

Discussion Guide, Advanced

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?

The right to free speech

Consider the example of the right to free speech. The city of Skokie, Illinois has been home to many Holocaust survivors. In 1977, the American Nazi Party tried to stage a demonstration there. When the city refused permission, the Nazi party sued the city 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? As you think about these questions, consider some of the arguments that have been made in favor of free speech.

1.

Some people think that there is no moral truth, and therefore that it makes no sense to suppress a view because it's morally wrong. Do you agree with this position? Is it a sound defense of the right to free speech?

2.

Other people believe that there is moral truth, but that we have access to it only by allowing free speech. All sides must be allowed to speak for the truth to come to light. Do you agree with this position? Does it lead you to think that the city of Skokie acted wrongly in refusing to allow Nazis to stage a demonstration?

3.

Other people believe that some speech is useless, or even psychologically harmful, but that it would be much worse if we started banning certain kinds of speech. Soon, even true but unpopular beliefs would be suppressed. Do you agree with this position? Does it lead you to think that the city of Skokie acted wrongly in refusing to allow Nazis to stage a demonstration?

4.

Some believe that citizens in a democracy should have a right to express themselves regardless of the content of their speech. The laws that protect free speech should not favor one set of values; they should be neutral across competing conceptions of the good. Do you agree with this position?

After considering these arguments, do you think that the city of Skokie should have been allowed to forbid the Nazis from marching? Does your judgment depend upon what you think of hate speech in particular?

Abortion

Consider another contemporary controversy. Some people believe that a human person comes into being at conception and that, therefore, abortion is murder.

Others argue that certain kinds of abortion should be legal because a woman should have the right to make medical decisions concerning her own body. What is your view?

1.

Should abortion be legal? Under what circumstances?

2.

Is it possible to defend a position on abortion without settling whether abortion is murder?

3.

Is it possible to defend a position on abortion without making judgment about the value of women's control over their own bodies?

Same-sex marriage

Consider same-sex marriage. 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 like an equal. What is your view?

1.

Should same-sex marriage be legal?

2.

Is it possible to defend a position on same-sex marriage without making a judgment about the value of homosexual relationship?

3.

Some people believe that the purpose of marriage is procreation, while others believe that the purpose of marriage is to honor and promote loving relationships between committed adults, regardless of their sex. What is your view? Is it possible to defend a position on same-sex marriage without making a judgment about the purpose and value of marriage?