

Justice



SAMPLE PAGES

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workbook vol. 2

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Using this book

Thank you for your interest in Common Converse!

Common Converse workbooks are designed to help you focus and delve more deeply into your relationship with one particular topic. They are *workbooks*, for fully engaged interaction. They contain many days' worth of activities, quotations, reading suggestions, reflection questions, and writing prompts. At the end of each section is a blank journal page. We recommend completing one workbook page each day during your self-directed course of study. The consistency will help you build a practice of intention and enable you to get as much out of your work as possible.

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Introduction

The first memory I have related to justice is laying on my tummy on the shag carpet, up on my elbows so I could watch Wonder Woman on the color TV. *All the world is waiting for you, and the power you possess; in your satin tights, fighting for your rights and the old red, white and blue...*

It's hard to shake a first impression. America, in my mind, has always been inextricably linked with fighting for one's rights. That's what America is: an effort to improve, always justice-seeking. Or, at least, that's what that little girl grew up thinking.

Ideas of justice dominate American entertainment. Our televisions have veritably exploded with depictions of courts, crime, and law enforcement. When America kicks off our shoes and settles on the couch, we watch cops solve crime. We are inundated with violence through prime time and beyond and we cheer our protectors, from beat cops to hardened detectives working for justice. Our cultural dramatis personae include unprecedented numbers of fictional police, lawyers, and judges, all doing their damndest to avenge the innocent and condemn the guilty.

Moving from the fictional world of justice to the real world of justice is a shock. In the nearly 40 years since Wonder Woman taught me what justice is, the number of people imprisoned in this country has increased more than 500%. Violent and non-violent offenders alike stew in cruel and sadistic conditions, only to be released into environments that serve to engender recidivism. An impartial observer from another time or another land might imagine the American criminal justice system an elaborate joke—if it weren't so horrifying to understand the consequences of our errors. Disenfranchisement, both formal and informal, continue to erode our justice system. Lingering prejudices over gender, sexuality, race, social-economic status and more continue to guarantee unequal treatment under sometimes unjust laws.

Though individuals of all races suffer at the hands of the criminal justice system, it is impossible to address our obsession with incarceration without addressing what Michelle Alexander refers to as a “new racial caste system.” In her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness**, she writes:

Arguably the most important parallel between mass incarceration and Jim Crow is that both have served to define the meaning and significance of race in America. Indeed, a primary function of any racial caste system is to define the meaning of race in its time. Slavery defined what it meant to be black (a slave), and Jim Crow defined what it meant to be black (a second-class citizen). Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals. That is what it means to be black.

...

The genius of the current caste system, and what distinguishes it from its predecessors, is that it appears voluntary. People choose to commit crimes, and that's why they are locked up or locked out, we are told.

The American justice system is broken. And yet justice as a concept is foundational to our very humanity. This workbook attempts to prompt thoughtful contemplation and discussion about justice. While thinking about and articulating your ideas about justice are not the same as doing justice work, it is a prerequisite. Justice requires ongoing, challenging work and focus. Dedicating our minds and hearts to justice is a counter-cultural act. Yet change will not come only from the grand gestures of the dedicated activist, but also from small conversations between co-workers, earnest guidance from parents, and the effort we all might take to change the way we talk about justice in our everyday lives. Hopefully you will find some ideas in these pages that will help you take the small or large steps you can to make this place a better place for each of us.

May your work be all you want it to be.

Rebecca Brooks
Common Converse

*Michelle Alexander's *The New Jim Crow* and Bryan Stevenson's *Just Mercy* are both excellent options for further study into the intersections of justice and race. We have not included them in this workbook under Further Reading recommendations because excellent study guides already exist for both:

The New Jim Crow: Mass Incarceration in the Age of Colorblindness

- [Official Study Guide and Organizing Guide \(for purchase\)](#)
- [Teaching Tolerance: Teaching "The New Jim Crow"](#)
- [Unitarian Universalist Association's Common Read Discussion Guide, 2013](#)

Just Mercy

- [Random House's Teacher's Guide to Just Mercy](#)
- [Unitarian Universalist Association's Common Read Discussion Guide, 2015](#)

Trigger Warning: The "Further Reading" suggestions in this workbook include some books that focus on experiences that cause Post Traumatic Stress Disorder. Just Mercy (p. 62), for example, includes scenes of police brutality and references rape. Missoula (p. 54), includes many very graphic scenes of sexual assault and subsequent legal challenges. If you suffer from PTSD, please note that quotations from these and other books and discussion questions may be triggering.

Name three justice issues you feel passionate about. Why these? How did they come to your attention? What is your relationship with these issues?





"I'm for truth, no matter who tells it. I'm for justice, no matter who it's for or against."

—Malcolm X



Have you encountered wisdom about justice from an unexpected source? How might one build common ground with someone whose politics and philosophies overlap only partially?



*Think about a time in your life when your ideas about justice were tested.
Why or how did this come about? Write about your experience.*



Further Reading

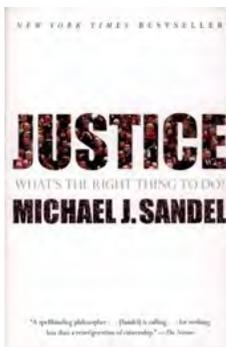
“Given the passion and intensity with which we debate moral questions in public life, we might be tempted to think that our moral convictions are fixed.... But if this were true, moral persuasion would be inconceivable, and what we take to be public debate about justice and rights would be nothing more than a volley of dogmatic assertions, an ideological food fight. How, then, can we reason our way through the contested terrain of justice and injustice, equality and inequality, individual rights and the common good? This book tries to answer that question.” (p. 27)

—Michael J. Sandel, *Justice: What’s the Right Thing to Do?*

Study Questions

- Sandel poses a number of hypothetical questions in his book. Was there one that stood out for you as especially difficult, surprising, or enlightening?
- Sandel’s special skill is in using analogies and stories to illuminate dense and difficult concepts. Is there one or more ideas he addresses in the book that you understand better now than before?
- In Chapter 5, Sandel introduces Immanuel Kant’s notion of autonomy, “When we act autonomously, according to a law we give ourselves, we do something for its own sake, as an end in itself.” He argues, this “is what gives human life its special dignity.” (p. 110). How might this contribute to or obstruct moral action?
- In beginning his discussion of utilitarianism, Sandel outlines the case of Richard Parker, and in it two different perspectives of justice. He writes: “The first approach says the morality of an action depends solely on the consequences it brings about; the right thing to do is whatever will produce the best state of affairs, all things considered. The second approach says that consequences are not all we should care about, morally speaking; certain duties and rights should command our respect, for reasons independent of the social consequences.” (p. 33) Which do you find yourself more often arguing for with regard to justice issues?
- In Chapter 8: “Who Deserves What,” Sandel looks at Aristotle. He writes “Suppose we’re distributing flutes. Who should get the best ones? Aristotle’s answer: the best flute players. ...Aristotle claims that in order to determine the just distribution of a good, we have to inquire into the telos, or purpose, of the good being distributed.” (p. 187) What comes up for you when you imagine this kind of teleological reasoning? Positives? Negatives?

- Sandel notes that these concepts of justice are very concrete and practical concerns. In Chapter 10, Sandel reveals that he, personally, favors an approach that says “justice involves cultivating virtue and reasoning about the common good.” (p. 260). Do you agree or disagree? What do you see as the merits of this approach?
- In Chapter 6, Sandel discusses John Rawls, who suggested that a social contract should be created through a “veil of ignorance,” where we assume what “place” we might occupy in the social order. Not knowing whether we would be rich or poor (to use an example) might dissuade us from focusing our social contract on principles that privilege wealth. Sandel writes: “Rawls believes that two principles of justice would emerge from the hypothetical contract: The first provides basic liberties for all citizens, such as freedom of speech and religion...The second principle concerns social and economic equality. ...[permitting] only those social and economic inequalities that work to the advantage of the least well-off members of society..” Do you agree with Rawls’s conclusions about what such a hypothetical might lead to? What complications might ensue under these two principles of justice? What role does interpretation play in their enactment?
- Sandel quotes Congressman Charles Rangel, who famously stated that the Iraq war “would never have been launched if the children of policy-makers had had to share the burden of fighting it.” (p. 83) Do you agree? Is it possible for a “free-market” all volunteer army to exist without coercion? What are the moral implications of the current US system? Is the current system a just one?
- In 2009, Michael Sandel’s popular course on Justice was offered as a set of engaging episodes, all now viewable online at <http://www.justiceharvard.org/watch/>. Begin with Episode 1: The Moral Side of Murder. Are there circumstances under which you would choose to kill? What is the relationship between morality and justice? What is your role in societal justice?

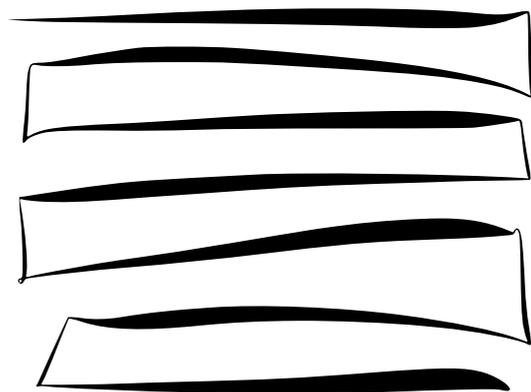


Michael J. Sandel. [*Justice: What's the Right Thing to Do?*](#) New York: Farrar Straus and Giroux, 2010.

Harvard professor, Michael Sandel addresses a great variety of situations to illuminate the ways we think about justice. Based on his [popular course](#), Sandel uses case studies and analogies to prompt readers (and students) to think through our own assumptions and perspectives about the concept of justice in an engaging way.

Purchase through the common*converse* affiliate [link](#) or find it at your favorite bookstore.

How have the internet and social media cultures influenced our ideas about justice (and/or the enactment of justice) within our society as a whole? Individually?



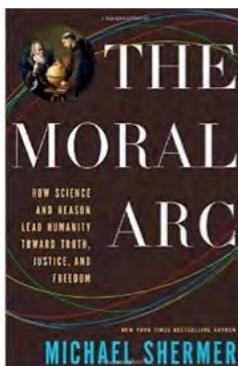
Further Reading

“Replacing one form of retributive justice (of individuals against each other) by another (of states against individuals) reduced the violence of self-help justice, but it also gave states an alarming amount of power over their citizens. This is yet another effect of the civilizing process brought about by the Enlightenment’s emphasis on reason. Emotionally, punishment feels like it helps balance the scales of justice, but rationally it fails as a solution to a problem because it does not help restore justice to the victim.” (p. 384)

—Michael Shermer, *The Moral Arc: How Science and Reason Lead Humanity Toward Truth, Justice, and Freedom*

Study Questions

- Justice here is presented as an evolutionary desire. Shermer argues that both primates and hunter-gatherers developed a natural tendency toward arranging just transactions. Do you think we are hard-wired for justice?
- Shermer is sympathetic to a human impulse toward retributive forms of justice, but also explores the concept of restorative justice in chapter 11 (p. 372). Can you describe some personal experiences with retributive justice? with restorative justice (if any)?
- Shermer outlines four specific benefits to crime victims: Information, Truth Telling, Empowerment, and Restitution or Vindication (p. 374). Retributive justice fails to provide any of these. In what way might a victim-oriented justice be preferable to an offender-oriented (retributive) justice?
- Watch Michael Shermer’s TED Talk: [The Pattern Behind Self-Deception](#) (2010). He argues that humans have innate survival-related behavioral tendencies. How might the tendencies he describes impact how justice is constructed and practiced in our society? How might we address the deficiencies these leave us with?



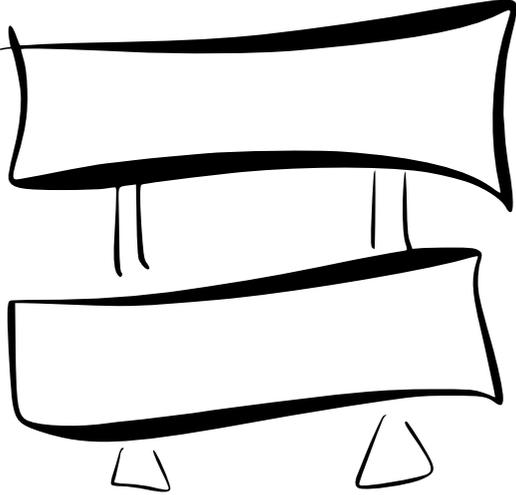
Michael Shermer. [The Moral Arc: How Science and Reason Lead Humanity Toward Truth, Justice, and Freedom](#). New York: Henry Holt and Company, LCC, 2015.

As the founding publisher of *Skeptic* magazine, Shermer’s experience lies mostly in addressing how humans have a tendency to believe strange things beyond reason. He has translated this work into addressing the hows and whys of human progress, arguing that the more we rely on science and reason, the better, more moral decisions we are capable of making.

Purchase through the [commonconverse](#) affiliate [link](#) or find it at your favorite bookstore.

Roadblocks

Think of a particular justice issue close to your heart. What stands in the way between the current reality and progress? How might your own actions effect change?



Activity

Lack of justice for a group of people or a particular issue has consequences far beyond those directly impacted. Within the center circle, write down a justice issue close to your heart in the connected circles, make note of any related but indirect consequences.

