

Discussion Guide, Beginner

Episode 12

Modern liberalism maintains that law should try to be neutral on controversial moral and religious questions. According to this view, the law should not affirm or promote any particular conception of the best way to live, but let citizens choose for themselves how best to live their lives.

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

1.

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?

2.

Some people believe that a human person comes into being at conception and that, therefore, abortion is murder. Others 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?

3.

Some people believe that homosexuality is immoral and that, therefore, 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 as an equal. 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?

4.

Some people believe that the purpose of marriage is procreation and that, therefore, same-sex marriages should not be permitted. Other people believe 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. Is it possible to defend a position on same-sex marriage without making a judgment about the purpose and value of marriage?

5.

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 US 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?