

Justice

Michael Sandel

Professor of Philosophy at Harvard University

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Reading Questions

1. We tend to commonly think of justice as the appropriate punishment for a crime. Based on readings, how would you define justice and what example would you turn to to illustrate that?
2. Michael Sandel lays out three major conceptions of justice. Rank these forms of justice from easiest to hardest for building a case for a social justice issue such as reparations for slavery, eliminating death penalty, universal health care, free college, guaranteed minimum income—along with why.
3. In the last half of the reading, Michael Sandel argues that liberals today, outside of Barack Obama, tend to shy away from moral/religious argumentation because they don't want to "legislate morality" or "impose their religion on others." That is very well-intentioned and diplomatic when your stances (civil rights, women's rights, etc) are the law of the land, but what if the civil rights reforms of the 20th century were overturned? How useful is a morally-neutral posture then in swaying public opinion? Can you think of a public figure besides Barack Obama and Bobby Kennedy who makes the moral case for social justice?
4. Michael Sandel lays out his vision of a just society at the end. Think of an issue, resource, reward, or punishment that's important to you and think about how it would be fairly distributed in a just society. In other words, what does a just criminal justice system look like, or just health care, or just wealth distribution, or just burden for where prisons be built or landfills sited, etc?

In the summer of 2004, Hurricane Charley roared out of the Gulf of Mexico and swept across Florida to the Atlantic Ocean. **The storm claimed twenty-two lives and caused \$11 billion in damage.** It also left in its wake a debate about price gouging.

At a gas station in Orlando, they were **selling two-dollar bags of ice for ten dollars**. Lacking power for refrigerators or air-conditioning in the middle of August, many people had little choice but to pay up. Downed trees heightened demand for chain saws and roof repairs. Contractors offered to clear two trees off a homeowner's roof- for \$23,000. Stores that normally sold **small household generators for \$250** were **now** asking **\$2,000**. A seventy-seven-year-old woman fleeing the hurricane with her elderly husband and handicapped daughter was charged \$160 per night for a motel room that normally goes for \$40.

Many Floridians were angered by the inflated prices. "After the Storm Come the Vultures," read a headline in *USA Today*. One resident, told "it would cost \$10,500 to remove a fallen

tree from his roof, said it was wrong for people to “try to capitalize on other people’s hardship and misery.” Charlie Crist, the state’s attorney general, agreed: “It is astounding to me, the level of **greed** that someone must have in their **soul** to be willing to take advantage of someone suffering in the wake of a hurricane.”

Florida has a law against price gouging, and in the aftermath of the hurricane, the attorney general’s office received more than two thousand complaints. Some led to successful lawsuits. A Days Inn in West Palm Beach had to pay \$70,000 in penalties and restitution for overcharging customers.

But even as Crist set about enforcing the price-gouging law, some economists argued that the law—and the public outrage—were misconceived. In medieval times, philosophers and theologians believed that the exchange of goods should be governed by a “just price,” determined by tradition or the intrinsic value of things. But in market societies, the economists observed, prices are set by supply and demand. There is no such thing as a “just price.”

Thomas Sowell, a free-market economist, called price gouging an “emotionally powerful but economically “meaningless expression that most economists pay no attention to, because it seems too confused to bother with.” Writing in the Tampa Tribune, Sowell sought to explain “how ‘price gouging’ helps Floridians.” Charges of price gouging arise “when prices are significantly higher than what people have been used to,” Sowell wrote. But “the price levels that you happen to be used to” are not morally sacrosanct. They are no more “special or ‘fair’ than other prices” that market conditions—including those prompted by a hurricane—may bring about.

Higher prices for ice, bottled water, roof repairs, generators, and motel rooms have the advantage, Sowell argued, of limiting the use of such things by consumers and increasing incentives for suppliers in far-off places to provide the goods and services most needed in the hurricane’s aftermath. If ice fetches ten dollars a bag when Floridians are facing power outages in the August heat, ice manufacturers will find it worth their while to produce and ship more of it. There is nothing unjust about these prices, Sowell explained; they simply reflect the value that buyers and sellers choose to place on the things they exchange.

Jeff Jacoby, a pro-market “commentator writing in the *Boston Globe*, argued against price-gouging laws on similar grounds: “It isn’t gouging to charge what the market will bear. It isn’t greedy or brazen. It’s how goods and services get allocated in a free society.” Jacoby acknowledged that the “price spikes are infuriating, especially to someone whose life has just been thrown into turmoil by a deadly storm.” But public anger is no justification for interfering with the free market. By providing incentives for suppliers to produce more of the needed goods, the seemingly exorbitant prices “do far more good than harm.” His conclusion: “Demonizing vendors won’t speed Florida’s recovery. Letting them go about their business will.”

Attorney General Crist (a Republican who would later be elected governor of Florida) published an op-ed piece in the Tampa paper defending the law against price gouging: "In times of emergency, government cannot remain on the sidelines while people are charged unconscionable prices as they flee for their lives or seek the basic commodities for their families after a hurricane." Crist rejected the notion that these "unconscionable" prices reflected a truly free exchange."

This is not the normal free market situation where willing buyers freely elect to enter into the marketplace and meet willing sellers, where a price is agreed upon based on supply and demand. In an emergency, buyers under duress have no freedom. Their purchases of necessities like safe lodging are forced.

The debate about price gouging that arose in the aftermath of Hurricane Charley raises hard questions of morality and law: Is it wrong for sellers of goods and services to take advantage of a natural disaster by charging whatever the market will bear? If so, what, if anything, should the law do about it? Should the state prohibit price gouging, even if doing so interferes with the freedom of buyers and sellers to make whatever deals they choose?"

Welfare, Freedom, and Virtue

These questions are not only about how individuals should treat one another. They are also about what the law should be, and about how society should be organized. They are questions about justice. To answer them, we have to explore the meaning of justice. In fact, we've already begun to do so. If you look closely at the price-gouging debate, you'll notice that the arguments for and against price-gouging laws revolve around three ideas: maximizing welfare, respecting freedom, and promoting virtue. Each of these ideas points to a different way of thinking about justice.

The standard case for unfettered markets rests on two claims—one about welfare, the other about freedom. First, markets promote the welfare of society as a whole by providing incentives for people to work hard supplying the goods that other people want. (In common parlance, we often equate welfare with economic prosperity, though welfare is a broader concept that can include noneconomic aspects of social well-being.) Second, markets respect individual freedom; rather than impose a certain value on goods and services, markets let people choose for themselves what value to place on the things they exchange.

Not surprisingly, the opponents of price-gouging laws invoke these two familiar arguments for free markets. How do defenders of price gouging laws respond? First, they argue that the welfare of society as a whole is not really served by the exorbitant prices charged in hard times. Even if high prices call forth a greater supply of goods, this benefit has to be weighed against the burden such prices impose on those least able to afford them. For the affluent, paying inflated prices for a gallon of gas or a motel room in a storm may be an annoyance; but for those of modest means, such prices pose a genuine hardship, one that might lead them to stay in harm's way rather than flee to safety.

Proponents of price-gouging laws argue that any estimate of the general welfare must include the pain and suffering of those who may be priced out of basic necessities during an emergency.

Second, defenders of price-gouging laws maintain that, under certain conditions, the free market is not truly free. As Crist points out, “buyers under duress have no freedom. Their purchases of necessities like safe lodging are forced.” If you’re fleeing a hurricane with your family, the exorbitant price you pay for gas or shelter is not really a voluntary exchange. It’s something closer to extortion. **So to decide whether price-gouging laws are justified, we need to assess these competing accounts of welfare and of freedom.**

But we also need to consider one further argument. Much public support for price-gouging laws comes from something more visceral than welfare or freedom. People are outraged at “vultures” who prey on the desperation of others and want them punished—not rewarded with windfall profits. Such sentiments are often dismissed as atavistic emotions that should not interfere with public policy or law. As Jacoby writes, “demonizing vendors won’t speed Florida’s recovery.”

But the outrage at price-gougers is more than mindless anger. It gestures at a moral argument worth taking seriously. Outrage is the special kind of anger you feel when you believe that people are getting things they don’t deserve. Outrage of this kind is anger at injustice.

Crist touched on the moral source of the outrage when he described the “greed that someone must have in their soul to be willing to take advantage of someone suffering in the wake of a hurricane.” He did not explicitly connect this observation to price-gouging laws. But implicit in his comment is something like the following argument, which might be called the virtue argument:

Greed is a vice, a bad way of being, especially when it makes people oblivious to the suffering of others. More than a personal vice, it is at odds with civic virtue. In times of trouble, a good society pulls together. Rather than press for maximum advantage, people look out for one another. A society in which people exploit their neighbors for financial gain in times of crisis is not a good society. Excessive greed is therefore a vice that a good society should discourage if it can. Price-gouging laws cannot banish greed, but they can at least restrain its most brazen expression, and signal society’s disapproval of it. By punishing greedy behavior rather than rewarding it, society affirms the civic virtue of shared sacrifice for the common good.

To acknowledge the moral force of the virtue argument is not to insist that it must always prevail over competing considerations. You might conclude, in some instances, that a hurricane-stricken community should make a devil’s bargain—allow price gouging in hopes of attracting an army of roofers and contractors from far and wide, even at the moral cost of sanctioning greed. Repair the roofs now and the social fabric later. What’s important to notice, however, is that the debate about price-gouging laws is not simply

about welfare and freedom. It is also about virtue—about cultivating the attitudes and dispositions, the qualities of character, on which a good society depends.

Some people, including many who support price-gouging laws, find the virtue argument discomfiting. The reason: It seems more judgmental than arguments that appeal to welfare and freedom. To ask whether a policy will speed economic recovery or spur economic growth does not involve judging people's preferences. It assumes that everyone prefers more income rather than less, and it doesn't pass judgment on how they spend their money. Similarly, to ask whether, under conditions of duress, people are actually free to choose doesn't require evaluating their choices. The question is whether, or to what extent, people are free rather than coerced.

The virtue argument, by contrast, **rests on a judgment that greed is a vice that the state should discourage**. But who is to judge what is virtue and what is vice? Don't citizens of pluralist societies disagree about such things? And isn't it dangerous to impose judgments about virtue through law? In the face of these worries, many people hold that government should be neutral on matters of virtue and vice; it should not try to cultivate good attitudes or discourage bad ones.

So when we probe our reactions to price gouging, we find ourselves pulled in two directions: We are outraged when people get things they don't deserve; greed that preys on human misery, we think, should be punished, not rewarded. And yet we worry when judgments about virtue find their way into law.

This dilemma points to one of the great questions of political philosophy: Does a just society seek to promote the virtue of its citizens? Or should law be neutral toward competing conceptions of virtue, so that citizens can be free to choose for themselves the best way to live?

If we turn our gaze to the arguments about justice that animate contemporary politics...we find...that most of our arguments are about promoting prosperity and respecting individual freedom, at least on the surface. But underlying these arguments, and sometimes contending with them, we can often glimpse another set of convictions—about what virtues are worthy of honor and reward, and what way of life a good society should promote. Devoted though we are to prosperity and freedom, we can't quite shake off the judgmental strand of justice. The conviction that justice involves virtue as well as choice runs deep. Thinking about justice seems inescapably to engage us in thinking about the best way to live.

Bailout Outrage

The public furor over the financial crisis of 2008–09 is a case in point. For years, stock prices and real estate values had climbed. The reckoning came when the housing bubble burst. The total wealth of American families fell by \$11 trillion in 2008, an amount equal to the combined annual output of Germany, Japan, and the UK.

In October 2008, President George W. Bush asked Congress for \$700 billion to bail out the nation's big banks and financial firms. It didn't seem fair that Wall Street had enjoyed huge profits during the good times and was now asking taxpayers to foot the bill when things had gone bad. But here was a case where the welfare of the economy as a whole seemed to outweigh considerations of fairness. Congress reluctantly appropriated the bailout funds.

Then came the bonuses. Shortly after the bailout money began to flow, news accounts revealed that some of the companies now on the public dole were awarding millions of dollars in bonuses to their executives. The most egregious case involved the American International Group (A.I.G.), an insurance giant brought to ruin by the risky investments of its financial products unit. Despite having been rescued with massive infusions of government funds (totaling \$173 billion), the company paid \$165 million in bonuses to executives in the very division that had precipitated the crisis. Seventy-three employees received bonuses of \$1 million or more.

The public reacted with fury. A full-page headline in the tabloid *New York Post* captured the sentiments of many: "Not So Fast You Greedy Bastards." The U.S. House of Representatives sought to claw back the payments by approving a bill that would impose a 90 percent tax on bonuses paid to employees of companies that received substantial bailout funds. Under pressure from New York attorney general Andrew Cuomo, fifteen of the top twenty A.I.G. bonus recipients agreed to return the payments, and some \$50 million was recouped in all. This gesture assuaged public anger to some degree, and support for the punitive tax measure faded in the Senate. But the episode left the public reluctant to spend more to clean up the mess the financial industry had created.

Underlying the bailout outrage was a belief about moral desert: The executives receiving the bonuses (and the companies receiving the bailouts) didn't deserve them. But why didn't they? The reason may be less obvious than it seems. Consider two possible answers—one is about greed, the other about failure.

One source of outrage was that the bonuses seemed to reward greed, as the tabloid headline indelicately suggested. The public found this morally unpalatable. Not only the bonuses but the bailout as a whole seemed, perversely, to reward greedy behavior rather than punish it. The derivatives traders had landed their company, and the country, in dire financial peril—by making reckless investments in pursuit of ever-greater profits. Having pocketed the profits when times were good, they saw nothing wrong with million-dollar bonuses even after their investments had come to ruin.

The greed critique was voiced not only by the tabloids, but also (in more decorous versions) by public officials. Senator Sherrod Brown (D-Ohio) said that A.I.G.'s behavior "smacks of greed, arrogance, and worse." President Obama stated that A.I.G. "finds itself in financial distress due to recklessness and greed."

The problem with the greed critique is that it doesn't distinguish the rewards bestowed by the bailout after the crash from the rewards bestowed by markets when times were flush. Greed is a vice, a bad attitude, an excessive, single-minded desire for gain. So it's understandable that people aren't keen to reward it. But is there any reason to assume that the recipients of bailout bonuses are any greedier now than they were a few years ago, when they were riding high and reaping even greater rewards?

One obvious difference is that bailout bonuses come from the taxpayer while the bonuses paid in good times come from company earnings. If the outrage is based on the conviction that the bonuses are undeserved, however, the source of the payment is not morally decisive. But it does provide a clue: the reason the bonuses are coming from the taxpayer is that the companies have failed. This takes us to the heart of the complaint. **The American public's real objection to the bonuses—and the bailout—is not that they reward greed but that they reward failure.**

Americans are harder on failure than on greed. In market-driven societies, ambitious people are expected to pursue their interests vigorously, and the line between self-interest and greed often blurs. But the line between success and failure is etched more sharply. And the idea that people deserve the rewards that success bestows is central to the American dream.

Notwithstanding his passing reference to greed, President Obama understood that rewarding failure was the deeper source of dissonance and outrage. In announcing limits on executive pay at companies receiving bailout funds, Obama identified the real source of bailout outrage:

This is America. We don't disparage wealth. We don't begrudge anybody for achieving success. And we certainly believe that success should be rewarded. But what gets people upset—and rightfully so—are executives being rewarded for failure, especially when those rewards are subsidized by U.S. taxpayers.

Confronted with public outrage over paying bonuses for failure, the **CEOs argued that financial returns are not wholly their own doing, but the product of forces beyond their control. They may have a point. But if this is true, there's good reason to question their claim to out-sized compensation when times are good.** Surely the end of the cold war, the globalization of trade and capital markets, the rise of personal computers and the Internet, and a host of other factors help explain the success of the financial industry during its run in the 1990s and in the early years of the twenty-first century.

In 2007, CEOs at major U.S. corporations were paid 344 times the pay of the average worker. On what grounds, if any, do executives deserve to make that much more than their employees? Most of them work hard and bring talent to their work. But consider this: In 1980, CEOs earned only 42 times what their workers did. Were executives less talented and hardworking in 1980 than they are today? Or do pay differentials reflect contingencies unrelated to talents and skills?

Or compare the level of executive compensation in the United States with that in other countries. CEOs at top U.S. companies earn an average of \$13.3 million per year (using 2004–2006 data), compared to \$6.6 million for European chief executives and \$1.5 million for CEOs in Japan. Are American executives twice as deserving as their European counterparts, and nine times as deserving as Japanese CEOs? Or do these differences also reflect factors unrelated to the effort and talent that executives bring to their jobs?

The bailout outrage that gripped the United States in early 2009 expressed the widely held view that people who wreck the companies they run with risky investments don't deserve to be rewarded with millions of dollars in bonuses. But the argument over the bonuses raises questions about who deserves what when times are good. Do the successful deserve the bounty that markets bestow upon them, or does that bounty depend on factors beyond their control? And what are the implications for the mutual obligations of citizens—in good times and hard times? Whether the financial crisis will prompt public debate on these broader questions remains to be seen."

Three Approaches to Justice

To ask whether a society is just is to ask how it distributes the things we prize—income and wealth, duties and rights, powers and opportunities, offices and honors. A just society distributes these goods in the right way; it gives each person his or her due. The hard questions begin when we ask what people are due, and why.

We begin with the idea of **maximizing welfare**. For market societies such as ours, it offers a natural starting point. Much contemporary political debate is about how to promote prosperity, or improve our standard of living, or spur economic growth."

The approach to justice that begins with **freedom** is a capacious school. In fact, some of the most hard-fought political arguments of our time take place between two rival camps within it—the laissez-faire camp and the fairness camp. Leading the laissez-faire camp are free-market libertarians who believe that justice consists in respecting and upholding the voluntary choices made by consenting adults. The fairness camp contains theorists of a more egalitarian bent. They argue that unfettered markets are neither just nor free. In their view, justice requires policies that remedy social and economic disadvantages and give everyone a fair chance at success.

Finally, we turn to theories that see justice as bound up with **virtue and the good life**. In contemporary politics, virtue theories are often identified with cultural conservatives and the religious right. The idea of legislating morality is anathema to many citizens of liberal societies, as it risks lapsing into intolerance and coercion. But the notion that a just society affirms certain virtues and conceptions of the good life has inspired political movements and arguments across the ideological spectrum. Not only the Taliban, but also abolitionists and Martin Luther King, Jr., have drawn their visions of justice from moral and religious ideals.

Justice and the Common Good

The prospect of bringing conceptions of the good life into public discourse about justice and rights may strike you as less than appealing—even frightening. After all, people in pluralist societies such as ours disagree about the best way to live. Liberal political theory was born as an attempt to spare politics and law from becoming embroiled in moral and religious controversies. The philosophies of Immanuel Kant and John Rawls represent the fullest and clearest expression of that ambition.

But this ambition cannot succeed. Many of the most hotly contested issues of justice and rights can't be debated without taking up controversial moral and religious questions. In deciding how to define the rights and duties of citizens, it's not always possible to set aside competing conceptions of the good life. And even when it's possible, it may not be desirable.

Asking democratic citizens to leave their moral and religious convictions behind when they enter the public realm may seem a way of ensuring toleration and mutual respect. In practice, however, the opposite can be true. Deciding important public questions while pretending to a neutrality that cannot be achieved is a recipe for backlash and resentment. A politics emptied of substantive moral engagement makes for an impoverished civic life. It is also an open invitation to narrow, intolerant moralisms. Fundamentalists rush in where liberals fear to tread.

On June 28, 2006, Barack Obama, soon to become a candidate for his party's presidential nomination, gave a speech on the role of religion in politics. He began by recalling the way he had dealt with the religious issue in his U.S. Senate campaign two years earlier. Obama's opponent, a rather strident religious conservative, had attacked Obama's support for gay rights and abortion rights by claiming he was not a good "Christian, and that Jesus Christ would not have voted for him.

"I answered with what has come to be the typically liberal response in such debates," Obama said, looking back. "I said that we live in a pluralistic society, that I can't impose my own religious views on another, that I was running to be the U.S. Senator of Illinois and not the Minister of Illinois."

Although Obama easily won the Senate race, he now thought his response had been inadequate, and "did not adequately address the role my faith has in guiding my own values and my own beliefs."

He proceeded to describe his own Christian faith and to argue for the relevance of religion to political argument. It was a mistake, he thought, for progressives to "abandon the field of religious discourse" in politics. "The discomfort of some progressives with any hint of religion has often prevented us from effectively addressing issues in moral terms." If liberals offered a political discourse emptied of religious content, they would "forfeit the

imagery and terminology through which millions of Americans understand both their personal morality and social justice."

Religion was not only a source of resonant political rhetoric. The solution to certain social problems required moral transformation. "Our fear of getting 'preachy' may . . . lead us to discount the role that values and culture play in some of our most urgent social problems," Obama said. Addressing problems such as "poverty and racism, the uninsured and the unemployed," would require "changes in hearts and a change in minds." So it was a mistake to insist that moral and religious convictions play no part in politics and law.

Secularists are wrong when they ask believers to leave their religion at the door before entering into the public square. Frederick Douglass, Abraham Lincoln, William Jennings Bryan, Dorothy Day, Martin Luther King—indeed, the majority of great reformers in American history—were not only motivated by faith, but repeatedly used religious language to argue for their cause. So to say that men and women should not inject their "personal morality" into public policy debates is a practical absurdity. Our law is by definition a codification of morality, much of it grounded in the Judeo-Christian tradition.

Justice and the Good Life

Over the course of this journey, we've explored three approaches to justice. One says justice means maximizing utility or welfare—the greatest happiness for the greatest number. The second says justice means respecting freedom of choice—either the actual choices people make in a free market (the libertarian view) or the hypothetical choices people would make in an original position of equality (the liberal egalitarian view). The third says justice involves cultivating virtue and reasoning about the common good. As you've probably guessed by now, I favor a version of the third approach. Let me try to explain why.

The utilitarian approach has two defects: First, it makes justice and rights a matter of calculation, not principle. Second, by trying to translate all human goods into a single, uniform measure of value, it flattens them, and takes no account of the qualitative differences among them.

The freedom-based theories solve the first problem but not the second. They take rights seriously and insist that justice is more than mere calculation. Although they disagree among themselves about which rights should outweigh utilitarian considerations, they agree that certain rights are fundamental and must be respected. But beyond singling out certain rights as worthy of respect, they accept people's preferences as they are. They don't require us to question or challenge the preferences and desires we bring to public life. According to these theories, the moral worth of the ends we pursue, the meaning and significance of the lives we lead, and the quality and character of the common life we share all lie beyond the domain of justice.

This seems to me mistaken. A just society can't be achieved simply by maximizing utility or by securing freedom of choice. To achieve a just society we have to reason together about the meaning of the good life, and to create a public culture hospitable to the disagreements that will inevitably arise.

It is tempting to seek a principle or procedure that could justify, once and for all, whatever distribution of income or power or opportunity resulted from it. Such a principle, if we could find it, would enable us to avoid the tumult and contention that arguments about the good life invariably arouse.

But these arguments are impossible to avoid. **Justice is inescapably judgmental.** Whether we're arguing about financial bailouts or Purple Hearts, surrogate motherhood or same-sex marriage, affirmative action or military service, CEO pay or the right to use a golf cart, **questions of justice are bound up with competing notions of honor and virtue, pride and recognition.** Justice is not only about the right way to distribute things. It is also about the right way to value things.

A Politics of the Common Good

If a just society involves reasoning together about the good life, it remains to ask what kind of political discourse would point us in this direction. I don't have a fully worked out answer to this question, but I can offer a few illustrative suggestions. First, an observation: Today, most of our political arguments revolve around welfare and freedom—increasing economic output and respecting people's rights. For many people, talk of virtue in politics brings to mind religious conservatives telling people how to live. But this is not the only way that conceptions of "virtue and the common good can inform politics. The challenge is to imagine a politics that takes moral and spiritual questions seriously, but brings them to bear on broad economic and civic concerns, not only on sex and abortion.

In my lifetime, the most promising voice in this direction was that of **Robert F. Kennedy**, as he sought the Democratic presidential nomination in 1968. For him, justice involved more than the size and distribution of the national product. It was also about higher moral purposes. In a speech at the University of Kansas on March 18, 1968, Kennedy spoke of the war in Vietnam, riots in America's cities, racial inequality, and the crushing poverty he had witnessed in Mississippi and Appalachia. He then turned from these explicit matters of justice to argue that Americans had come to value the wrong things. "Even if we act to erase material poverty," Kennedy said, "there is another greater task. It is to confront the poverty of satisfaction . . . that afflicts us all." Americans had given themselves over to "the mere accumulation of things."

Our Gross National Product now is over 800 billion dollars a year. But that Gross National Product counts air pollution and cigarette advertising, and ambulances to clear our highways of carnage. It counts special locks for our doors and the jails for the people who break them. It counts the destruction of the redwood and the loss of our natural wonder in chaotic sprawl. It counts napalm and counts nuclear warheads

and armored cars for the police to fight the riots in our cities. It counts . . . the television programs which glorify violence in order to sell toys to our children. Yet the Gross National Product does not allow for the health of our children, the quality of their education or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country. It measures everything, in short, except that which makes life worthwhile. And it can tell us everything about America except why we are proud to be Americans.

Listening to Kennedy, or reading this passage, you might say that the moral criticism he leveled against the self-satisfaction and material preoccupations of his time was independent of his point about the injustices of poverty, the Vietnam War, and racial discrimination. But he saw them as connected. To reverse these injustices, Kennedy thought it necessary to challenge the complacent way of life he saw around him. He did not hesitate to be judgmental. And yet, by invoking Americans' pride in their country, he also, at the same time, appealed to a sense of community.

Kennedy was assassinated less than three months later. We can only speculate whether the morally resonant politics he intimated would have come to fruition had he lived. Four decades later, during the 2008 presidential campaign, Barack Obama also tapped Americans' hunger for a public life of larger purpose and articulated a politics of moral and spiritual aspiration.

What might a new politics of the common good look like? Here are some possible themes:

1. Citizenship, sacrifice, and service

If a just society requires a strong sense of community, it must find a way to cultivate in citizens a concern for the whole, a dedication to the common good. It can't be indifferent to the attitudes and dispositions, the "habits of the heart," that citizens bring to public life. It must find a way to lean against purely privatized notions of the good life, and cultivate civic virtue.

Traditionally, the public school has been a site of civic education. In some generations, the military has been another. I'm referring not mainly to the explicit teaching of civic virtue, but to the practical, often inadvertent civic education that takes place when young people from different economic classes, religious backgrounds, and ethnic communities come together in common institutions.

During the 2008 campaign, Barack Obama observed that the events of September 11, 2001, stirred in Americans a sense of patriotism and pride, and a new willingness to serve their country. And he criticized President George W. Bush for not summoning Americans to some form of shared sacrifice. "Instead of a call to service," Obama said, "we were asked to

go shopping. Instead of a call for shared sacrifice, we gave tax cuts to the wealthiest Americans in a time of war for the very first time in our history.”

Obama proposed to encourage national service by offering students help with college tuition in exchange for one hundred hours of public service. “You invest in America, and America invests in you,” he told young people as he campaigned across the country. The proposal proved to be one of his most popular, and in April 2009, he signed legislation to expand the AmeriCorps public service program and provide college money for students who volunteered in their communities. Despite the resonance of Obama’s call to national service, however, more ambitious proposals for mandatory national service have not found their way onto the political agenda.

2. The moral limits of markets

One of the most striking tendencies of our time is the expansion of markets and market-oriented reasoning into spheres of life traditionally governed by non-market norms. In earlier chapters, we consider the moral questions that arise, for example, when countries hire out military service and the interrogation of prisoners to mercenaries or private contractors; or when parents outsource pregnancy and child-bearing to paid laborers in the developing world; or when people buy and sell kidneys on the open market. Other instances abound: Should students in underperforming schools be offered cash payments for scoring well on standardized tests? Should teachers be given bonuses for improving the test results of their students? Should states hire for-profit prison companies to house their inmates? Should the United States simplify its immigration policy by adopting the proposal of a University of Chicago economist to sell U.S. citizenship for a \$100,000 fee?

These questions are not only about utility and consent. They are also about the right ways of valuing key social practices—military service, child-bearing, teaching and learning, criminal punishment, the admission of new citizens, and so on. Since marketizing social practices may corrupt or degrade the norms that define them, we need to ask what non-market norms we want to protect from market intrusion. This is a question that requires public debate about competing conceptions of the right way of valuing goods. Markets are useful instruments for organizing productive activity. But unless we want to let the market rewrite the norms that govern social institutions, we need a public debate about the moral limits of markets.

3. Inequality, solidarity, and civic virtue

Within the United States, the gap between rich and poor has grown in recent decades, reaching levels not seen since the 1930s. Yet inequality has not loomed large as a political issue. Even Barack Obama’s modest proposal to return income tax rates to where they stood in the 1990s prompted his 2008 Republican opponents to call him a socialist who wanted to spread the wealth.

Some philosophers who would tax the rich to help the poor argue in the name of utility; taking a hundred dollars from a rich person and giving it to a poor person will diminish the rich person's happiness only slightly, they speculate, but greatly increase the happiness of the poor person. John Rawls also defends redistribution, but on the grounds of hypothetical consent. He argues that if we imagined a hypothetical social contract in an original position of equality, everyone would agree to a principle that would support some form of redistribution.

But there is a third, more important reason to worry about the growing inequality of American life: Too great a gap between rich and poor undermines the solidarity that democratic citizenship requires. Here's how: As inequality deepens, rich and poor live increasingly separate lives. The affluent send their children to private schools (or to public schools in wealthy suburbs), leaving urban public schools to the children of families who have no alternative. A similar trend leads to the secession by the privileged from other public institutions and facilities. Private health clubs replace municipal recreation centers and swimming pools. Upscale residential communities hire private security guards and rely less on public police protection. A second or third car removes the need to rely on public transportation. And so on. The affluent secede from public places and services, leaving them to those who can't afford anything else.

This has two bad effects, one fiscal, the other civic. First, public services deteriorate, as those who no longer use those services become less willing to support them with their taxes. Second, public institutions such as schools, parks, playgrounds, and community centers cease to be places where citizens from different walks of life encounter one another. Institutions that once gathered people together and served as informal schools of civic virtue become few and far between. The hollowing out of the public realm makes it difficult to cultivate the solidarity and sense of community on which democratic citizenship depends.

So, quite apart from its effects on utility or consent, inequality can be corrosive to civic virtue. Conservatives enamored of markets and liberals concerned with redistribution overlook this loss."

If the erosion of the public realm is the problem, what is the solution? A politics of the common good would take as one of its primary goals the reconstruction of the infrastructure of civic life. Rather than focus on redistribution for the sake of broadening access to private consumption, it would tax the affluent to rebuild public institutions and services so that rich and poor alike would want to take advantage of them.

An earlier generation made a massive investment in the federal highway program, which gave Americans unprecedented individual mobility and freedom, but also "contributed to the reliance on the private automobile, suburban sprawl, environmental degradation, and living patterns corrosive to community. This generation could commit itself to an equally consequential investment in an infrastructure for civic renewal: public schools to which rich and poor alike would want to send their children; public transportation systems

reliable enough to attract upscale commuters; and public health clinics, playgrounds, parks, recreation centers, libraries, and museums that would, ideally at least, draw people out of their gated communities and into the common spaces of a shared democratic citizenship.

Focusing on the civic consequences of inequality, and ways of reversing them, might find political traction that arguments about income distribution as such do not. It would also help highlight the connection between distributive justice and the common good."

4. A politics of moral engagement

Some consider public engagement with questions of the good life to be a civic transgression, a journey beyond the bounds of liberal public reason. Politics and law should not become entangled in moral and religious disputes, we often think, for such entanglement opens the way to coercion and intolerance. This is a legitimate worry. Citizens of pluralist societies do disagree about morality and religion. Even if, as I've argued, it's not possible for government to be neutral on these disagreements, is it nonetheless possible to conduct our politics on the basis of mutual respect?

The answer, I think, is yes. But we need a more robust and engaged civic life than the one to which we've become accustomed. In recent decades, we've come to assume that respecting our fellow citizens' moral and religious convictions means ignoring them (for political purposes, at least), leaving them undisturbed, and conducting our public life—insofar as possible—without reference to them. But this stance of avoidance can make for a spurious respect. Often, it means suppressing moral disagreement rather than actually avoiding it. This can provoke backlash and resentment. It can also make for an impoverished public discourse, lurching from one news cycle to the next, preoccupied with the scandalous, the sensational, and the trivial.

A more robust public engagement with our moral disagreements could provide a stronger, not a weaker, basis for mutual respect. Rather than avoid the moral and religious convictions that our fellow citizens bring to public life, we should attend to them more directly—sometimes by challenging and contesting them, sometimes by listening to and learning from them. There is no guarantee that public deliberation about hard moral questions will lead in any given situation to agreement—or even to appreciation for the moral and religious views of others. It's always possible that learning more about a moral or religious doctrine will lead us to like it less. But we cannot know until we try.

A politics of moral engagement is not only a more inspiring ideal than a politics of avoidance. It is also a more promising basis for a just society."