

Forum Digest for Lectures 19 and 20 (lecture release date was May, 14th)

Government and Good Life

When considering whether or not the government should promote either a particular conception of the good life, moral life, virtue, or excellence, it is important to keep various questions distinct.

1) Is it possible for a state to be neutral with respect to conceptions of the good/moral life?

- a. E.g. neutral with respect to religion?
- b. E.g. neutral with respect to certain ethical questions?
 - i. E.g. the value and nature of marriage, including the moral permissibility of gay marriage, polygamy etc.?
 - ii. The moral permissibility of abortion and euthanasia.
 - iii. The moral permissibility of unusual sexual practices? E.g. incest, bestiality, pedophilia?
- c. E.g. neutral with respect to the value of national heritage and culture?
- d. E.g. neutral with respect to the value of sports, arts, science?

2) If it is possible for a state to be neutral with respect to conceptions of the good life, should it remain neutral?

3) If it shouldn't remain neutral, how should the state promote the good/moral life?

- a. Should it use direct coercion? E.g. the threat of punishments to coerce people into pursuing the good life.
- b. Should it use indirect coercion? E.g. forcing people to pay taxes to subsidize a particular conception of the good life that they may not endorse?
- c. Should it use incentives?
 - i. Should it honor people who pursue the good life? E.g. national awards for science, arts etc.
 - ii. Should it offer financial incentives to encourage people to pursue excellence? E.g. paying children to read books.

Freedom and the Limits to Cultivating Virtue

In response to Lecture 19, many students were ambivalent toward the prospect of using law to make citizens more virtuous. Indeed, students raised powerful examples of injustice in the name of 'legislating morality.' But, is there some legitimate use of the law to cultivate virtue? In other words, do these examples sink such a project altogether, or do they simply caution us to proceed carefully?

Consider two examples of a "softer" approach to legislating morality:

KALLIOPE posted (and Aristotle would have agreed), "Debating, disagreeing, arguing about virtue is a fundamental way to be virtuous." Suppose that your city council announced the following: "Our citizens are worryingly disengaged from the community – few vote, volunteer, hold office, or discuss politics/ethics. So, the city council has decided to spend [X] dollars to organize public events in which people will be able to engage in robust political discourse with one another." Note that the

city council is not motivated by any notion of rights or positive consequences – they seek to cultivate civic virtue. Would you support this program?

Every now and again, policymakers float the idea of mandatory public service for young adults. Suppose that Congress enacted the following law: “Finding that service and sacrifice are essential to our common commitment to the Republic and to one another, upon reaching the age of 18, all U.S. residents will be required to commit two years to public service of their choice. Young adults will be permitted to choose from the following: any branch of the military, Peace Corps, Americorps, or any program they propose, provided that the U.S. Dept. of Education finds that it is a public service venture of some sort.” Would you support this program?

These are two more difficult—and realistic—examples with which to grapple. We pose them to challenge you to precisely identify your concern about using laws to make citizens more virtuous. If you endorse either or both of these proposals, you cannot maintain the broad principle that “laws should not seek to make citizens more virtuous.” You will have to amend your principle to something like, “laws should not prohibit actions merely on the basis of morality” or “laws should not compel actions merely on the basis of morality” or “laws should cultivate only certain types of virtues (e.g. those directly related to participation in our political community).”

Telos and Golf

Many people have responded to the poll by suggesting that golf does not have a telos because it is purely for amusement. However, note that this in a sense gives away the argument that golf lacks a telos--"amusement" can reflect a telos just as much as the arguments advanced that walking is part of the telos of the game, and conceiving of amusement as the telos would provide an answer to the question in Martin's case. If the telos of golf is simply amusement, then Martin can clearly have a cart,

since the presence of the cart would not change the amusement factor of the game. Something similar is going on in discussions about whether Martin's accommodation is bringing him up to a level playing field with other players, or whether it is somehow giving him an advantage relative to other players. This question seems particularly important only after we have decided that golf has an identifiable telos. If there is no telos to the game of golf, then it seems odd to worry about whether Martin is receiving some sort of unfair advantage in achieving the "purpose" of the game.

Several other people have argued that there is no need to debate the essence of golf because the PGA, as a private organization, should be free to set the rules of its competition however it sees fit.

For those who find this line of argument persuasive, it is worth considering the following case: should the PGA be permitted to pass a rule that excludes non-white players from entering its tournaments?

If not, this shows that the PGA should not be free to set the rules of its competition *however* it sees fit. You might object to race-based discrimination on the grounds that one's race is irrelevant to one's ability to play golf. This argument, however, is precisely the kind of argument that Casey Martin is making with regard to his disability. Moreover, the claim that race is *irrelevant* to one's ability to golf requires that one possesses a view about the essence of golf.