Case Study #2: Free Will & the Boston Bombing

Carefully read the sections on d’Holbach & Sartre in our text and the attached articles from NBC and NPR, then thoughtfully answer the following questions. The completed assignment should be three pages long, using 12 pt. fonts and single spacing with one inch margins. Each answer should be proportionate to the number of points possible and each supporting quote should be no longer than one or two short sentences. All quotes must be from primary literature (the philosopher in question) and not from Solomon’s secondary commentary or any other non-primary source. Quotes must be cited and all you need do is indicate the page from the text. Please separate and number each response. This exercise is worth a total of 105 points. This is due on the 29th (M/W) / 30th (T/Th) of May. Please refer to the detailed rubrics and sample completed case study attached at the end of this assignment.

Questions:

1. Prior to determining whether Dzhokar Tsarnaev acted of his own free will, what sort of research information would you need? Assume for the purposes of this assignment that he is in fact guilty, though at this point he has yet to be charged and tried in court. Provide as a bulleted list and pose in question form. For this assignment, you do not have to do the research but you need to raise the kind of questions that would drive such a project. These should be research questions and as such should be concrete and answerable. Think about facts that, if known might help determine how one should or could respond to the issues identified. (20 points)

2. Briefly explain hard determinism. How do you think Baron d’Holbach would explain Dzhokar Tsarnaev’s actions? Explain your answer including specific details from d’Holbach’s argument including what he said it would take for one to be free and thus responsible for one’s actions. What specific forces would be particularly interesting to d’Holbach in the Tsarnaev case? (30 points)
   2b. Cite a quote from d’Holbach supporting your answer. (5 points)

3. Briefly explain Jean Paul Sartre’s idea of free will. Include in your explanation, a discussion of Sartre’s definition of freedom. How would Sartre respond to the question of Dzhokar Tsarnaev’s responsibility? Why wouldn’t it matter whether determinism is true according to Sartre? How is Tsarnaev still responsible despite those forces that were present that you discussed in your response to question two? (30 points)
   3b. Cite a quote from Sartre supporting your answer. (5 points)

4. Which of the two explanations above (d’Holbach or Sartre) do you think is the strongest? Was Dzhokar Tsarnaev fully responsible for his decisions? Defend your answer. (15 points)
Charges expected soon for Boston Marathon bombing suspect

Boston bombing suspect Dzhokhar Tsarnaev, 19, is being treated at a Boston hospital Sunday, still not well enough to be questioned by federal agents about the bombings and shootings that terrorized Boston.

By Pete Williams, John Schoen and Matthew DeLuca, NBC News

Federal prosecutors were putting the finishing touches on charges against the surviving marathon bombing suspect on Sunday, even as officials raised questions about the extent to which they may be able to question the surviving suspect.

Dzhokhar Tsarnaev, the 19-year-old man accused in the Boston Marathon bombing that killed three people and injured more than 180 remained in serious condition at Beth Israel Deaconess Medical Center.

Law enforcement sources said their goal is to file charges against Tsarnaev today.

A senior law enforcement official also confirmed Sunday that Dzhokhar Tsarnaev is suffering from a wound to his throat that has left him unable to talk.

This has delayed efforts by the special high value detainee interrogation team to talk to him without advising him of his Miranda rights, the source said. The “public safety exemption” allows investigators to question a suspect when it is thought that he or she might have vital information about a threat against public safety.

Gov. Deval Patrick told reporters Saturday that Tsarnaev was "unable to communicate."

Boston Mayor Thomas Menino said investigators may never be able to orally question Dzhokhar Tsarnaev in an interview on Sunday. "And we don’t know if we’ll ever be able to question the individual,” Menino said without further explanation.

Dzhokhar Tsarnaev remained in “serious condition,” the FBI said in a statement released on Sunday at the request of the hospital where a number of bombing victims also have received treatment.

His brother, 26-year-old Tamerlan Tsarnaev, was identified by the FBI as Suspect 1. He was killed in a firefight with police following a wild chase into the suburb of Watertown on Thursday night.

The brothers hurled a pressure-cooker bomb similar to the two that went off at the marathon during the firefight, Watertown Police Chief Edward Deveau said on Saturday. The men were in two cars when confronted by a lone police officer, Deveau said, and later threw four grenade-like explosives at pursuing officers.

Much remained unknown on Sunday about what might have driven the two suspects to violence. The chairman of the House Intelligence Committee said on “Meet the Press” on Sunday that Tamerlan Tsarnaev may have traveled under an alias when he took a trip to Russia in 2012.

That trip may have been when Tamerlan Tsarnaev “got that final radicalization to push him to commit acts of violence and where he may have received training,” said committee chair Rep. Mike Rogers, R-Mich.

Also, crime scene units returned to the scene of Monday’s twin explosions that brought an annual springtime rite to an end in screams and smoke. Debris and trash not far from the bomb site on Boylston Street were taken away in garbage trucks on Sunday after being sifted for evidence.

Secretary of Defense Chuck Hagel said he has not seen evidence to link the bombings to any militant or terrorist group on Sunday, and declined to speculate on whether or not Dzhokhar Tsarnaev could be sent to Guantanamo Bay.

“We just don’t have the facts, and until we get the facts, then it will be the responsibility of law enforcement, DOJ, and other institutions to make some determination as to how that individual should be treated, detained, charged, and all that goes with it,” Hagel said. “But right now we just don’t know enough about it.”

Investigators are taking a look at Dzhokhar Tsarnaev’s behavior after he returned to the campus of the University of Massachusetts at Dartmouth after the Monday bombings, Gov. Patrick said Sunday on “Meet the Press.”

“There is evidence of some frankly kind of normal student behavior in those ensuing days, which when you consider the enormity of what he was responsible for certainly raises a lot of questions in my mind and as I say more to the point in the minds of law enforcement as well,” Patrick said. “Those are the kinds of leads that still have to be pursued and run to ground.”

In Boston, the hunt for the suspected perpetrators gave way to a time to mourn a week after the attacks. A funeral for marathon victim Krystle Campbell, 29, a restaurant manager, is scheduled for Monday at St. Joseph Church in her home town of Medford, Mass.

Menino and Patrick along with the central charitable One Fund Boston called for a minute of silence at 2:50 p.m. Monday to mark a week since the bombings. Bells will ring throughout the city and Massachusetts after the minute’s passage, according to a statement from the mayor’s office.

About 36,000 runners participated in the London Marathon on Sunday amid heightened security, many of them wearing black ribbons to commemorate the victims in Boston or carrying “For Boston” signs.

NBC News’ Tom Winter, Michael Isikoff and Michael Brunker contributed to this report.
On what appear to be their social media pages, the two brothers accused of bombing the Boston Marathon presented two faces -- one of Islamic fundamentalism, another of youthful whimsy.

A YouTube account apparently set up by Tamerlan Tsarnaev, 26, suggested the elder bombing suspect was more interested in Islam than his 19-year-old brother, Dzhokhar.

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It was set up in Tamerlan Tsarnaev's name in August -- three weeks after his return on July 17, 2012, from what travel records obtained by NBC New York indicated was a six-month overseas trip that began with a flight to Moscow.

A review of the YouTube page by NBC News found it included several Islamic extremist videos organized into two playlists -- "Islam," set up six months ago, and “terrorists,” set up five months ago. But it also featured an eclectic mix of other videos, including music by Russian and Ukrainian rappers and a channel devoted to family ski vacations.

On the first playlist were videos featuring the Australian fundamentalist preacher Feiz Mohammed, who has been criticized for his misogynist views and calls to train children as jihadi warriors; a recitation from the Quran by a famous reciter, downloaded from a fundamentalist Islamic Center in Malmo, Sweden; and the last, posted two months ago, dedicated to the Black Banners of Khorasan, a prophecy of Islamic victory that is embraced by al Qaeda and other radical elements.

Several videos by radical Australian preacher Feiz Mohammed were posted on Tamerlan Tsarnaev's YouTube page.

Under the “terrorists” playlist are two videos that are no longer available. These apparently were videos showing atrocities against Chechens, suggesting the title refers to the perpetrators of those acts -- the Russians -- rather than extolling terrorism. Those videos were downloaded from ummanews.ru, the main Islamic fundamentalist site in the North Caucasus region, which it refers to as the “Caucasus Emirate,” not the Russian provinces of Chechyna, Dagestan or Ingushetia.

It was not an active site, with fewer than 100 views and no comments before Friday, when Massachusetts police fatally shot him and the page's location became known. There is no indication on it that he was married or had a child, and no family videos.

A review of social media accounts apparently belonging to Dzhokhar Tsarnaev – a page on VKontakte, a Russian version of Facebook, and a Twitter account – indicated that the younger brother used social media primarily for his amusement and enjoyment. On VKontakte, one homemade video showed Tamerlan offering his impressions of Armenian, Georgian, Dagestani, Chechen and Ossetian accents, to the amusement of his brother and an unidentified person in the car where it was filmed. The tagline reads “Brother stirs it up.”

But the VKontakte, or VK, page is not without political or religious elements.

He also posted a long, stirring Islamic propaganda piece focusing on Bashar al-Assad’s brutality in Syria. Images of dead children, the siege of the city of Homs and government soldiers humiliating civilian detainees (both dead and alive) feature heavily in the piece, titled “Those With A Heart.” The video, which is accompanied by singing and chanting in Arabic, with Russian subtitles, ends with this written
message: “Syria is calling – we will answer.” A third video called “Meeting between Fahda Ali Kandari and a blind boy” is a sentimental conversation between a possibly fictional Gulf Arab sheikh and a blind child.

Dzhokhar Tsarnaev also posted a joke on his page on March 19 that points at hostility toward Russian authorities in the Caucasus region. At school, he writes, they are faced with this puzzle: “A Dagestani, Chechen and Ingush are travelling by car. Question: Who’s driving?” The answer: “the police.”

Tsarnaev's blend of youthful exuberance and politics didn’t exactly take VKontakte by storm: He had only nine "friends" on the page and, by the end of the day on Friday, one had abandoned him.

His Twitter account showed he had tweeted 1,098 times, beginning on Oct. 11, 2011, and continuing through Tuesday, the day after the bombing of the Boston Marathon. It's a mix of tweets to and from friends, featuring typical youthful apprehension about life – such as "I just gotta get away from reality and dream a little" -- and quotes like one from Robert F. Kennedy: "Some men see things as they are and say, 'Why?' I dream of things that never were and say, 'Why not?'"

The younger Tsarnaev posted one of his final tweets at 7:04 p.m. Monday, just hours after the Patriots Day bombing. "Ain't no love in the heart of the city, stay safe people," wrote the man accused of planting one of the bombs that killed three people and injured 176 others.

Robert Windrem is a senior investigative correspondent for NBC News; Konrad Jankowski is a desk assistant in NBC News' London Bureau.

The Tsarnaev Brothers: What We Know About The Boston Bombing Suspects

by Bill Chappell

April 20, 2013 2:09 PM

With Boston Marathon bombing suspect Dzhokhar Tsarnaev in police custody at Beth Israel Deaconess Medical Center and his brother and fellow suspect Tamerlan Tsarnaev dead after a shootout, many questions now focus on how these two young men arrived at this point.

Information about the brothers quickly turned from a trickle into a flood after police publicly identified them as suspects just days after Monday's attack. Authorities are now preparing charges that will likely range from federal terrorism charges to a murder case filed by the state of Massachusetts, CNN reports.

You can follow new developments in the story in our main post. Here's a roundup of the latest details being reported about the Tsarnaevs:

Dzhokhar Tsarnaev, suspected of carrying out the bombing attack on the Boston Marathon, was taken prisoner Friday. Here, he poses for a picture after graduating from Cambridge Rindge and Latin High School.

Dzhokhar Tsarnaev, 19, was not yet a teenager when he moved to the United States; reports of his age when he immigrated range from 10 to 11. He is described as a likable, low-key young man who plays soccer and was the captain of his high school wrestling team, earning a $2,500 scholarship. He went to his senior prom — an occasion that also led him to attend a party hosted by WBUR's Robin Young for her nephew, a classmate of Dzhokhar's. In recent years, he became a U.S. citizen.

Despite being thought of as "a smart kid," Dzhokhar was struggling at UMass Dartmouth, receiving several failing grades over three semesters, according to The New York Times. But he evidently succeeded in making friends on campus — the newspaper quotes one of the suspect's classmates as saying that he wouldn't be surprised if Dzhokhar's friends testified on his behalf.

Former classmate Sierra Schwartz tells NPR's Daniel Zwerdling that Dzhokhar was "friendly, quiet — but not in an alarming way, he was just soft-spoken. But very funny, very sweet, very sociable — always had someone to eat lunch with. He never seemed like an outcast, ever."

Students at UMass Dartmouth say they saw the suspect at a party Wednesday night, where they recalled him being "relaxed," reports The Boston Globe.

Boston's WCVB offers a look at his profile on social media:

"Dzhokhar's page on the Russian social networking site Vkontakte says that before moving to the United States, he attended School No. 1 in Makhachkala, the capital of Dagestan, and he describes himself as speaking Chechen as well as English and Russian. His world view is described as 'Islam' and he says his personal goal is 'career and money.' "

Friends and former classmates tell WCVB that they can't recall Dzhokhar expressing any political views.

Dzhokhar Tsarnaev had apparently gone about his normal routine Wednesday, school officials tell The Globe: "working out at the gym, then sleeping in his single-unit room at the Pine Dale Hall dorm that night, while law enforcement officials were frantically scanning photos and video trying to identify him and his brother."

In a telephone interview, Zaur Tsarnaev, 26, who says he is a cousin of the brothers, tells The Globe that he believes Tamerlan instigated the attack:

"I used to warn Dzhokhar that Tamerlan was up to no good," Zaur says. "[Tamerlan] was always getting in trouble. He was never happy, never cheering, never smiling. He used to strike his girlfriend. ... He was not a nice man."

Tamerlan Tsarnaev, 26, was 15 when his family came to the U.S. He went on to become a skilled boxer, representing New England in the Golden Gloves competition in 2009 and 2010. There is much conjecture...
that he was the instigator of the bombing attack, drawing his younger brother into the plan he is suspected of carrying out.

Tamerlan Tsarnaev practices boxing at the Wai Kru Mixed Martial Arts center in April 2009 in Boston. The native Chechnyan was described as a heavyweight fighter at the gym, and allegedly hoped to fight for the U.S.

"I like the USA ... America has a lot of jobs," Tamerlan was quoted as telling The Lowell Sun back in 2004, after another successful bout. "That's something Russia doesn't have. You have a chance to make money here if you are willing to work."

One of Tamerlan's former coaches tells The Sun that he remembers his former pupil as respectful and talented — in addition to his boxing abilities, Tamerlan could also play the piano and violin.

"If you had asked me two days before this happened what kind of person he was, I would say terrific, talented, respectful," John Curran said while observing the lockdown that quieted much of the Boston area's streets Friday.

"Suffice to say, I am shocked beyond belief today."

But other details have emerged about Tamerlan that depict a darker side.

Three women who knew him have told NPR that they saw changes in the young man around 2008 and 2009, when they say he became a more devout Muslim. As NPR's Zwerdling reports, the women say Tamerlan sought to control his girlfriend, ordering her to cover herself and convert to Islam.

In 2009, Tamerlan was arrested for assaulting his girlfriend — an incident that may have also played a role in hampering his efforts to gain U.S. citizenship.

More insights come from a photo essay compiled by Johannes Hirn, who profiled Tamerlan for a college project (in a gallery that has apparently now been removed from the Web).

"I'm very religious," Tamerlan says in one caption, according to Foreign Policy. Saying that he neither drinks alcohol nor smokes, he adds, "There are no values anymore. ... People can't control themselves."

It was as part of that project that Tamerlan stated, "I don't have a single American friend."

Tamerlan attended college in spurts, with numerous reports citing his three semesters of taking classes at Bunker Hill Community College, with an emphasis on accounting. He last attended the school in late 2008. Several reports indicate that he has a wife and child.

Tamerlan left behind an intriguing "wish list" on Amazon that included several books. The list was first found by writer Justin Hart. The items included books on identity fraud, along with Dale Carnegie's How to
Win Friends and Influence People, as well as several titles with Chechen connections, including a dictionary and phrasebook.

The Tsarnaev family has taken part in several interviews in the U.S. and Russia, with relatives expressing a range of emotions, from disbelief to suspicion and anger. In addition to Tamerlan and Dzhokhar, Anzor Tsarnaev and his wife, Zubeidat, have two daughters.

Before he immigrated, Anzor was a lawyer, reports The Boston Globe, noting that he worked as a mechanic in the United States. The newspaper reports that Zubeidat was a cosmetologist.

The brothers' parents, who are reported to be in the Russian republic of Dagestan, have refuted the official version of events, insisting that their sons would not be capable of actions that would injure dozens and leave at least four people dead.

"I'm sure about my children, in their purity. I don't know what happened and who did this. God knows and he will punish them," Russia Today quotes Anzor telling Zvezda TV. "Somebody might have set them up."

Russia Today says their mother has similar ideas — and that she blames the FBI.

"They used to come [to our] home, they used to talk to me ... they were telling me that [Tamerlan] was really an extremist leader and that they were afraid of him," she tells RT. "They told me whatever information he is getting, he gets from these extremist sites ... they were controlling him, they were controlling his every step ... and now they say that this is a terrorist act! Never ever is this true, my sons are innocent!"

As NPR's Corey Flintoff reports from Russia, the Tsarnaevs "are ethnic Chechens with roots in the mountainous part of southern Russia between the Black and Caspian Seas."

But Corey notes that Chechen President Ramzan Kadyrov has distanced himself from the name that became infamous Thursday. "We do not know such people," Kadyrov said of the family. "They did not live in Chechnya."

As The Two-Way reported this morning, the FBI has released a statement to confirm that the agency gathered information on Tamerlan Tsarnaev in 2011, after a foreign government requested information about him.

The request was made out of concern "that [Tsarnaev] was a follower of radical Islam and a strong believer, and that he had changed drastically since 2010 as he prepared to leave the United States for travel to the country's region to join unspecified underground groups."

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Keep Scrolling down for the Grading Rubrics & Sample Completed Assignment!
Standards (Rubrics) for Grading Case Study #2

The excellent paper (100-90% of points) will exhibit the following qualities:

**Question 1:**
- All items are listed as normatively neutral questions. No immediate bias is evidenced.
- All critical questions have been raised given the space allowed.
- Questions are relevant to the case and would be likely to be relevant to the philosophers/theories being applied to the case in the third section.
- Questions are likely to drive effective and informative research. The questions should be answerable (at least in terms of probabilities or projections backed up with historical data).
- Questions are grammatically correct and are presented in a bulleted list.

**Questions 2 and 3:**
- Thesis is clearly articulated at the beginning of the response
- Responses are sufficiently detailed and focused on the questions raised.
- Responses are consistent with the philosopher referenced.
- Sufficient detail from the philosopher’s theory is provided.
- Responses reflect careful consideration of background material provided.
- Responses are well supported with relevant reasons.
- No immediate personal bias is evidenced.

**Quotes in 2b and 3b:**
- Quote is from primary work & is cited properly.
- Quote is specifically relevant to the issue and is not too general.
- Length of quote is appropriate to the assignment.
- Quote supports the position maintained by the author in the previous section.

**Question 4**
- Thesis is clearly articulated at the beginning of the response
- Analysis is not a mere repetition of points made in prior sections
- Careful considerations of strengths and weaknesses of each theory are included
- Argument is well supported with relevant details drawn from each philosopher and from the case

**Overall Impressions:**
- Study presents evidence of a thoughtful and deliberative approach.
- Language is clear and explanations/arguments are original
- Effective use has been made of space allowed – with length of responses proportionate to the number of points for each question.
- Assignment format has been followed.
The Good Paper (89-80% points)
The good paper will demonstrate all the above qualities but perhaps to a lesser degree or, will
demonstrate some of the above qualities excellently, but not all of the qualities will be presented at
a consistently high level.

The Satisfactory Paper (79-70% points)
The satisfactory paper will present all of the above qualities but not as strongly as the good paper
or, some qualities may be stronger with some not as strong. Insight is not usually present.

The Paper that Needs Work (69-60% points)
This paper is weak on many of the desired qualities.

The Paper that Really Needs Work – Pretty Much Unacceptable (59-0% points)
This paper presents few if any of the desired qualities.

Keep scrolling down for a sample completed assignment from Case #1!
Case Study #1: Ethics & New York Cycling

1. Paraphrase the argument put forth by Randy Cohen in the attached article. (15 points)

Cohen argues that Kant would agree that while it is illegal it is still morally justifiable to treat red lights and stop signs as yield signs while riding a bicycle in NYC. He claims that it passes the categorical imperative test in that he is prepared for every cyclist to treat red lights & stop signs as yield signs in NYC. Cohen rejects the relevance of laws written to apply to both cars and bikes; just because a law reasonably applies to cars, it doesn’t follow that the justification would hold for bicycles since a) bicycles are not relevantly similar in weight, speed and capacity for damage and, b) allowing exceptions for bikes works in Idaho, Amsterdam and Copenhagen. Cohen offers the promise of beneficial consequences in allowing cyclists to run red lights, people could get to their destinations faster which would encourage more cycling which then would promote health for more people and it would be better for the environment. Finally, by allowing cyclists to run red lights, Mr. Cohen’s enjoyment of cycling is improved – it makes him happier to go faster.

2. Research information (20 points)

- How many cyclists are there in NYC and what is the proportion of cyclists, to motorists and to pedestrians?
- How many accidents occur at intersections involving cyclists running the red light or stop sign?
- Of these accidents, how many people have been injured or killed?
- In cities such as Amsterdam or states such as Idaho, where such practices are legal, what is the safety record of cyclists, motorists and pedestrians?
- Are Idaho, Amsterdam & Copenhagen traffic patterns relevantly similar to NYC?
- Proportionately, how much time on average is actually saved on a bicycle by running red lights?
- Have studies been done examining the motivations for people to shift from automobiles to bicycles in large urban areas & is it reasonable to expect statistically significant shifts given the weather and other hazards encountered in NYC with the readily available option of public transit?
- Is riding a bicycle hazardous in NYC - how many people have been injured while riding a bicycle in NYC over the past decade?

3. Do you agree with Mr. Cohen that Kant would approve of his actions? (30 points)

Kant would not agree with Mr. Cohen’s thesis for the following six reasons. First, Cohen’s plan to break the law fails the test of acting solely upon the good will – the will to act upon one’s duty without contradicting one’s reason. One cannot articulate a duty to break traffic
laws whenever it is convenient to do so without contradicting one’s aims to use the roads to arrive safely – the concept of orderly traffic depends upon the concept and general agreement to all traffic laws. Were Cohen to advocate breaking laws whenever one assessed it safe to do so, he would have to then be prepared to have everyone – not just cyclists – to act accordingly. This would make maneuvering the roadways ridiculously perilous and thus contradict his intention to use them safely.

Secondly, Even if one charitably articulated the duty more narrowly – “when riding a bicycle in NYC and when one encounters a red light or stop sign at an intersection, pause & verify that it is clear and safe to cross before entering” – then he is still failing the categorical imperative by selectively writing exceptions to rules for himself and other cyclists. When one uses the public roadways, one is tacitly agreeing to the rules and conventions that apply to all. Admittedly, Cohen’s thesis would be a better Kantian argument if he were simply arguing to change the law rather than break the law. In this way, at least this behavior would then be one that is reasonably expected by those who share the roads with him. However, it still smacks of writing exceptions based on one’s desires and preferences and not from a will to act in a rationally consistent fashion.

Thirdly, Cohen’s argument also fails the practical imperative to always have respect for persons. In not abiding by the generally agreed upon laws Cohen’s actions present an avoidable risk to the well-being of others and constitute a kind of lying promise to abide by those laws commonly agreed upon by those who share the roads.

Fourthly, Cohen’s justification that pedestrians often jaywalk and cross against the light so that makes it ok for cyclists to run red lights and stop signs would not pass the Kant test – just because others don’t do their duty, it doesn’t follow that one should be excused from doing one’s own duty. Kant asks us to act as if everyone always did their duty – this is what he meant in his discussion of a Kingdom of Ends.

Fifthly, Cohen’s argument is largely consequentialist. His expectations that it will be good for more people’s health and the environment are used as a justification to run red lights. Kant is not a consequentialist – one must act solely from the good will – the will to do one’s duty regardless of outcome. If one makes a decision based on consequences, then one must be prepared to take responsibility for things one cannot foresee with any certainty or control with any regularity. For Kant, the only thing we can control is our own good will.

Finally, Cohen’s justification that it makes him happy to go fast is insufficient for Kant – happiness as an end to one’s actions is inadequate for humans who are capable of acting rationally and having the will to counter one’s appetites. Though Kant is not opposed to happiness in itself, it is not, or at least should not be, a determinate for one’s moral duty.

3b. Cite a quote from Kant supporting your answer. (5 points)
“For the universality of a law which says that anyone ...could promise whatever he pleases with the intention of not keeping it would make promising itself and the end to be attained thereby quite impossible....” (page 287)
4. For Mill does it make sense to institute exceptions to rules and if so, under what circumstances? (30 points)

Mill would not agree with Mr. Cohen’s decision to treat red lights and stop signs as yield signs. For Mill as a consequentialist, the decision would hinge on a kind of cost/benefit analysis. Mill would need to assess the risk associated with Cohen’s plan and weigh that risk against the reasonably expected beneficial outcomes.

Firstly, there is clearly a reasonable risk associated with Cohen’s plan. While it is true that for Mill, liberty is a critical aspect of happiness but one’s rights can justifiably be limited if the exercise of those rights constitute harm to others. Oncoming pedestrians or vehicles may not always be seen - blocked intersections and congested traffic are common in NYC. Further, while it may be true that automobiles present a greater risk to pedestrians, nevertheless if a pedestrian is hit by a bicycle it can still do significant damage. Even if a cyclist hits a car there can be significant damage to oneself, to the driver (if not physical harm then one could reasonably argue for psychological, legal, financial impacts), to the vehicle and such an event would most likely produce subsequent delays due to accident investigations with the associated drain on city revenues afterwards by costs from first responders and the police.

Secondly, Cohen’s predicted beneficial consequences are somewhat questionable. It is unclear that advocating this practice, even if the law were changed, would significantly increase the number of cyclists in NYC – the weather for many months of the year is inclement and would make showing up for jobs having gotten there on a bike in well-groomed business attire very challenging to say the least. There is also the additional concern that if one is involved in an accident, the bike offers no protection from impact. Cohen’s comparison to Idaho, Amsterdam or Copenhagen is not relevantly similar – Though there may have been positive outcomes in these places, it does not follow that the same would occur in NYC. None of them have the same traffic patterns and city planning; Idaho does not have the high density population and traffic of NYC and Amsterdam and Copenhagen very likely have proportionately more cyclists and fewer motorists; It is very likely that what generates good consequences in those areas will not be a good predictor for NYC nor will it be likely to produce similar results.

Finally, the perceived direct beneficial consequence is trivial; Cohen’s good of going fast and being happy is not the same as Mill’s good which he called Happiness which is associated with a higher rational dignity. Mill argued that one must make clear distinctions not just about the quantity of a good but also the quality of such goods. I doubt that Mill’s ideas of higher rational goods such as freedom of speech, religion, etc. are really commensurate with running red lights with impunity. Dogs have great pleasure hanging their heads out car windows with the wind in their fur; humans can do better!

4b. Cite a quote from Mill supporting your answer. (5 points)

“That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” (page 255)