounds that they are individualistic and overlook the importance of community and fraternity.<sup>30</sup>

Sandel demonstrates the inadequacy of the extreme individualism of the concept of person. This approach fails to take into account the role of community in the constitution of the person, or the fact that a person’s meaningful identity is more a matter of cognition than choice.

<sup>28</sup> M. Sandel, *Liberalism and the Limits of Justice*, p. 104.

<sup>29</sup> Cf. M. Sandel, *Public Philosophy*, p. 163.

<sup>30</sup> Cf. M. Sandel, *Public Philosophy*, p. 39–42.

## 5. Justice as a virtue

Let us now discuss Sandel's approach to the philosophy of antiquity, based on virtue. Sandel always makes commenting on Aristotle the final point of his analysis. Sandel analyzes two ideas of Aristotle's theory of justice. First of them is that justice is teleological (purposeful). On Aristotle's philosophy of justice, defining rights requires us to figure out the purpose, end, or essential nature-of the social practice in question.<sup>31</sup> Aristotle thought that understanding the purpose of an object is the best way to define who has a right to own or use it. If we want to know who deserves what, we have to examine what the object is for, and it will lead us to find who deserves it.

The second idea of Aristotle's theory of justice is honorific. Currently, theories of justice try to separate questions of fairness and rights from arguments about honor, virtue, and moral desert. Aristotle connects "debates about justice" to "debates about honor, virtue, and the nature of the good life." He regards justice as the sovereign virtue and the major purpose of the state.<sup>32</sup> If we connect justice and the good life, we can say that justice is to give honor to those who are worthy. And that's how Sandel presents the Aristotelian definition of justice: "giving people what they deserve." So if we distribute goods and opportunities to people, we should consider which person has the right to those goods. To argue which person deserves what, we should reason what purposes the goods and the opportunities possess. People have the right to have or use what they deserve because the goods and the opportunities are not worthy of those who do not deserve them. Sandel's use of Aristotle's definition is endorsed by experience.

Sandel points out that Aristotle regards justice as the sovereign virtue and the major purpose of the state. Justice is treating equals equally and unequals unequally and in proportion to their relevant differences.<sup>33</sup>

<sup>31</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 186.

<sup>32</sup> M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 187.

<sup>33</sup> U. P. Obioha, *The Nature of Justice*, p. 184.

We could observe that previous concept which defines justice as conformity to law, reduces the concept of justice to legality. Sandel, on the other hand, considers it as something more. A mistake of previous ideas was that the concept of justice could as well be replaced by legality. On the contrary, he argues that justice could also be appealed to in matters where there is no law. Maybe even sometimes against law. Therefore, justice cannot be synonymous with legality since it transcends it and even gives it its justification.<sup>34</sup>

## **6. Justice in terms of Michael Sandel**

The above analyzes allow us to show some outlines of the concept of justice in the Sandel approach. When conducting analyzes, he points to specific factors that should be taken into account in the formation of the theory of justice and sets it deep in reality. I would like to take a closer look at them now, and they will be first: citizenship, sacrifice, and service, secondly: the moral limits of markets, thirdly: inequality, solidarity, and civic virtue and fourthly: the politics of moral engagement.

Now I want to present the first of them: citizenship, sacrifice, and service. Many times Sandel emphasizes the value of community; just society requires a strong sense of community; and above all the national community. That is why it has to cultivate in citizens a concern for the whole, a dedication to the common good. Values and civic virtues, which citizens bring to public life, should be included. Society is obliged to the explicit teaching of civic virtue, and also to the practical, often inadvertent civic education. It takes place, for example, when young people from different economic classes, religious backgrounds, and ethnic communities come together in common institutions. Such places were schools, colleges, and even the army. Sandel notices that nowadays many public schools are in a parlous condition and only a small fraction of society serves in the military, so he asks a serious question: how a democratic society so vast and disparate could cultivate the solidarity and sense

<sup>34</sup> U. P. Obioha, *The Nature of Justice*, p. 184.

of mutual responsibility that a just society requires? He calls for finding new ways to arouse in society a sense of patriotism and pride, and a new willingness to serve their country.<sup>35</sup>

Secondly, Sandel describes the moral limits of markets as an important factor in the theory of justice. One of the most striking tendencies of our time is the expansion of markets and market-oriented reasoning into spheres of life traditionally governed by non-market norms. Sandel notes that in the last 30 years, since the free market arose, we have moved to market society which is a very dangerous process. He believes that the spread of markets should be resisted for two reasons. First, because markets are more responsive to purchasing power rather than to any deliberate assessment of need. Consequently, those with less ability to pay will not have their needs met as effectively as those with greater financial resources. If in society the healthcare is provided via market, the rich will be able to provide better treatment compared to that received by the poor.<sup>36</sup> Second, it is argued that unchecked markets are corrosive to the cultural and moral fabric. Markets reflect and promote certain norms, certain ways of valuing the goods. Because marketizing social practices may corrupt or degrade the norms that define them, we need to ask what nonmarket norms we want to protect from market intrusion. Sandel provides an interesting discussion of experimental evidence that suggests that paying people to be good citizens reduces their willingness to act altruistically. Monetary incentives for reading may help school children increase their willingness to read, for example, but such rewards will ultimately undermine the appropriate ways of valuing books, reading, learning and education.<sup>37</sup>

Next factors of justice which Sandel discusses are solidarity, civic virtue and the inequality issue related to them. A lively debate about the problem of a fair distribution of income and wealth has been very strong in philosophy since the 1970s. However, we can see a certain drawback

<sup>35</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 265.

<sup>36</sup> Cf. M. Sandel, *What Money Can't Buy: The Moral Limits of Markets*, London 2012, p. 78.

<sup>37</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 265.

in it: too great gap between the rich and the poor undermines the solidarity that democratic citizenship requires. As inequality deepens, the rich and the poor live more and more apart. Elitism and higher quality pull the rich away from public places and services, leaving them to those who cannot afford anything else.<sup>38</sup>

“The affluent send their children to private schools (or to public schools in wealthy suburbs), leaving urban public schools to the children of families who have no alternative. A similar trend leads to the secession by the privileged from other public institutions and facilities. Private health clubs replace municipal recreation centers and swimming pools. Upscale residential communities hire private security guards and rely less on public police protection. A second or third car removes the need to rely on public transportation. And so on. The affluent secede from public places and services, leaving them to those who can't afford anything else.”<sup>39</sup>

This has two consequences: fiscal and social. Fiscal means that public services are getting worse because people who no longer use these services are less likely to support their taxes. The social consequences are as follows: public institutions such as schools, parks, playgrounds, and social centers cease to be places where citizens of different backgrounds meet. Places that once gathered people and served as informal schools of civic virtue have become few.<sup>40</sup>

The issue of social justice would treat as one of the main goals the reconstruction of the infrastructure of civic life. Instead of focusing on redistribution in order to expand access to private consumption, it would burden the rich with the reconstruction of public institutions and services, so that the rich and the poor would like to use them. It draws people from their closed communities into common spaces of common democratic citizenship. Focusing on the social consequences of inequalities and the ways of reversing them may find political traction of those

<sup>38</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 266.

<sup>39</sup> M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 266.

<sup>40</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 267.

who do not have arguments about the distribution of income as such. It would also help to underline the relationship between distributional justice and the common good.<sup>41</sup>

In the end, Sandel raises issues of politics of moral engagement. It is now believed that public involvement in matters of the good life as a civil offense goes beyond the limits of a liberal public reason. It is believed that politics and law should not be entangled in moral and religious disputes, as this opens the way to coercion and intolerance. Citizens of pluralistic societies disagree about morality and religion, but this does not exclude the possibility of building a just society based on mutual respect. In recent decades, we have started to assume that respecting the moral and religious beliefs of our citizens means ignoring them, leaving them alone and trying to lead a public life without referring to them. But this attitude of avoidance can arouse false respect. Meanwhile, Sandel believes that a firm public commitment to our moral misunderstandings could provide a stronger and not weaker basis for mutual respect. Instead of avoiding moral and religious beliefs that our fellow citizens bring into public life, we should address them more directly – sometimes by challenging and contesting them, sometimes by listening to and learning from them. He professes the thesis that the policy of moral commitment is not only a more inspiring ideal than a policy of avoidance. It is also a more promising basis for a just society.<sup>42</sup>

## Conclusion

Sandel does not give his precise definition of justice. He turns back to Ancient Greece for inspiration applying Aristotle's reasoning. And like Aristotle, he accepts justice as a virtue. At the same time, he criticizes visions of utilitarian and liberal justice. Prosperity or freedom cannot be glorified or impose a vision of justice from the top, nor can such factors as individuality, law or equality. His vision also has an agenda:

<sup>41</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 268.

<sup>42</sup> Cf. M. Sandel, *Justice: What's the Right Thing to Do?* (2010), p. 268.

it argues for a greater role for justice in public life. Moreover, his alternative for liberal and utilitarian ideology is the reaffirmation of values of civic engagement. It expresses itself in such elements of public life as the sacrifice, and service, solidarity, and civic virtue. It also touches upon the boundaries of the free market.

Thus, alongside the description of various ethical theories, at first, almost imperceptibly, Sandel constructs his case for the brand of communitarianism. His vision is also an invitation to dialogue and to foster a public space for moral and political deliberation. And maybe there is the reason why Sandel does not give his precise definition of justice. It only shows some priorities that we should follow. It is probably an unfinished project that needs to be refined and it will not be finished.

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## Abstract

### Justice according to Michael J. Sandel

The concept of justice has been constantly discussed from ancient times to the present day, which shows its importance and complexity. It reveals its diversity in the context of cultural differences, philosophical concepts, ideas and schools of thought. The extremely popular Harvard University professor Michael Sandel also undertook his analysis of the issue of justice. In his articles, books and lectures, he repeatedly addresses the issue of justice, analyzing its development, application and the resulting consequences of its application. At the same time, he does not avoid unambiguous assessments and expressing his opinions. This attitude allows us to discover and analyze his own concept of justice, seen in the perspective of a virtue fulfilling an important role in public life. His reflections on the question of justice reveal the assumptions of a broader philosophical perspective, referred to as communitarianism.

### Keywords

justice, society, solidarity, communitarianism, Michael Sandel

## Abstrakt

### Sprawiedliwość w ujęciu Michaela J. Sandela

Zagadnienie sprawiedliwości jest nieustannie dyskutowane od czasów starożytnych, co może świadczyć o jego znaczeniu i złożoności. Ujawnia swoją różnorodność w kontekście różnic kulturowych, koncepcji filozoficznych, idei i szkół myślenia. Analizy zagadnienia sprawiedliwości podjął się również niezwykle popularny profesor Uniwersytetu Harvarda Michael Sandel. W swoich artykułach, książkach i wykładach wielokrotnie podejmuje on problematykę sprawiedliwości, analizując jej rozwój, zastosowanie i wynikające z tego konsekwencje. Nie stroni przy tym od jednoznacznych ocen i wyrażania

opinii. Taka postawa pozwala nam odkryć i przeanalizować jego własną koncepcję sprawiedliwości, widzianej w perspektywie cnoty pełniącej niezwykle ważną rolę w życiu publicznym. W jego refleksji nad zagadnieniem sprawiedliwości wyłaniają się założenia szerszej perspektywy filozoficznej, określanej mianem komunitaryzmu.

### **Słowa kluczowe**

sprawiedliwość, społeczeństwo, solidarność, komunitaryzm, Michael Sandel