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## “THE JURISPRUDENCE OF DUTY AND THE RIGHT: INTEGRATING SANDEL’S MORAL REASONING WITH BHAGAVAD GITA”

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### Abstract

This research paper undertakes a comprehensive inquiry into the jurisprudential meaning of duty, right, and justice by synthesizing the major Western philosophical frameworks discussed in Michael Sandel’s *Justice: What’s the Right Thing to Do?* with the spiritual-ethical vision of duty articulated in the Bhagavad Gita. Drawing upon the extensive set of illustrations you provided—including examples such as price gouging after Hurricane Charley, the A.I.G.<sup>2</sup> bailout, the Purple Heart controversy, the trolley problem<sup>3</sup>, consensual cannibalism, the Baby M case, Casey Martin’s golf cart dispute, and the loyalty dilemmas of Robert E. Lee and the Bulger brothers—the paper examines how modern society navigates conflicts between welfare, freedom, virtue, solidarity, fairness, and moral character. The argument proceeds through an exploration of utilitarianism, libertarianism, Kantian<sup>4</sup> deontology, Rawlsian<sup>5</sup> justice, Aristotelian teleology, and communitarian ethics, showing how each framework captures essential dimensions of moral life while also revealing critical limitations. The paper ultimately argues—drawing support from both Sandel’s critique of neutral liberalism and the Gita’s doctrine of Nishkama Karma—that justice cannot be morally neutral. Instead, a meaningful jurisprudence of duty requires a

politics of moral engagement grounded in collective deliberation about the good life, human flourishing, and the common good.<sup>6</sup>

**Keywords** *Justice; Duty; Right; Wrong; Utilitarianism; Liberty; Rawls; Kant; Aristotle; Virtue; Solidarity; Dharma; Nishkama Karma; Teleology; Moral Desert.*

### Introduction

To ask whether a society is just is to ask how it distributes the things human beings value: income and wealth, rights and duties, opportunities and privileges, offices and honors. This formulation, drawn from Sandel’s<sup>7</sup> work, reflects a fundamental truth: justice is inseparable from the moral purpose and meaning of social institutions. Modern political philosophy often attempts to define justice in terms that avoid controversial claims about the good life, aspiring to neutrality among competing moral and religious conceptions. But Sandel shows that justice cannot remain neutral. It is always “inescapably judgmental,” inevitably tied to questions about virtue, dignity, the purpose of social practices, and the obligations we owe one another.

The concept of duty lies at the heart of these debates. Duty is more than a corollary to rights: it is the primary anchor of moral order. Whether conceived as maximizing welfare, respecting autonomy, promoting virtue, or fulfilling obligations of solidarity, duty represents a fundamental structure of moral reasoning. The various frameworks Sandel explores—utilitarianism, libertarianism, Kantian deontology, Rawlsian fairness, and Aristotelian teleology—each offer a distinctive understanding of why we should do

<sup>1</sup> “After Hurricane Charley, Reports of Price Gouging Spread,” *The New York Times* (New York), Aug. 16, 2004.

<sup>2</sup> A.I.G. Bonuses After Bailout Spark Outrage,” *The Washington Post* (Washington, D.C.), Mar. 17, 2009.

<sup>3</sup> “Massachusetts Supreme Court Rules on Same-Sex Marriage,” *Boston Globe* (Boston), Nov. 19, 2003

<sup>4</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785).

<sup>5</sup> John Rawls, *A Theory of Justice* (Harvard University Press, 1971).

<sup>6</sup> Robert Nozick, *Anarchy, State, and Utopia* (Basic Books, 1974).

<sup>7</sup> Michael J. Sandel, *Justice: What’s the Right Thing to Do?* (Farrar, Straus & Giroux, 2009).



the right thing and what makes an action morally wrong.

At the same time, the spiritual tradition of the Bhagavad Gita brings a profound dimension to the conversation. Its doctrine of Dharma, particularly the teaching of Nishkama Karma in Bhagavad Gita 2.47, insists that one must perform prescribed duties without attachment to results. This vision presents a moral psychology and metaphysics of duty that both contrasts with and enriches Western theories. Like Sandel, who argues that individuals are not “unencumbered selves” but beings shaped by communities and histories, the Gita emphasizes that the self is situated within a cosmic order where action, identity, and obligation intertwine.

कर्मण्येवाधिकारस्ते मा फलेषु कदाचन  
मा कर्मफलहेतुर्भूर्मा ते सङ्गोऽस्त्वकर्मणि<sup>8</sup>

This research paper therefore constructs a dialogue between Sandel’s philosophical analysis and the Gita’s spiritual ethics. By integrating the rich set of examples, you provided—modern controversies, legal cases, moral dilemmas, and philosophical thought experiments—the paper develops a comprehensive jurisprudential account of duty. It demonstrates that the meaning of justice cannot be fully understood through any single framework; instead, justice emerges through responsible moral judgment rooted in both rational reflection and spiritual insight.

### Utilitarianism and Welfare

Utilitarianism begins with the premise that morality is fundamentally about producing the greatest happiness for the greatest number. Jeremy Bentham’s<sup>9</sup> assertion that human beings are governed by the two “sovereign masters,” pleasure and pain, forms the philosophical basis for this approach. According to utilitarian reasoning, right action is simply action that maximizes

aggregate welfare. The legislator’s task is therefore to design institutions, policies, and laws that create the highest net balance of happiness over suffering.

Sandel opens *Justice* with cases that vividly bring utilitarian reasoning into conflict with deeper moral intuitions. One such example is **Hurricane Charley** in 2004, when ice suppliers and contractors in Florida drastically raised prices—charging ten dollars for a two-dollar bag of ice and demanding astronomical sums for basic repairs. Defenders of the price hikes argued that higher prices create incentives that bring more supplies and services into disaster zones quickly, ultimately benefiting victims through increased availability. Yet many saw these actions as predatory exploitation. What utilitarianism frames as welfare-enhancing incentives, ordinary moral judgment sees as violation of civic virtue. The social meaning of market activity cannot be reduced to its consequences for efficiency.

Another contemporary example is the **A.I.G. bonus controversy** following the 2008 financial crisis. After receiving \$173 billion in taxpayer bailouts, the firm paid \$165 million in bonuses to the very employees whose behaviour helped precipitate the collapse. Even if one could construct a utilitarian argument that retaining these employees was necessary for stabilizing the financial system, public outrage was driven by the intuition that rewarding failure is morally wrong. The sense of injustice is tied not only to consequences but to the moral meaning of desert.

The **Philip Morris smoking study** in the Czech Republic epitomizes utilitarianism’s most troubling tendencies by reducing human life to cost-benefit calculations. The study concluded that smoking produced net economic benefits because smokers died earlier, saving the state money on pensions and healthcare. This kind of reasoning exposes a deep moral blindness: even if early mortality reduces government expenditures, this fact alone cannot

<sup>8</sup> *Bhagavad Gita*, 2, verse 47.

<sup>9</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1789).



justify policies that encourage or excuse preventable death.

Similarly, the **Ford Pinto gas tank decision** highlights the danger of monetizing human life. Internal company calculations concluded that installing an \$11 safety fix would cost more than the projected payouts for fatalities valued at \$200,000 each. Here, utilitarian calculus did not merely guide policy; it rationalized decisions that knowingly endangered lives. Many find such reasoning morally repugnant, not merely because it leads to harmful outcomes, but because it treats persons as substitutable units of utility.

The utilitarian framework is also tested by thought experiments like the **Mignonette lifeboat case** of 1884. When stranded sailors killed and ate the cabin boy, Richard Parker, to survive, their defences rested on the argument that killing one to save three maximizes overall welfare. Although utilitarian logic might condone the killing, most moral frameworks reject it as a violation of human dignity.

Ursula Le Guin's story "**The Ones Who Walk Away from Omelas**" further exposes the moral limitations of utilitarianism by imagining a city whose happiness depends on the perpetual misery of a single child. Even if the total sum of happiness is maximized, the price is morally unacceptable. Sandel uses this illustration to show that utilitarianism fails to account for the inviolability of individual rights, the significance of moral desert, and the meaning of dignity.

The **ticking time bomb** scenario likewise pressures utilitarianism into endorsing torture if doing so saves thousands of lives. While the hypothetical seems to support utilitarian logic, it raises fundamental concerns about institutionalized cruelty, the erosion of human rights, and the moral corruption that arises

when the dignity of one person is overridden for the sake of many.

The **trolley problem** confronts similar issues: diverting a runaway trolley to kill one instead of five appears justified from a utilitarian perspective. But the variation involving pushing a heavy man off a bridge to stop the trolley is far more morally charged. Although both scenarios involve saving five lives at the cost of one, the act of using a person as a tool violates a deeper moral principle that utilitarianism struggles to explain.

Mill<sup>10</sup> attempted to repair utilitarianism by distinguishing "higher" and "lower" pleasures, asserting that the qualitative superiority of certain goods (such as reading Shakespeare over watching *The Simpsons*) must be acknowledged. But this concession—"better to be Socrates dissatisfied than a fool satisfied"—implicitly introduces a standard of human dignity that utilitarianism cannot fully justify on its own terms.

The Gita offers a powerful critique of utilitarian reasoning. Krishna warns against action motivated by attachment to results, noting that such action clouds judgment and leads to moral error. The Gita's teaching that duty must be performed without regard to consequences stands in profound tension with the utilitarian calculus. Far from measuring right and wrong through aggregate outcomes, the Gita insists that action must be rooted in righteousness, purity of motive, and the moral order (Dharma).

### Libertarianism and Freedom

If utilitarianism grounds duty in the maximization of welfare, libertarianism grounds it in the primacy of individual freedom. The central principle is self-ownership: the belief that each person owns his or her body, labour, and talents, and therefore must be free to use—or dispose of—them as they choose. This

<sup>10</sup> John Stuart Mill, *Utilitarianism* (Longmans, Green & Co., 1863).



conception of freedom insists that the state may not force individuals to act for the good of others, nor redistribute resources obtained by voluntary exchange. Taxation for redistributive purposes is therefore, in this view, morally equivalent to forced labour, since it seizes a portion of what individuals produce through their own effort.

Sandel illustrates libertarian logic through the example of **Michael Jordan's earnings**. Millions of fans voluntarily paid extra to watch him play, producing vast wealth through a chain of consensual transactions. According to libertarianism, interfering with these earnings through redistributive taxation violates the freedom of both Jordan and the fans who willingly contributed to his income. The resulting inequality may be dramatic, but it is just because it arises from uncoerced choice. As libertarians often maintain, "liberty upsets patterns": it is impossible to enforce any patterned distribution of wealth—whether equality, merit, or need—without continuous interference in people's choices.

This emphasis on consent leads libertarianism into some of the most morally fraught domains of modern life. If self-ownership is absolute, individuals must be free not only to sell their labour but to sell parts of themselves, raising questions about the permissibility of **organ markets**. Some argue that a kidney market benefits both buyer and seller, and thus should be legal. Critics point out, however, that such "choices" often occur under conditions of economic desperation. A person selling a kidney to survive poverty may technically consent, but the moral validity of such a choice is questionable when shaped by coercive circumstances. Markets, even when voluntary, can reflect deep inequalities that undermine genuine freedom.

The limits of libertarian consent become most grotesquely visible in the case of **Armin Meiwes**, the German man who killed and consumed a willing

participant. Libertarian logic struggles to condemn such an act if all parties consent. Yet widespread moral revulsion indicates that some human goods—life, dignity, bodily integrity—cannot be alienated even voluntarily. This is a decisive challenge to libertarianism: consent alone cannot guarantee moral legitimacy.

Similar issues arise in the **Civil War draft**,<sup>11</sup> where draftees could pay a commutation fee or hire substitutes to fight in their place. Libertarians might defend this system on grounds of choice and voluntary exchange. Yet critics rightly note that such a system effectively reduces military service—a civic responsibility—to a commodity available only to the wealthy, thereby transforming public duties into market transactions. The contemporary **all-volunteer army** raises related concerns. While superficially an exercise in freedom, many recruits enlist under economic duress, challenging the libertarian assumption that market participation always reflects autonomous choice. Sandel observes that the meaning of civic duties cannot be reduced to markets without eroding the civic ideals they embody.

The **Baby M surrogacy case** further exposes the tensions inherent in libertarian markets. When Mary Beth Whitehead agreed to serve as a surrogate and later changed her mind, libertarians argued that enforcing the contract protected freedom and promised payments. Yet the New Jersey Supreme Court ultimately ruled the contract invalid, comparing it to baby-selling. The issue was not merely contractual but moral: motherhood and the parent-child relationship possess an inherent meaning that cannot be commodified without distortion. Markets, in this case, threaten to reshape human relationships in ways that undermine their moral significance.

Libertarianism also presupposes a particular conception of the self: the **unencumbered chooser**, who exists prior to and independent of social roles,

<sup>11</sup> "Civil War Draft and Substitution Debates," *Harper's Weekly* (New York), July 1863.



ties, and identities. But as Sandel argues throughout *Justice*, this vision is too thin to account for our lived moral experience. Individuals are not isolated atoms; they are shaped by histories, communities, loyalties, and relationships that define who they are. These relationships create obligations that cannot be reduced to consent—for example, duties to family members, communities, or nations. Libertarianism overlooks the reality that some duties arise not from choice but from identity.

The ethical vision of the Bhagavad Gita stands in profound contrast to libertarian individualism. Whereas libertarianism treats the self as a sovereign entity whose obligations arise solely from choice, the Gita portrays the self as embedded within a cosmic order governed by Dharma. Duty arises from one's role, nature, and place in the world. The Gita teaches that ultimate freedom is not the ability to choose without constraint, but the ability to act without attachment, guided by wisdom and righteousness. This conception of the self-challenges libertarianism's narrow view of autonomy and underscores the importance of moral frameworks that recognize the obligations arising from identity, community, and a higher moral order.

Libertarianism remains a powerful and important political philosophy, especially in its defense of personal freedom, economic choice, and resistance to coercion. But it cannot fully explain the moral significance of civic duties, the inalienability of human dignity, or the obligations rooted in family and community. It reduces justice to choice, but human life demands an account of obligations that transcend mere consent. This limitation becomes clearer when we examine Kant's theory, which grounds duty not in personal preferences or market choices but in moral law itself.

### Deontology and the Motive of Duty

Immanuel Kant offers what is perhaps the most rigorous account of moral obligation in Western philosophy. He argues that the moral worth of an

action depends entirely on the **motive of duty**—that is, acting for the sake of the moral law rather than from desire or expected consequences. Kant distinguishes sharply between actions done “in accordance with duty” and those done “from duty.” Only the latter possess true moral worth. This insistence on motive makes Kantian ethics fundamentally different from both utilitarianism and libertarianism. For Kant, morality cannot be grounded in desired outcomes, nor can it depend on individual preferences. It must instead flow from universalizable principles of reason.

Sandel illustrates this principle through Kant's famous example of the **prudent shopkeeper**. A grocer refrains from cheating a child not out of honesty but because being caught would damage his business. Although the grocer's action accords with duty, the motive undermines its moral worth. Kant's point is not to encourage moral suspicion but to insist that only principled action—action motivated by respect for the moral law—deserves esteem. This idea is reinforced by contemporary examples, such as anti-cheating pledges incentivized by discounts, which produce compliant behaviour but for reasons that lack moral purity.

Kant's theory becomes more complex in examples involving personal struggle. He imagines a person so despondent that he has no inclination to preserve his own life. If such a person chooses to live solely because he recognizes a duty to do so, then—and only then—does the act acquire moral worth. This example, as Sandel notes, illustrates Kant's belief that moral worth shines most clearly when action is taken against one's inclinations. Kant is not celebrating suffering; he is demonstrating how duty transcends desire.

The distinction between acting from duty and acting from inclination also appears in the case of the **spelling bee contestant** who informed judges that he had mistakenly advanced. Although he admitted that part of his motive was personal discomfort at cheating, his willingness to tell the truth reflects fidelity to a moral principle rather than mere prudence. Kant



acknowledges that motives can be mixed, but insists that what confers moral worth is the presence—not the dominance—of duty.

Kant formalizes moral duty through the **categorical imperative**. Its first formulation, the Formula of Universal Law, requires that we act only on principles we could will to be universal. This eliminates actions such as lying, which cannot be universalized without self-contradiction. Its second formulation mandates that we treat humanity, whether in ourselves or others, always as an end and never merely as a means. This principle explains why pushing a man off a bridge to stop a runaway trolley is morally wrong even if doing so would save five others. Using a person as a tool violates the dignity and autonomy intrinsic to rational beings.

The Bhagavad Gita resonates strikingly with Kant's philosophy. Krishna's instruction to Arjuna—"You have a right to your actions, but not to the fruits thereof" (BHAGAVAD GITA 2.47)—captures the Kantian idea that moral worth derives from motive rather than consequence. The Gita's command to abandon the "pride of doership" echoes Kant's insistence that moral action arises from duty rather than ego. Although their metaphysical foundations differ, both traditions elevate duty above desire and insist that true moral action must be grounded in principle rather than outcome.

Kant's deontology therefore provides a moral vocabulary for criticisms of both utilitarianism and libertarianism. It explains why certain actions—torture, exploitation, deceit—are wrong regardless of their outcomes or the consent involved. It grounds justice in the dignity of persons, offering a more robust account of moral obligation than freedom or welfare alone can provide.

### Rawlsian Justice and the Fairness of Social Institutions<sup>12</sup>

John Rawls offers a powerful alternative to both utilitarianism and libertarianism. While utilitarians sacrifice individual rights for the sake of aggregate welfare, and libertarians reject redistribution even when individuals suffer through no fault of their own, Rawls seeks a middle path grounded in fairness. According to Rawls, the way to think about justice is to imagine a hypothetical situation known as the **original position**, where rational individuals come together to choose the principles of justice that will govern society. Crucially, they make these decisions behind a **veil of ignorance**, unaware of their class, race, gender, talents, wealth, or personal goals. This veil ensures impartiality: no one can tailor principles to advantage themselves, because they do not know who they will be once the veil is lifted.

Rawls argues that, under these conditions, individuals would agree upon two principles. The first guarantees equal basic liberties for all, such as freedom of speech, conscience, and political participation. The second, the **Difference Principle**, allows social and economic inequalities only if they benefit the least advantaged members of society. Rawls thus rejects the idea that talent or social position should be the basis for claims to greater wealth or privilege. The distribution of natural talents is morally arbitrary, a product of what he calls the "natural lottery." Therefore, a just society should not reward individuals based purely on their luck in birth.

This framework provides a strong critique of markets, meritocracies, and libertarian notions of desert. Sandel illustrates Rawls's argument through contemporary and historical cases. The **Civil War draft**, for instance, shows that allowing individuals to buy their way out of service produces a system where the wealthy avoid sacrifice while the poor bear the burden. Behind the veil of ignorance, no one would choose such a principle, since they would not know whether they themselves would be rich or poor. The modern **all-volunteer military**, which disproportionately draws recruits from economically

<sup>12</sup> Supra note 5.r



disadvantaged backgrounds, raises a similar concern. While libertarians frame it as a matter of choice, Rawls would argue that individuals' choices are heavily shaped by starting positions in society that are themselves morally arbitrary.

Rawls also sheds light on disputes about **contractual fairness**, such as the case of the elderly widow charged \$50,000 by an unscrupulous contractor to repair a leaky toilet. Although the transaction was consensual, it was not fair: extreme vulnerability, ignorance, and lack of bargaining power undermine true consent. Likewise, in the dispute involving **Sam's Mobile Repair**, where a repairman began work on a vehicle without a contract and then expected payment, we encounter the question of whether benefit creates obligation absent genuine consent. Behind the veil of ignorance, Rawls argues, individuals would construct principles that protect people from exploitation, coercion, and unfair advantage.

The dystopian story "**Harrison Bergeron**" deepens Rawls's analysis by illustrating the dangers of enforcing equality through extreme measures. In Vonnegut's fictional world, the government handicaps the talented to ensure equal outcomes. Rawls rejects this approach. His philosophy does not aim at levelling everyone but at structuring inequalities in ways that improve the situation of the least advantaged. He recognizes that people differ in talent and ability, but insists that society should benefit from those differences in ways that uphold fairness and solidarity.

Rawls's distinction between **moral desert** and **legitimate expectations** is central to his critique of meritocratic reasoning. According to Rawls, people do not morally deserve the advantages that flow from their talents, since they did nothing to earn their natural gifts. Yet they may have legitimate expectations based on the rules of a just system. This distinction is illustrated through Woody Allen's observation that a comedian's talent would be useless in an Apache society. What society rewards depends on social context, not intrinsic moral merit. Therefore,

Rawls argues that talents should be treated as a "common asset," with social arrangements designed to ensure that the benefits from talents flow also to the least advantaged.

The fairness-based vision of society presented by Rawls resonates with the ethical framework of the Bhagavad Gita, particularly its emphasis on social duty and the protection of the vulnerable. The Gita teaches that wherever righteousness declines, the divine intervenes to restore balance and protect the weak. This spiritual principle parallels Rawls's insistence that a just society must guard those born into disadvantage. For Rawls, as for the Gita, justice is not merely a matter of procedural fairness but of moral responsibility toward the most vulnerable members of society.

Rawls thus constructs a sophisticated alternative to libertarianism's unregulated markets and utilitarianism's aggregate welfare maximization. His vision of justice recognizes that freedom is important, but not sufficient; welfare matters, but cannot override the dignity of persons; and fairness requires that social institutions reflect impartiality rather than accident of birth. Yet even Rawls's theory does not fully embrace the role of virtue, purpose, and character in shaping just practices—foundational elements that Aristotle and the Gita consider indispensable.

#### **Aristotelian Teleology and the Purpose of Social Practices**

Aristotle approaches justice through a radically different lens than utilitarianism, libertarianism, or Rawlsian fairness. For Aristotle, justice is inherently **teleological** and **honorific**. Teleology means that to determine what is just, we must first understand the purpose—or **telos**—of the social practice in question. Honorific means that justice allocates goods in ways that honor and cultivate the virtues appropriate to that practice.

Aristotle's classic example is the distribution of **flutes**. The best flutes should go to the best flute players, not



because the players will enjoy them most or because distributing them equally is fairest, but because the purpose of flutes is to produce excellent music. Giving them to the most skilled players honors the virtues relevant to the practice of musicianship.

This concept of telos becomes central when Sandel examines contemporary controversies. The dispute over **Casey Martin's use of a golf cart** in professional tournaments illustrates the importance of understanding the purpose of golf. Martin, a professional golfer with a disability, requested the use of a cart under the Americans with Disabilities Act. The PGA Tour argued that walking the course was an essential athletic requirement. Justice John Paul Stevens, writing for the Supreme Court's majority, claimed that walking was not intrinsic to the telos of golf—shot-making was. Justice Scalia dissented, arguing that traditions in sports are arbitrary and cannot be judicially recalibrated.

What this debate reveals are that even modern legal controversies implicitly rely on judgments about purposes, virtues, and the meaning of social roles. Similarly, the case of **Callie Smartt**, the cheerleader with cerebral palsy who was removed from the team because she could not perform gymnastic routines, raises fundamental questions about the purpose of cheerleading. Is cheerleading primarily about physical skill, or is it about generating school spirit? Depending on how one interprets the telos of the activity, the just distribution of positions may differ.

Aristotle's teleology also illuminates debates about **affirmative action**, such as the case of Cheryl Hopwood, a white applicant denied admission to UT Law School despite higher scores than some admitted minority students. Opponents of affirmative action claim it violates merit; supporters argue that the purpose of university education includes cultivating a diverse learning environment. Without a shared understanding of the institution's telos, the debate cannot be resolved.

The Bhagavad Gita reinforces the Aristotelian notion of teleology through its teaching of **Swadharma**, the idea that each person has a duty associated with their nature and societal role. The Gita declares: "Better is one's own duty, though imperfectly done, than the duty of another well performed... For to follow another's dharma is fraught with danger"

**श्रेयान्स्वधर्मो विगुणः परधर्मात्स्वनुष्ठितात् |  
स्वधर्मे निधनं श्रेयः परधर्मो भयावहः**

(BHAGAVAD GITA 3.35). This emphasis on fit and purpose mirrors Aristotle's argument that justice requires aligning roles with the virtues and capacities appropriate to them. Just as a flute belongs with the musician whose skill fulfils its purpose, duties in human life must align with one's inherent nature and social role.

Aristotle's ethics thus connect justice to human flourishing, virtue, and the good life. Justice cannot be understood without reference to the purpose of human practices and institutions. This approach challenges modern theories that attempt to remain neutral about virtue or moral character. For Aristotle—and for the Gita—justice is inseparable from the cultivation of virtue.

### **Solidarity, Loyalty, and the Narrative Self**

While utilitarianism, libertarianism, Kant, and Rawls focus primarily on welfare, freedom, or fairness, Sandel argues that these frameworks still leave out a crucial dimension of moral life: the obligations we bear not as universal moral agents or autonomous choosers, but as members of families, communities, histories, and nations. These are obligations of **solidarity**—particularistic ties that bind us to others by virtue of shared identity rather than voluntary choice. They reveal that the self is not unencumbered, but **narrative**, shaped by stories, relationships, and loyalties that precede and exceed rational contract.



This dimension of moral experience becomes especially vivid in cases where identity-based loyalties conflict with universal moral duties. The example of **Robert E. Lee** stands out as one of the most dramatic illustrations in American history. Lee opposed secession and believed slavery to be evil, yet when the Civil War broke out, he resigned his commission in the U.S. Army to lead the Confederate forces because he felt a deeper loyalty to Virginia, his home state. Many condemn his choice for contributing to a treasonous defense of slavery, but Sandel uses the case not to absolve Lee, but to illuminate the moral force of particular commitments. Lee believed his identity obligated him to stand with his people, even against his convictions about national unity. His decision shows that some obligations derive not from consent, advantage, or fairness, but from the historical and cultural ties that define who we are.

A contrasting example is found in the story of **David Kaczynski**, who suspected that his brother Ted was the Unabomber responsible for a series of deadly attacks. Turning in one's own brother is among the most wrenching moral choices a person can face. Yet David chose to contact the FBI, believing that ending the violence and saving future victims outweighed familial loyalty. His actions illuminate the tragic but profound conflict between natural solidarity and universal justice. This case demonstrates that loyalty is not an absolute value; it is one part of a complex moral landscape that requires judgment, not mechanical application.

The case of the **Bulger brothers** offers a different angle. William "Billy" Bulger, a powerful political figure in Massachusetts, repeatedly refused to cooperate in efforts to locate his fugitive brother, the gangster Whitey Bulger, who was wanted for murder and organized crime. Unlike David Kaczynski, Billy placed fraternal loyalty above civic duty. Many viewed this as a betrayal of public trust. Yet the case illustrates the deep moral pull of identity and kinship—a pull that many modern theories struggle to explain, because such obligations do not arise from

contract or utility. They arise from the narrative structure of human life.

These examples demonstrate that moral identity is shaped by history, family, and community, and that these sources of obligation cannot be reduced to choice. Sandel argues that liberal individualism misunderstands the nature of the self by envisioning individuals as free to choose all their attachments from a detached standpoint. But many of the most important obligations in our lives—duties to parents, children, ancestors, and communities—are not chosen. Rather, they arise from the fact that we are born into stories that precede us. This insight reveals the limits of theories that attempt to derive justice solely from universal principles or from individual preference.

Debates over **same-sex marriage** illustrate this point vividly. A purely libertarian argument frames marriage as a matter of freedom: if two consenting adults wish to marry, the state has no right to interfere. But Sandel argues that the debate cannot be resolved on grounds of freedom alone. Marriage is not simply a contract; it is a social institution that expresses public recognition and honor. Whether the state recognizes gay marriage depends on a moral judgment about the value and dignity of same-sex unions. This dispute implicates the telos of marriage—whether it is fundamentally about procreation, companionship, love, or civic equality. Neutral principles cannot settle such questions; they require moral engagement with the meaning and purpose of the institution itself.

This conclusion directly links back to the inconsistencies within libertarianism. If marriage is merely a contract, libertarians must permit polygamy, temporary marriages, or market marriages. Yet most reject such practices, implicitly conceding that marriage has an intrinsic purpose. Likewise, public debates about abortion, stem cell research, or euthanasia cannot be resolved through procedural neutrality because they involve claims about the nature of life, dignity, and the good.



Sandel's insistence that justice requires grappling with contested moral questions aligns closely with the vision offered in the Bhagavad Gita, which describes the human person as embedded in relationships of duty, loyalty, and cosmic order. Like Sandel, the Gita rejects the idea of an isolated, autonomous self. Instead, it portrays the individual as situated in a web of obligations derived from one's role, nature, and spiritual heritage. The Gita identifies three types of intellect—Sattvic, Rajasic, and Tamasic—that influence moral discernment. The Sattvic intellect, clear and luminous, "understands the path of work and renunciation" and recognizes what should and should not be done. This mirrors Sandel's call for a politics that engages moral reasoning directly rather than avoiding controversy through neutrality.

The Gita's emphasis on **lived identity** and **spiritual duty** reinforces Sandel's argument that justice cannot be separated from the communities that shape us. While Rawls attempts to bracket identity behind the veil of ignorance, the Gita affirms that one's dharma is inseparable from one's nature and circumstances. Arjuna's crisis on the battlefield illustrates this tension: he wishes to renounce violence and universalize compassion, but Krishna reminds him that his duty as a warrior arises from his role in a cosmic and social order. This duty is not chosen; it is embedded in his identity.

Thus, both Sandel and the Gita deny that justice can be grounded solely in abstract principles detached from lived experience. They argue instead that moral obligation flows from the deeper narratives of community, history, and vocation. Justice must honor the particular bonds that constitute human life while also discerning the universal principles that protect the dignity of all persons.

### **The Gita's Ethics of Action and the Transformation of Duty**

The Bhagavad Gita provides a profound spiritual anchor for understanding duty, action, and justice. Its central teaching—**Nishkama Karma**, action without

attachment to results—presents a moral psychology profoundly different from utilitarian or libertarian thought. Where utilitarianism links duty to consequences and libertarianism links it to choice, the Gita grounds duty in inner discipline and alignment with cosmic order. It declares: "You have a right to your actions, but not to the fruits thereof. Do not be motivated by the fruits; neither let your attachment be to inaction" (BHAGAVAD GITA 2.47). This teaching reframes the entire debate: moral action is not about advancing personal preference or maximizing outcomes but about fulfilling one's dharma with clarity and selflessness.

Arjuna's crisis on the battlefield reflects the tension between universal compassion and particular duty. Faced with killing his own relatives, teachers, and kin, he contemplates withdrawal. Krishna responds that renunciation cannot be justified if it stems from confusion. Actions aligned with dharma, even when difficult, are purer and more righteous than actions motivated by self-interest or fear. The Gita insists that the moral weight of an action lies in its fidelity to duty rather than in the pleasure, pain, or social esteem it generates. This mirrors Kant's emphasis on motive but grounds the obligation in spiritual insight rather than rational autonomy.

Another central teaching of the Gita is **Swadharma**, the duty arising from one's nature and role. It warns against abandoning one's own duty, stating: "Better one's own duty, though imperfect, than the duty of another well-performed; for to follow another's path is perilous" (BHAGAVAD GITA 3.35). This reflects Aristotle's concept of "fit," the alignment between roles and virtues in human flourishing. In both traditions, attempting to perform a duty unsuited to one's nature leads to moral and psychological harm.

The Gita thus fuses metaphysics, moral psychology, and social ethics into a vision of duty that complements and deepens the Western traditions. It agrees with Aristotle that virtue comes from learning by doing; with Kant that moral worth lies in motive; with Rawls that justice protects the vulnerable; and



with Sandel that our identities carry obligations not chosen but inherited. Yet it transcends them all by grounding duty in a cosmic and spiritual order, reminding us that justice is not merely a human construction but a reflection of eternal principles.

### Conclusion: Politics of Moral Engagement

The philosophical journey through welfare, freedom, fairness, virtue, community, and spiritual duty reveals a central truth: **justice cannot be morally neutral**. Attempts to reduce justice to utility, choice, or procedural fairness miss the deeper moral questions about purpose, dignity, and the common good. Whether examining price gouging, war, family loyalty, or market contracts, we inevitably make judgments about what virtues society should honor and what purposes our institutions should serve.

A robust jurisprudence of duty therefore requires moving beyond a “politics of avoidance,” where controversial moral questions are set aside, toward a **politics of moral engagement**, where citizens deliberate together about the good life. Justice, as Sandel emphasizes, is “inescapably judgmental.” The Gita reinforces this by teaching that duty cannot be detached from righteousness and that freedom lies not in avoiding obligation but in embracing it with clarity and selflessness.

By integrating the ethical insights of Sandel’s philosophical analysis with the spiritual depth of the Gita, this paper concludes that justice demands more than the protection of rights or the maximization of welfare. It demands the cultivation of virtue, the honoring of community, and the pursuit of a common good rooted in both reason and spiritual insight. To do the “right thing” is not merely to follow rules or optimize outcomes but to participate in the moral formation of the self and society. True justice calls us to reason together, to embrace our duties without attachment, and to recognize that our lives are embedded in stories larger than ourselves.

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## I. PRIMARY SOURCES

### 1. Philosophical & Scriptural Texts

- Michael J. Sandel, *Justice: What’s the Right Thing to Do?* (Farrar, Straus & Giroux, 2009).
- *Bhagavad Gita*, 2, verse 47; 3, verse 35.

### 2. Uploaded Academic Material

- *Sandel Jurisprudence Notes* (Unpublished manuscript, 2024).

### 3. Judicial Decisions

- *Regina v. Dudley & Stephens*, (1884) 14 QBD 273 (CCR).
- *In re Baby M*, 537 A.2d 1227 (N.J. 1988).
- *PC Tour, Inc. v. Martin*, 532 U.S. 661 (2001).

### 4. Classical & Literary Works

- Ursula K. Le Guin, *The Ones Who Walk Away from Omelas*, in *The Wind’s Twelve Quarters* (HarperCollins, 1975).
- Kurt Vonnegut, “Harrison Bergeron,” *The Magazine of Fantasy and Science Fiction*, Oct. 1961.

## II. SECONDARY SOURCES

### 1. News & Contemporary Controversies

(*ILI format: Title of article, newspaper, city, date*)

- “After Hurricane Charley, Reports of Price Gouging Spread,” *The New York Times* (New York), Aug. 16, 2004.
- “A.I.G. Bonuses After Bailout Spark Outrage,” *The Washington Post* (Washington, D.C.), Mar. 17, 2009.
- “Debate Over Purple Heart Eligibility for PTSD,” *USA Today* (Virginia), Jan. 8, 2009.
- “Philip Morris Says Smoking Saves Money,” *The Guardian* (London), July 18, 2001.



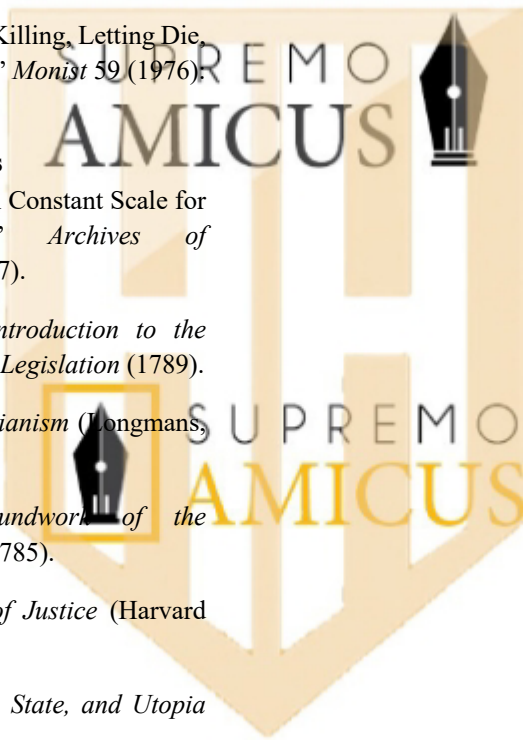
- “Ford Knew Pinto Defects Could Cost Lives,” *Mother Jones* (San Francisco), Sept.–Oct. 1977.
- “Civil War Draft and Substitution Debates,” *Harper’s Weekly* (New York), July 1863.
- “Massachusetts Supreme Court Rules on Same-Sex Marriage,” *Boston Globe* (Boston), Nov. 19, 2003.

**2. Philosophical Articles**

- Philippa Foot, “The Problem of Abortion and the Doctrine of Double Effect,” *Oxford Review* 5 (1967).
- Judith Jarvis Thomson, “Killing, Letting Die, and the Trolley Problem,” *Monist* 59 (1976): 204.

**3. Academic & Economic Works**

- Edward L. Thorndike, “A Constant Scale for Judging Experiences,” *Archives of Psychology* No. 140 (1937).
- Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1789).
- John Stuart Mill, *Utilitarianism* (Longmans, Green & Co., 1863).
- Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785).
- John Rawls, *A Theory of Justice* (Harvard University Press, 1971).
- Robert Nozick, *Anarchy, State, and Utopia* (Basic Books, 1974).



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- OpenAI, *ChatGPT (GPT-5.3)*, used as a research and writing assistance tool during manuscript preparation, session dated 2026.
- Microsoft, *Copilot AI*, used as a digital drafting and editing support tool, accessed 2026.
- Google, *Gemini AI*