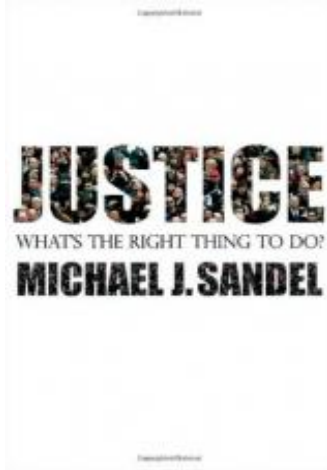


Justice: What's the Right Thing to Do?

by Michael J. Sandel



About the Book

For Michael Sandel, justice is not a spectator sport. *The Nation's* reviewer of **Justice** remarked. In his acclaimed book --- based on his legendary Harvard course --- Sandel offers a rare education in thinking through the complicated issues and controversies we face in public life today. It has emerged as a most lucid and engaging guide for those who yearn for a more robust and thoughtful public discourse. In terms we can all understand, wrote Jonathan Rauch in *The New York Times*, **Justice** confronts us with the concepts that lurk beneath our conflicts.

Affirmative action, same-sex marriage, physician-assisted suicide, abortion, national service, the moral limits of markets --- Sandel relates the big questions of political philosophy to the most vexing issues of the day, and shows how a surer grasp of philosophy can help us make sense of politics, morality, and our own convictions as well.

Justice is lively, thought-provoking, and wise --- an essential new addition to the small shelf of books that speak convincingly to the hard questions of our civic life.

Discussion Guide

Let's start with utilitarianism. According to the principle of utility, we should always do whatever will produce the greatest amount of happiness and whatever is necessary to prevent the greatest amount of unhappiness. But is that right? Should you always try to maximize happiness? Should you always do whatever is necessary to minimize unhappiness?

1. There are times when the only way to prevent harm to a large number of people is to harm a smaller number of people. Is it always permissible to harm a smaller number in order to prevent harm to a large number?
2. Suppose you are driving through a narrow tunnel and a worker falls onto the road in front of you. There is not enough time for you to stop. If you keep going straight, you will hit the worker and kill him, but if you swerve left into

oncoming traffic, you will collide with a school bus and kill at least five children. What's the right thing to do? Does utilitarianism have the right answer?

3. Suppose 10,000 innocent civilians live next to a munitions factory in a country at war. If you bomb the factory, all of them will die. If you don't bomb the factory, it will be used to produce bombs that will be dropped on 50,000 innocent civilians in another country. What's the right thing to do?

4. Suppose a man has planted a bomb in New York City, and it will explode in 24 hours unless the police are able to find it. Should it be legal for the police to use torture to extract information from the suspected bomber? Should it be legal to torture his innocent friends and family if that is the only way to make the man reveal where the bomb is hidden?

5. Now suppose the man who has planted the bomb will reveal the location only under the threat that an innocent member of his family will be tortured. Should it be legal for the police to torture innocent people if that is truly the only way to discover the location of a large bomb?

Let's continue the discussion of utilitarianism. According to Jeremy Bentham's principle of utility, we should always do whatever will produce the greatest amount of happiness. Is that right? Consider the following questions, and ask yourself whether they point to a defect in the doctrine of utilitarianism.

6. Suppose we have to choose between building a new sports stadium and building a new hospital. Should we build the stadium if there are many more sports fans than sick people? What about the sick people? Aren't we sacrificing their interests?

7. Suppose we have \$1 million of government money. We can use it to either build a new school for one thousand children or buy 1 million ice cream cones for 1 million children. Should we buy the ice cream cones if that would produce the greatest balance of pleasure? Are all pleasures created equal?

8. What if the majority of the members of a community derive pleasure from being racist? Should we let them be racist if that would produce the greatest balance of pleasure? Are some pleasures objectionable?

9. Suppose you have to move to Boston or to Las Vegas. If you move to Boston, you'll fall in love and get married. If you move to Vegas, you'll get rich but stay single. Should you move to Vegas if being rich gives you more pleasure? Are all pleasures commensurable?

10. John Stuart Mill, a utilitarian, says that we should protect individual rights because, in the long run, that is the best way to increase the sum of happiness. Is that true? Is that really why you shouldn't imprison and torture innocent people?

Utilitarians think that the right thing to do is whatever produces the greatest amount of happiness. Libertarians disagree. They think that we must never violate anyone's rights --- even if doing so would increase overall happiness.

According to libertarians, the greatest threat to individual rights comes from the government. You should be able to drive without a seat belt if you want. The government has no business giving you a ticket. That's unacceptably paternalist. And if you want to use drugs or engage in deviant sexual practices, you should be free to do so, provided you don't violate anyone else's rights in the process. The government has no business passing moralistic legislation. It

shouldn't tell you how to live your life. Most important, the government should never tax for redistributive purposes. Redistributive taxation is theft. Taking your earnings and giving it to other people is like forcing you to work for those people. Libertarians say it's almost like slavery.

Libertarians make strong claims. But are they right about rights?

11. Is it unjust for the government to require people to wear seat belts and to prohibit them from engaging in other self-endangering activities? What if we know that many more people will die without such legislation? Should people be free to hurt or kill themselves, provided their actions do not violate anyone's else rights?

12. Should the government legalize narcotics? After all, some adults want to use drugs privately.

13. Should the government legalize prostitution? After all, some adults want to buy and sell sex.

14. Should there be a minimum wage? What if employers want to pay people \$1.25 per hour and some desperately poor people would work for that wage? Is the government being unjust by requiring employers to pay them at least \$7.25 per hour?

15. Should the government impose occupational safety standards? What if employers refuse to spend money on safety measures and some desperately poor people would agree to work in dangerous conditions? Should the government prohibit certain contracts that some workers and employers would be willing to make, and insist on safe working conditions?

16. Is it just to tax the rich to pay for public services? Should the government tax Bill Gates and other wealthy people and use the money to pay for public schools, hospitals, roads, parks, fire departments, and police departments, or would doing so be unjust?

17. Is it just to tax the rich to give to the poor? Should the government tax Bill Gates and other wealthy people and use the money to supplement the income of unemployed people, single mothers with low incomes, or other poor people? Should the government tax rich people and loan the money, interest-free, to poor kids so that they can go to college? Would all of that be unjust? Why or why not?

Freedom, equality, property rights, and government by consent --- each of these ideas figures prominently in contemporary political thought. And each idea was central to the political thought of John Locke.

Locke thought that people have certain unalienable rights, which can never be taken away. He thought that people were by nature free and equal, that private property was the extension of a man's labor, and that government must be limited and founded on consent. Did Locke get it right? Did he come to the right answer for the right reasons?

18. Locke thought that people had come to have rights to private property even before the institution of government. Is this possible? What is a right to private property anyway? Isn't property a legal convention?

19. According to Locke, an unowned thing becomes your property if you "mix your labor" with it. Is that right? If you pick some flowers in an open field, do you have a claim to them? What if you build a fence around the open ocean?

Does the ocean become your property? If not, what is the connection between property and labor?

20. Is labor necessary for someone to have a claim to private property? What if a disabled person needs a wheelchair but can't buy or build one herself? Does she have a right to the wheelchair anyway? If so, what is the basis of this right? If not, what should happen to her?

21. Money allows people to accumulate great wealth and thereby creates inequality. Is Locke right to think that people consent to the use of money when they accept it as payment?

22. Locke thinks that, to be legitimate, government must be by consent. But what counts as consent? Must every single person agree to be governed? What if some people hold out unreasonably?

23. Locke also suggests that a government is legitimate if everyone could agree to it without making his own condition worse. Is that right? Is a government legitimate if everyone could agree to it? What if you never in fact agreed to it, but just happened to find yourself living there? Does merely living somewhere count as (tacit) consent? What if you have nowhere else to go?

24. For Locke, to be legitimate, government must protect your rights. Is that enough? What if you never get to have a say in what government does?

25. According to Locke, your natural right to life is "unalienable": you must never give it up, and therefore you must never commit suicide. Is he right? Is it morally wrong to commit suicide, even if one is terminally ill and in endless pain?

26. According to Locke, we are born with an "unalienable right" to life, which no government may take away arbitrarily. However, for Locke, the existence of this right does not mean that the death penalty is always impermissible. Is Locke correct to think that the unalienable right to life is compatible with some types of capital punishment?

27. According to Locke, we are born with an "unalienable right" to liberty, which no government may take away arbitrarily. However, for Locke, the existence of this right does not mean that military conscription is always impermissible. Is Locke correct to think that the unalienable right to liberty is compatible with some kinds of conscription?

28. You are free by nature, thinks Locke, but there is a difference between freedom and "license." Is Locke right to argue that it is possible to abuse a freedom that one has a right to?

29. Locke thinks that government should be guided by majority rule. He also thinks that government exists to protect the unalienable right to property. Are these ideas in conflict? What if a poor majority wants to tax a rich minority?

These days, it seems that cash is king. But are there things that money shouldn't be able to buy? Are there things that should not be treated as market goods or services? Consider the following cases.

30. In the American Civil War, men who were drafted for the army had the option of hiring a substitute to take their place, or paying a commutation fee to avoid military service. Are these practices tantamount to selling off one's duty as a citizen, or are they perfectly acceptable market transactions? Does it make a difference whether the transaction takes

place during a war or in peacetime?

31. A commercial surrogacy contract is an agreement to carry to term someone else's baby in one's own body in exchange for money. Should people be allowed to act as surrogate mothers? Should prospective parents be allowed to pay for their services? Should surrogacy contracts be enforced by the courts, even if the surrogate mother changes her mind later and wants to keep the baby?

32. What do you think about the morality of prostitution? Is it morally wrong to sell (or rent) the use of one's sexual organs? Is it morally wrong to buy sex? Should it be legal to buy or sell sex?

33. There are websites on the Internet that advertise grooms and brides. Is it morally wrong to buy a marriage partner from them, assuming that the transaction is voluntary and the bride or groom agrees to marry you? Should such transactions be illegal?

34. Many people want to adopt a child, but there is always a shortage of infants. Should prospective parents be allowed to give money to young, single mothers who are considering giving up their children for adoption? Should the children who are now waiting to be adopted go to the highest bidder?

35. Many people need organ transplants, but there is always a shortage of organs from deceased donors. Should the organs that are available go to the highest bidder? If not, how should they be assigned?

36. In many developing countries, it is possible to buy a kidney for a few thousand dollars. The seller is often very poor and needs the money to support himself or his family. Is it morally permissible to buy his kidney? Should the sale of organs from living adults be illegal?

According to utilitarians, the right thing to do is always to maximize happiness. Libertarians think that the right thing to do is most often to let people do whatever they want. John Locke's theory says that there are unalienable rights afforded to every human being by the "law of nature."

The philosopher Immanuel Kant thought that each of these views was mistaken. Against the utilitarians, Kant held that freedom --- and not happiness --- is the goal of morality; against the libertarians, Kant denied that freedom consists in doing whatever one wants; and against Locke, he held that morality, duty, and rights have their basis in human reason, not in a law of nature.

Who got it right?

37. According to Kant, morality is doing the right thing just because you know it's the right thing. Is that true? Kant imagines a shopkeeper who does not overcharge his customers only because he fears that word of his dishonesty will spread and he'll lose money. Kant thinks there's nothing morally worthy about his action; his honesty is mere prudence, mere selfishness. Do you agree?

38. Kant imagines a second person, one who is naturally sweet and kind and loving. She always does the right thing --- but only because being good brings her pleasure. Kant thinks that her actions are not really moral because, like the actions of the prudent shopkeeper, they aim at personal pleasure. Sure, it's a good thing that she wants to help people,

but Kant thinks there is no deep reason to admire her. Do you agree?

39. Kant also thinks the naturally kind person is not really moral because she acts out of habit. According to Kant, habits can be useful but not moral. Is that right? Is your childhood education really just a kind of conditioning and not really moral? What is moral character, anyway? Is it what you tend to do, or is it your attitude?

40. Suppose that Charlie is always up to mischief, but Frank is always there to stop it. As a result, Charlie tends to do the right thing. But he always wants to do the wrong thing. Is Charlie moral?

41. Kant thinks that morality is a kind of law; everyone has to obey it. Therefore, he thinks it must be the case that everyone could obey it. This is his test for morality. According to Kant, your action is moral only if it's done from a motive that everyone else could act on at the same time that you're acting on it.

But is that right? On the one hand, the test shows that you shouldn't lie to people to get what you want. If everyone lied to get what they want, and then you were to try, nobody would believe you. On the other hand, what if you want to visit a nature preserve? If everyone were to visit at the same time, they would destroy it. But you know they won't visit, so isn't it all right for you to go? Is there something problematic about an action that can never be open to everyone? Does Kant have a point?

42. Is Kant right that you must always have humanity or human reason as your end? Is there something immoral about a person --- like a couch potato --- who seeks only pleasure at the expense of developing his mind?

43. Kant thinks that every rational human being has dignity, and that everyone's worth is infinite. Is that true? Do murderers have dignity? (Kant thinks they do, because they have the capacity to choose to do the right thing.)

44. If all people have dignity and infinite worth, then how do we make choices about life and death? Suppose we have to choose between repairing a road in Boston and vaccinating children in Toledo. If we repair the road, ten fewer children will die in car accidents in Boston. If we vaccinate, twenty children will be saved in Toledo. If everyone has infinite worth, how do we choose? What would a utilitarian say?

45. According to Kant, the goal of morality is freedom. But for Kant, freedom is not just doing whatever you want. It's living by your own reason. Brainwashing, advertising, cravings, and desires --- all of these make you unfree.

Is Kant right about freedom? Isn't freedom just the ability to do what you want, when you want? What difference does it make that some of your desires are implanted in you through advertising?

Or does Kant have a point? Is it possible to be unfree even if no one holds you back? Is it possible to be a slave to your impulses, cravings, or desires? Isn't it liberating to learn how to control your impulses and desires?

What is justice? According to John Rawls, principles of justice are whatever principles would be agreed to behind a "veil of ignorance," where no one knows his or her age, sex, race, intelligence, strength, social position, family wealth, religion, or even life goals. If we were unaware of these particular facts about ourselves, we would not propose social rules designed to give ourselves an unfair advantage over other people. Therefore, according to Rawls, the principles we would agree to behind a veil of ignorance would be fair and just.

Was Rawls right?

46. If an agreement is entered into voluntarily, is it necessarily fair?

47. Suppose you have a leaky toilet and a plumber tells you it will cost two thousand dollars to repair. You agree to this price, not knowing that the usual price for the same type of repair is two hundred dollars. Is the contract between you and the plumber voluntary? Is the contract fair?

48. Suppose a man comes to your door and asks you to buy a newspaper subscription at a discounted price. You do not particularly enjoy the newspaper he's selling, but you have heard from your neighbors that the man will make a habit of stealing your mail out of spite if you refuse to buy a subscription. Reluctantly, you agree to buy a subscription at a discounted price. Is the contract voluntary? Is it fair?

49. According to Rawls, principles of justice are whatever principles we would all agree upon to govern our society if we were ignorant of our personal qualities and therefore unable to take advantage of one another. Is this the right way to think about principles of justice? Should we abstract from our personal qualities, strengths, and aspirations in choosing principles of justice to govern our society?

50. Do you agree that a white man should not be able to propose a rule that benefits white men --- or that an aristocrat should not propose a rule that benefits aristocrats?

51. Do you think you should be able to make reference to your religious beliefs or your life goals when proposing rules for society? Is it possible to make such important decisions without knowing who you are and what goals and beliefs you have?

52. "A just person is blind to the differences between people, and treats everyone equally." Do you agree? Why or why not?

53. "A just law is blind to the differences between people, and treats everyone equally." Do you agree? Why or why not?

According to the philosopher John Rawls, principles of justice are the outcome of a special kind of hypothetical agreement. They are the principles we would agree to if we were choosing rules for our society behind a "veil of ignorance," where no one knows his or her age, sex, race, intelligence, strength, social position, family wealth, religion, or even life goals. Behind this veil of ignorance, it is impossible for anyone to propose social rules designed to benefit himself or herself more than other people. Therefore, Rawls argues, the principles we would agree to behind the veil of ignorance would be fair and just.

Rawls thinks that two principles would be agreed to behind the veil of ignorance, and these are his principles of justice.

Let's see if you agree with them.

54. Rawls's first principle says that everyone should have the same set of basic liberties, including the freedoms of speech and conscience, the right to hold office and to vote for elected officials, freedom from arbitrary arrest, the right to hold personal property, and so on. Do you agree?

55. Rawls's first principle says that everyone should have an equal chance to run for public office. By law, however, U.S. citizens who were born outside the United States are not eligible to run for president. Is this law inconsistent with Rawls's first principle? Do you consider this law unjust?

56. Rawls's first principle says that everyone should have an equal chance to influence legislation and political affairs. However, today wealthy individuals and corporations exercise much more influence on the government and the laws than the average citizen might. Is this unjust?

57. Before the U.S. Civil Rights Movement, only white people were legally permitted to compete for the best jobs in many places in the United States. African Americans were often denied the same opportunities as whites, even if they were equally talented. Why, according to Rawls's theory of justice, was this unjust?

58. Often poor children who are very talented have unequal opportunities because their parents lack the money to send them to good schools, to pay for private lessons, and so on. Compared to equally talented children of rich parents, poor kids have fewer opportunities to develop their talents. Why, according to Rawls's theory of justice, is this unjust?

59. Why, according to Rawls, should talented and hard-working poor children have the same chances of success as rich children? Do you agree with him? Suppose that providing equal educational opportunity for all children would require substantial taxes on the rich. After all, it would cost a lot of money to provide schools of the same quality to everyone. Do you believe that such taxes are required as a matter of justice?

60. Rawls's second principle says that people who are equally talented and equally motivated should have equal chances of success. This principle would likely require steep inheritance taxes. After all, children who inherit lots of money have a huge advantage in the competition for jobs, money, and success. Do you think that children should be able to inherit great wealth from their parents? Should they be allowed to get very expensive private math lessons, or singing lessons, or basketball lessons? What if such lessons give them a huge, unearned advantage in the race for jobs, careers, and wealth? Is it just for poor children to have much lower prospects as a result?

61. Rawls's second principle also holds that social and economic inequality can be justified only if it works to the advantage of the least advantaged members of society. Not even superior effort makes a person deserving of special rewards. After all, argues Rawls, your ability to make a good effort is partly dependent on how good your childhood was, whether your parents loved you and provided encouragement, or whether you were neglected and abandoned. These are all factors over which you had no control. Therefore, if you are now able to make a good effort, you can't really claim credit for it.

Do you agree? Is it true that you can't really claim credit for your upbringing? Surely, your habits and temperament today are partly the result of your upbringing. Does this mean that you don't really deserve what you get from making an effort?

62. Think of some of the advantages you have in your life. Do you deserve them more than other people who lack them? Why?

63. Do you think it's unjust if some people do not get to vote in elections merely because they are a woman or a member of a racial or ethnic minority?

64. Do you think it's unjust if some people get paid less money for the same job merely because they are a woman or a member of a racial or ethnic minority?

65. If you answered "yes" to the last two questions, do you think it's also unjust if some people are much worse off than others merely because they were born with fewer talents or with a debilitating disease and the need for expensive medicines? Why should people be worse off merely because of the circumstances into which they were born?

In 1974, Allan Bakke, a white male, applied to medical school at the University of California, Davis. He was rejected, even though his grades and test scores were higher than some of the minority candidates who were admitted that year.

Bakke sued the medical school. The U.S. Supreme Court decided that he should be let in. Schools can consider race as one factor among others in deciding which candidates to admit, but they cannot use race as a quota by reserving some seats for minority candidates only.

Was the decision of the U.S. Supreme Court just? Consider the following questions as you think about the morality of affirmative action.

66. Do you think Bakke was treated unfairly? Does he have a right to be considered solely on the basis of his academic and personal merit?

67. Bakke couldn't help that he was born a member of the white majority. This is a factor over which he had no control, so why should he be rejected from medical school just because he's white?

68. Bakke did nothing to be born with the capacity for high achievement. His natural talents are a factor over which he had no control, so why is he entitled to be judged only on his personal and academic merit?

69. Often, naturally gifted athletes go to college on scholarship. However, their natural talents are a factor over which they had no control. Is it just that scholarships should go to gifted athletes but not to other people?

70. What is merit? Often, minority groups receive better care from minority doctors and better representation from minority lawyers. Does the ability to serve the needs of minority communities constitute a form of merit? Shouldn't schools train doctors and lawyers who will provide the best care and the best representation?

71. Barbara Grutter, a white woman, applied to law school at the University of Michigan. She was rejected, even though

her grades were higher than some of the minority candidates who were admitted. This time, the U.S. Supreme Court decided that the University of Michigan had acted lawfully, because racial diversity at law school was an important goal. Do you agree? Was the decision just or unjust?

72. In the United States, African Americans have historically been disadvantaged because of slavery and racial segregation. Is affirmative action in college admissions an acceptable form of compensation for historical disadvantage?

One of the most important philosophers ever to write about justice lived at the heyday of philosophy, some 2,400 years ago. His name was Aristotle, and he thought that justice was giving each person his due, or what he deserved. But how do we know what people deserve? What goods and opportunities should go to which persons? Aristotle's answer is that we have to consider the telos --- the end or the purpose --- of the good in question. Let's see if you think he was right.

73. Say we have some nice flutes. Who should get them? According to Aristotle, it's not the rich person, since playing flutes has nothing to do with money, nor is it the person who will be made most happy, since making good music is different than being happy. The purpose of a flute is to be played and to be played well. Therefore, Aristotle thinks, the flutes should go to the best flute players. Do you agree? How else should we assign the flutes?

74. Suppose there are some very good public tennis courts in your town. Who should get priority to use the courts? Should priority be given to the tennis players who are willing to pay the most? Should court time be assigned on a first-come, first-served basis? Should priority be given to the worst tennis players, who most need the practice? Should it be given to the best tennis players, who will play the best tennis? Which of these arrangements would be fair or just? What is the purpose of tennis, and does it help you to answer this question?

75. Who should be admitted to colleges and universities? Should admission decisions be made strictly on the basis of academic merit, or should colleges and universities admit students with a variety of academic and other backgrounds and strive for diversity? What would be fair? What is the purpose of higher education, and does it help you to answer this question?

76. For much of its history, the U.S. military did not permit women to serve in its ranks. Was this unjust? What is the purpose of the military, and does it help you to answer this question?

77. The restaurant chain Hooters hires only female waitresses who are willing to wear revealing clothing. However, many men want to work there as waiters, too. Is it unfair that Hooters hires only women? Consider the purpose of the restaurant. Is it merely to serve food, or is it to entertain men? Who should get to decide the purpose?

78. Aristotle thought that human beings were, by nature, meant to use their reason to deliberate about important moral questions and to share in the political life of the community. He also thought that government should promote this purpose by helping people to become better informed and more virtuous. Do you agree?

79. Think of a law designed to promote civic virtue. Does this law run the risk of unfairly imposing the majority's values on everyone? Can you think of a law that promotes civic virtue but escapes this objection?

80. People should be free to choose for themselves what kind of life to live, even if they go on to make bad choices. Do you agree? Is there a tension between Aristotle's method of reasoning about justice and the modern emphasis on

individual freedom, or can Aristotle's approach make adequate room for the value of individual freedom?

According to many modern liberals, there are only two types of moral obligations. First, there are universal duties that we owe to every human being, such as the duty to avoid harming people unnecessarily. Second, there are voluntary obligations that we acquire by consent, such as when we agree to help someone or promise to be faithful to our partners and friends. According to many modern liberals, there are no other types of moral obligation.

Critics of liberalism disagree. They say there is a third type of moral obligation that is neither universal nor voluntary. We can be morally obligated to a particular community even though we haven't assumed the obligation voluntarily. Obligations of membership and loyalty can arise simply because of who we are --- because we're someone's son or daughter, someone's friend, a member of a particular community, or a citizen of a particular country.

Who's right --- modern liberals or their critics?

81. If you caught your brother cheating on an exam, should you turn him in for the sake of fairness? Or should you keep quiet out of loyalty? Are you under two competing obligations, or is your sense of loyalty a prejudice you should overcome?

82. Suppose your child and the child of a stranger are both drowning. Do you have a greater moral obligation to save your own child than to save the stranger's child? Why?

83. Say there is a shipwreck and the captain has to make a choice. He can either escape with his own son, or he can let his son drown but save several hundred of the ship's passengers. What should he do? If he chooses to save the passengers, his wife will never forgive him. Is she being unreasonable?

84. In the American Civil War, General Robert E. Lee led the Confederate Army even though he thought that slavery as a practice should come to an end. Lee said he could not bring himself to raise arms against his slave-holding countrymen in the South. Was Lee's attitude admirable, or was it mere prejudice?

85. Do Americans who live in El Paso, Texas, have greater moral obligations to people who live in Alaska than to people who live right across the river in Mexico? Why?

86. Is patriotism a virtue, or is it merely prejudice for one's own? Most people do not get to choose what country they live in, and no one chooses where they're born. Why are we obligated to the people of our own country more than to the people of any other?

Modern liberalism aspires to neutrality. In public debate, modern liberals often want to avoid discussing controversial questions about the morality of lifestyles, or the purpose of a human life, or the authority of the Bible, or the value of individuality. These and other questions are deemed to be too controversial. Instead, we should settle on what rights people have and what justice requires.

But is it possible to settle questions of justice without addressing other controversial questions about morality and the common good?

87. In 1977, the American Nazi Party tried to stage a demonstration in Skokie, Illinois, home to many Holocaust survivors. When the city refused permission, the Nazi party sued in court. Should the city of Skokie have been allowed to forbid public hate speech? Is it possible to answer this question without passing judgment on the value of the speech in question?

88. Some people believe that life begins at conception and, therefore, that abortion is murder. Other people argue that abortion should be legal because a woman should have the right to make medical decisions concerning her own body. What is your view? Should abortion be legal? Under what circumstances? Can we settle whether abortion should be legal without settling whether abortion is murder?

89. Some people believe that homosexuality is immoral and, therefore, that same-sex marriages should not be permitted. Other people argue that same-sex marriage should be permitted because everyone has the right to be treated equally. What is your view? Should same-sex marriage be legal? Is it possible to answer this question without making a judgment about the value of homosexual relationships?

90. Some people believe that the purpose of marriage is procreation and, therefore, that there should be no same-sex marriages. Other people believe that same-sex marriage should be permitted because the purpose of marriage is to honor and promote loving relationships between committed adults, regardless of their sex or their ability to procreate. Is it possible to defend a position on same-sex marriage without making a judgment about the purpose and value of marriage?

91. In 1858, Abraham Lincoln went head to head with Stephen Douglas in a series of debates about slavery. Douglas argued that the federal government should not take a stand on the controversial question of slavery. Instead, the federal government should bracket the question for the sake of civil peace and leave it up to the states and territories to decide. For his part, Lincoln thought that the moral question raised by slavery could not be avoided. The federal government would be taking a stand, one way or the other.

Do you agree with Lincoln? Whenever there is a law that either permits or forbids a controversial practice, is the government thereby taking a stand on the morality of the practice? Does this mean that, in its law-making, the government should pay close attention to morality and the common good?

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