

Opinions on Justice and Rights
A Discussion with Belle Meade Middle School Students

One question before we start our study: What is justice?

Ezra: I believe justice is to bring right to something or someone.

Thomas: I think justice is fairness.

Alyssa: I think justice is a fair solution to a criminal, or other kind of trouble maker.

Wes: An act of righteousness. Someone getting their due.

Sofie: Fairness in protection of rights and punishment for doing wrong.

We've been talking about distributive justice. Can you explain what that means?

Wes: It's who decides who gets what.

Ryan: It concerns the nature of a socially just allocation of goods in a society.

Ezra: Distributive Justice is items and the amount of such available to sentient beings or that they can acquire.

There are varying views on distributive justice including justice as equality, need based justice, and merit based justice. Can you explain each of these for our readers?

Ryan: Justice as Equality means that everyone should get the same kind and amount of stuff.

Stephen: Need Based Justice says that everyone shouldn't get the same, because our needs aren't the same.

Alyssa: It suggests that everyone shouldn't get the same things because everyone has different preferences and requirements.

Sofie: Merit Based Justice says that justice actually means giving unequally, based on what each person deserves.

What are your own ideas about justice in regards to equality, need, and merit. Which of these ideas do you think is the most reasonable and or important? Why?

Wes: Everyone should have to work for what they own and people should give to those truly in need.

Alyssa: I think need is in the front for me, with the other two following close behind, because if you don't have what you need, you can't do much to deserve more. But, just because one person wants a cheeseburger, doesn't mean everyone wants a cheeseburger.

Thomas: I think a combination of need and merit would be good. I think justice is everything being fair.

Sofie: Like if we are sick and we need to go to the doctor we should be able to go the doctor. Or if we need food we should be able to get food. Need based justice is probably the most important because everyone needs different things because everyone is different.

Ryan: Equality; if everyone has the same amount of stuff, then everyone is happy.

Ezra: I believe in theory, Justice As Equality (JAE) sounds like a good idea. "Everyone should get the same kind and amount of stuff" seems reasonable, but different beings have different needs. If different needs aren't being treated, I believe justice isn't being served. Need Based Justice and Merit Based Justice are very comparable. Need Based Justice states "That everyone shouldn't get the same things because everyone has different preferences and requirements". I agree with this form of justice for I believe that this more feasible to reality than JAE since individuals may have similar essentials, but then others very different and as I stated, I believe for justice to be served that everyone's, if not all, some requirements of the individual must met. Merit

Based Justice is debatable. Some would say they should get should get more possessions because they deserve it for various reasons. And some disagree with this. I also personally agree with this.

Do you believe there are essential human rights? If so, what are some of these rights?

Thomas: I do believe there are essential human rights like food, a home, and hitting John. Hitting me is not a right because I am too utterly amazing.

Wes: Yes. Access to emergency services and enough to eat. Because everyone deserves to be treated like a human. The right to have equal amounts of stuff because you have to work for what you get.

Alyssa: I think some of the essential human rights are the right to live, the right to speak and the right to try. I think the right to live is pretty self explanatory, and if you don't let people talk, all that happens, is miscommunication and anger. The right to try is because whether or not they are allowed, people are going to try. I do not think that receiving help is always a right. If someone has been a total jerk, no one should have to deal with helping this person until they have their act together.

Sofie: Yes I do. People can't be tortured. Everyone also has the right to life. People don't have the right to steal or kill because killing is torture and cruel. Stealing is illegal and taking another person's property.

Ryan: Yes I believe playing video games all day, and eating chocolate for breakfast are rights because it is something you want to do. Poking someone, and invading one's space is not a right because other people don't like it.

Ezra: (Examples) Defending self when being attacked, having access to water, or the right to not being attacked. I believe these are rights because they all serve to the well being of the individual. Assaulting someone because you "feel like it", or stealing someone's possessions, or breaking someone's equipment are not rights.

Can you explain the ideas of positive and negative rights?

Sofie: A negative right is a right not to be subjected to an action of another person or group. Negative rights permit or oblige inaction.

Ezra: A negative right is something you are protected from.

Thomas: Positive rights say that people have to help someone get something.

Alyssa: In other words, if you can't afford to get something you need, someone else is obligated to help. So if you can't afford a doctor, someone else has to help.

What types of rights should be protected by the government?

Ryan: Negative rights. People do not obey negative rights.

Wes: Both types, because you have to have balance. It's ok to help people but you can't serve people everything on a silver platter.

Ezra: Both. The citizens of a given area should be entitled to being protected and be permitted to their necessities.

Alyssa: Positive. With America's population, if unhelped people would fall into poverty.

Thomas: All rights should be protected because why wouldn't they?

Are we morally obligated to help protect or provide rights to other people?

Ryan: No, we have our own rights to protect and provide. Everyone's right is their own problem.

Thomas: Yes...that's the definition of being a good person.

Sofie: We need to be a good person but we are not obligated to be, but if you can you should be because if you are not nice or good other people won't be either.

Ezra: I believe supporting in any way your community/society is part of being a "good person". To have a strong community, it is crucial to have the right to support others.

Alyssa: Yes, I think we are, to protect rights gains trust, one thing that people ultimately try to get. Also, protected rights makes a more prosperous community.

There are a lot of ideas about what justice is. Can you please explain these belief systems about justice: retributive justice, justice as welfare maximization, justice as rehabilitation, justice as deterrence, and restorative justice?

Wes: Retributive Justice suggests that you have to suffer for your wrongs. Example: I hit my brother and lost my Xbox for a week.

Alyssa: "An eye for an eye" - "the punishment must fit the crime" -the Mikado. In second grade, if you did something wrong you suffered a long boring speech from the teacher.

Ezra: Welfare Maximization is maximizing the welfare of a society or a being.

Alyssa: If you are using welfare maximization, instead of punishing wrongdoers you might send them to get an education or to therapy.

Ryan: In justice as rehabilitation you give wrongdoers help, so they can learn how to get along in society and follow its rules. Anger management!

Ryan: Justice as Deterrence is punishing people to stop other people from doing it. You are afraid of getting a speeding ticket so you drive slowly.

Sofie: It's when we punish someone to send a message to other people.

Wes: Restorative Justice focuses on making amends rather than suffering.

Alyssa: For example, if someone makes a mess, they need to clean it up.

Now that we've studied and discussed philosophies of justice, please explain your personal view on how justice should work.

Alyssa: I think need-based justice is my favorite, with a little merit and equality; if you don't do anything but sit at home and do nothing, I don't think you should receive help with the life that you're ignoring. In my opinion, justice as equality should be used only when everybody wants the same thing, and the rest of the time we should use need based justice with small exceptions explained above. I agree a little with both Rawls and Nozick; I think we should help people who are less well off to some degree, but most of the time it's their own fault. I do not fully agree with a positive right, because people with more probably worked hard for that stuff. I do think it should be highly encouraged but not mandatory. In my opinion, restorative justice is the best way to deal with people. In the other systems, after punishing the wrongdoer you are no better off and someone still has to deal with the consequences. With restorative justice, the wrongdoer puts something back into whatever they wronged. You might be assigned community service, or if you make a mess you have to clean it up.

Ezra: I support all these particular forms of justice. While they may be different, they are all necessary at given times.

Ryan: I think deterrence works more because people will learn what not to do. When a guy gets arrested for vandalism, then no one else will do it.

Wes: I think that people should help the less fortunate to a certain extent, and I agree with all forms of punishment. As long as you are getting by the government does not need to help you. For instance it is ok to receive money to help raise your children if you aren't making enough money from your job.

Sofie: I agree with all them because they all make sense in their own ways. They all do not agree with each other but they are good to have been said.