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Public Philosophy: Episodes and Arguments in American Civic Life

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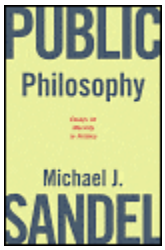

Public Philosophy: Essays on Morality in Politics

Introduction

JOANNE MYERS: Good morning. I'm Joanne Myers, Director of Public Affairs Programs, and on behalf of the Carnegie Council I'd like to thank you for joining us this morning.

Our guest is Michael Sandel, and he will be discussing his book, *Public Philosophy: Essays on Morality in Politics.*

Every now and then, I discover that a friend of mine has a special relationship with a speaker we are hosting, so this time, when one of the more eloquent voices that I know told me that he was acquainted with our guest, it was very hard to refuse that person the opportunity to introduce Professor Sandel, especially when that person is my dear friend Shashi Tharoor.

As most of you know, Shashi is the Under Secretary General for communications and public information at the United Nations, a position that was tailor-made for him. So for this very special morning I thought it was only just that the talented Mr. Tharoor communicate to you just how singularly outstanding is the distinguished and inspiring political philosopher, Professor Michael Sandel.

SHASHI THAROOR: Thank you, Joanne.

When Joanne asked me to introduce Michael, I wondered whether it was wise to deprive Michael of the joys of a Joanne Myers introduction. Those of you who are regulars here know that one of the things speakers most look forward to is being introduced by Joanne. Michael Sandel is the Anne T. and Robert M. Bass Professor of Government at Harvard University, a Rhodes Scholar educated at Balliol College, and a Phi Beta Kappa from Brandeis University.

He has taught the famous justice course at Harvard for a couple of decades now, a course that he has made so popular that it is conducted in a theater, not in a classroom. More than 10,000 students have taken Michael's course, making it one of the most highly attended in Harvard's history.

Michael also teaches Ethics and Biotechnology, a seminar which considers the ethical implications of a variety of technological procedures and possibilities. For the past four years, he has served on President Bush's Council on Bioethics.

I have had the great pleasure of co-teaching alongside Michael at the Aspen Institute in Aspen, which is a good excuse for amateur intellectuals to sit beside people who think for a living and can communicate the value of that to others who in their daily lives don't have enough time to think.

And finally, it is widely suspected that Michael's head is the physical basis for the head of the character of Mr. Burns on "The Simpsons." Numerous Harvard alumni have been writers, and I gather that this was their way of paying tribute to the most popular teacher. Now, a few words on his book which is divided into three sections:

- One, the American political tradition. He notes that conservatives in this country are assumed to have a monopoly on the faith-based aspects of political argument. Michael demonstrates convincingly that that is not in fact the American political tradition, that the great movements of moral and political reform in this country—from the Abolitionist movement, to the Progressive Era, to the Civil Rights Era—drew powerfully on moral, religious, and spiritual sources while being seen very much on the liberal side of the political spectrum. He explores how liberalism lost its moral and civic voice.

- Two, moral and political arguments. In this section he takes up some of the hotly contested contemporary moral and political issues. You will find questions that you have debated over your breakfast tables, such as affirmative action, abortion, gay rights, but also more challenging issues—the moral limits of markets or the question of the balance between individual rights and the claims of community. He argues that political arguments cannot afford to avoid questions of what makes the good life.

- The final section steps back and examines political liberal theory. He argues in these essays for a politics that gives greater emphasis to citizenship, community, and civic virtue. Michael has not always been comfortable with the communitarian label often assigned to him.

But what is valuable here is the argument that the substantive moral discourse that all of us care about is not at odds with progressive public purposes, and that you can be a pluralist society, even a liberal society and not shrink from engaging the moral and religious convictions that are brought to public life by citizens.

This is an interesting mélange of political commentary and political philosophy. I'm going to read one sentence from his own introduction to the book. Harvard faculty are usually told that the Eleventh Commandment is "Thou shalt not commit philosophy in public." But Michael writes:

"These essays constitute a venture in public philosophy in two senses: they find in the political and legal controversies of our day an occasion for philosophy; and they represent an attempt to do philosophy in public, to bring moral and political philosophy to bear on contemporary public discourse."

So we are the occasion for the public discourse that this forum so uniquely provides in this city.

Remarks

MICHAEL SANDEL: Thank you. Thanks to Joanne and to Joel, who has been such a wonderful host and convener of sessions like this over the years and has made this a place for discussion of international affairs but also of the ethical dimensions of public life. Since Shashi has already given such an eloquent overview of the book, let me just mention two connected themes or questions before we have a discussion.

What role should morality and religion play in public life?

What ails liberalism; why has liberalism as a public philosophy gone into eclipse?

The answer I give to the first question is that it's often not possible, and in any case not desirable, to separate political argument from moral and religious argument. Now, that is an idea that runs against the current of a certain part of our political debate. There is an allergy among liberals and progressives to using substantive moral, and even religious, arguments in politics.

I am leaning against that current, which takes me to the second question. What ails liberalism? It has been a refusal or a hesitation to engage directly with substantive moral and religious arguments. When you mention morality and religion in politics today, usually we recoil, because we think of the Christian Right, fundamentalist voices, narrow and intolerant voices. We think of Pat Robertson, who said that the stroke suffered by Ariel Sharon was divine retribution for giving back Gaza. We think of Ray Nagin, the Mayor of New Orleans, who made a similar interpretation of Hurricane Katrina. He said that it was divine retribution for America's intervention in Iraq, its mistreatment of minorities, and the failure of the black community to look after its children.

I'm fascinated by these interpretations invoking divine interpretations of natural events, because in the history of political thought and in the history of philosophy they are very familiar. Some centuries ago, this was the natural way of interpreting events. It was really only with the Lisbon earthquake that this became a subject of controversy. It's the first reflex to ask, "What have we done to bring on this earthquake or hurricane or natural disaster?" Voltaire wrote that people were crazy to interpret the Lisbon earthquake as divine retribution.But it's only in the last 200-300 years that this way of thinking about the world and about nature has become strange.

We also think not just of interpretations of nature but of attempts to impose by law certain moral and religious views, whether in the abortion debate, or in the debate about gay rights and same-sex marriage, or more recently in the debate about stem cell research and whether it should be restricted. These are the three issues—all conservative—from the last campaign under the heading "morality" or "morality and religion." In fact, this was the trio of issues that George Bush used to persuade his base that he was the candidate of morality and faith.

It is a very narrow way of carving up public questions to think that the only moral questions are those three. They are important, but far from the only moral questions in politics.

How is it then that liberals, progressives, and Democrats have become so incapable, so inarticulate, in voicing the moral dimensions, the values that underlie their policies? You don't have to look far back in American history to notice that moral and religious discourse hasn't always been the preserve of conservatives. In fact, this conservative monopoly on the moral and spiritual dimensions of public life really only began with Ronald Reagan.

Think back to the civil rights movement in the 1950s and 1960s. Martin Luther King drew explicitly and unapologetically on moral and sometimes religious themes. "The Letter from Birmingham Jail", addressed to fellow ministers, was laced with Christian references, translated into terms that could be understood in a pluralist society.

In the 1960s a Southern preacher who disagreed with Martin Luther King's agenda said, "The purpose of preachers is to save souls; it's not to enter into politics." Who said that? Jerry Falwell. Well, Jerry Falwell changed his mind by 1980, when he founded the Moral Majority. Robert Kennedy was another very interesting and powerful voice connecting with the moral and civil substance of politics.

But by the 1970s and 1980s and 1990s, liberals, and Democrats generally, lost the ability to do this. Why?

Not just out of a lack of nerve. Part of the hesitation is principled. It is the idea that: "We're a pluralist society. People disagree about morality and religion. So if we base political arguments, and ultimately laws, on moral convictions, visions of the good life, spiritual values, we inevitably run the risk of imposing on some the values of others, values they may not share. We run the risk of coercion and intolerance."

That's the principled worry underlying the hesitation; but important though that principle is, that it can be overdone, and it has been overdone. If there were a way of having an antiseptic politics, where everything could be decided without presupposing some particular moral values, then the liberals' principled refusal to engage in substantive moral argument would have some force. But it's impossible to decide any of the major questions of our day without engaging in hard debates about ethics and justice

and morality. And often those debates will be informed by religious convictions. So rather than try to banish moral and religious argument from the public realm, liberals and Democrats should find a way of engaging it.

Here is the second difficulty: even if it were possible to conduct our public life without reference to substantive moral questions, it would be dangerous. Though we should worry about imposing values that people don't share, there is another danger, which is that a public square bereft of moral and religious argument from all quarters creates a moral void that can't be sustained for long.

People aspire to a public life of larger meanings than their own individual self-interest, and want to think of themselves as participants in an enterprise of self-government that gives expression to their values and to the collective values. So if you create a moral void out of this moral abstemious principled refusal, it will be filled by narrow, intolerant voices. Fundamentalists will rush in where liberals fear to tread.

That is what happened in the 1980s and 1990s. That is why Falwell, Reagan, Pat Robertson, and ultimately George W. Bush, were able to inspire and to find such resonance, because they were working within an arena that had been prepared and vacated for them.

Since 1964, the Democratic Party has elected only two presidents: Jimmy Carter, who was a born-again Christian; and Bill Clinton, who, whatever his personal foibles, did have a keen instinctive grasp of the moral and spiritual feel of politics and of people's aspirations. All of the other Democratic candidates, from Kerry to Gore, all the way back to Dukakis and Mondale, were good, decent, bright, capable men, but people who thought and spoke about politics in terms of the three deadly Ps, programs, policies, and processes.

And so liberalism came to be preoccupied with process; or with policy. Policies are important; so are processes, but you can't inspire an electorate with that fare, the thin gruel of process, technocratic talk. An exit poll after the last election that said of all the issues that mattered to people—more than Iraq, more than the economy, more than terrorism—people cited moral values; and of people who cited moral values, they went 80-to-18 for George Bush over John Kerry.

The Democrats know this and have tried to react. How? Well, unfortunately, in another wooden way, by salting their speeches with contrived biblical references, or references to God or values. John Kerry used the "V" word, values, thirty-two times in his acceptance speech at the Democratic Convention. But it didn't carry resonance or conviction.

What would a non-processed way of arguing look like?

Take the war in Iraq. How have the critics of the war in Iraq cast their criticism? You would think that there would be two primary questions for those who would challenge the war in Iraq:

- What are the ends and are they just, are they morally defensible?
- Question number two: If the ends that have been offered as the reason for the war are just or morally defensible, is it prudent, is it likely to do more good than harm in advancing those ends?

That would be a substantive way of engagement on the war in Iraq. What did the debate look like, if you take the critics of the war or the main line of the Democratic Party's set of questions about the war?

1) It wasn't multilateral enough. There should have been more consultation, United Nations consideration. But it's not a sufficient reason, because whether a war should be unilateral or multilateral, that's important, but it can't displace the fundamental question about the ends and the wisdom. Whether many countries or one country are doing it, is it morally justified and is it prudent?

2) A subsequent wave of debate has been the issue of Scooter Libby and the outing of the CIA agent [Valerie Plame]. The Democrats said, "All right, here's a way of showing what's morally bankrupt about

the war and the Administration." That's important, but that's a side issue.

3) More recently, the debate has revolved around domestic spying, which Democrats considered almost a heaven-sent gift. But that's a losing argument. It is important to know whether that spying was legal and also whether it was necessary; but that's not a substitute for debating whether the war is right or wrong and whether it is helping or hurting.

This issue is a poisoned gift to the Democrats. They will be attracted to the question of due process and the legality, but it will distract them from the war and whether it is helping or hurting the effort to track down al Qaeda and respond to terrorism.

So there has been a flight from substance to process, the legality, the multilateral or unilateral character of it, and various other considerations.

Democrats and liberals, in order to rejuvenate liberalism as a public philosophy need to engage, rather than avoid, the moral and spiritual, and even sometimes the religious, values that underlie the things they believe in. That would make for a different kind of political agenda, a different way of arguing in politics, and it might also loosen the grip that conservatives have on the moral high ground of American politics.

Questions and Answers

QUESTION: Could you expand on the concept of what is active and what is proactive? Liberals perhaps misread or didn't understand what was taking place within the country, or that morality can only occupy so much ground. The war took up so much of that ground that there was no other area to assert themselves.

Have the liberals failed to recognize, as David Brooks has pointed out, the nature of changing demography in America?

MICHAEL SANDEL: Let's think back to 1960. John Kennedy is running. He goes to Houston to speak to a group of Protestant ministers to lay to rest the so-called "Catholic issue." He says: "I'm not the Catholic candidate for president. I'm the Democratic Party candidate for president." And furthermore, the reason his Catholicism didn't matter, the reason voters should look beyond it, he said: "What I do as president, the decisions I make, will not be influenced. My religious faith is a private matter. It will not influence the conduct of my presidency."

At the time we all thought, "How marvelous!" because, in a way, this was the expression of a kind of liberal, Enlightenment, universalist view. Now, you may say, "He had to do that because he had to lay to rest this terrible canard that a Catholic would be beholden to the Pope." But the principle that he enunciated as a way of putting that issue to rest conceded way too much.

Today, politicians are falling all over themselves to parade, often in very crude and unconvincing ways, their faith, and their religious convictions, so much so that in 2000 there was a website that tracked the number of references to God during the campaign by the major parties with a "Godometer" to show who was ahead.

QUESTION: A quick story. In 1960, running for reelection to Congress, I brought in a young, newly elected senator named Muskie. One of our campaigns stops was the campus of Goshen College, a Mennonite school, where we had a terrific turnout. I got a lot of votes in a Republican territory. I was campaigning for Kennedy. On my thank-you tour the day after the election, I asked a Mennonite historian: "Why did you give so many votes to a Polish Catholic United States senator, a Greek-American Methodist congressman campaigning for an Irish-Catholic president of the United States?" He said: "It's very easy. In John Calvin's Geneva, we Mennonites were persecuted by the Protestants. We know what it's like."

And now a comment. Reinhold Niebuhr, in his book, *The Children of Light and the Children of Darkness,* argues that the purpose of politics is justice and that man's capacity for justice makes democracy

possible, but man's inclination to injustice makes democracy necessary. In the rhetoric used to describe legislation, we hear "fair labor standards" and "equitable tax laws."

MICHAEL SANDEL: Justice as a centerpiece of legislation and political reflection could take us a very long way.

I mentioned the principled reason liberals hesitate to engage in substantive debates about justice or the purposes and ends from a moral point of view of political policies of various kinds.

The other reason for the hesitation is the worry that this is a recipe for disagreement. It is true that we do disagree, and will inevitably disagree, about justice and about morality, and certainly about religion.

Here's an example. I served on the President's Council on Bioethics for four years. We debated stem cell research and the use of cloning for stem cell research. This was by and large a conservative body, a mix of people from the sciences, law, theology, philosophy, and public policy. Seventeen people were discussing and analyzing the question of stem cell research, and federal funding of embryonic stem cell research, and whether cloning should be permitted for this research.

Some on the Council had very strong views that even the early embryo is morally equivalent to a person. If you believe that, then you should oppose embryonic stem cell research, which is the equivalent of infanticide, though for a good end.

I didn't know anything about stem cell research before I was confronted with this. We had to sort out which of those views of the embryo is correct. Now, that's not only a fraught moral question but also deeply bound up in various religious views. Our arguments were conducted with mutual respect, and they were probing and vigorous arguments, even on so fraught a question as when does life begin. But there was no way to avoid that question in trying to decide what we thought about cloning for stem cell research or federal funding, and many issues in public life are of that character.

QUESTION: Flash forward to 2008. You are advising a Democratic candidate for the presidency as to how to make a morally, religiously grounded argument with respect to Iraq, health care, and abortion, one that will attract the, say, 7-to-10 percent of the orthodox Christian vote that may have made the difference between a Bill Clinton win and an Al Gore or a John Kerry loss. What sort of vocabulary would you use to frame those issues?

MICHAEL SANDEL: One theme: we are fighting a war. For the moment, let's set aside whether it's the right war or whether we should have been there or whether it has done more harm than good. We are fighting a war and there is some relatively small segment of the population, a number of young people, who come by and large from working-class families, who are fighting this war and dying there. If that is the case, regardless of the cause or the merits of the war, they are fighting and dying in our name. Don't we as citizens have a moral and a civic obligation of shared sacrifice?

There are many ways of giving expression to shared sacrifice. At one extreme, we could say: "Maybe we should consider conscription, so that the sacrifice and burden is shared regardless of economic class and so that those who decide to go to war will know people, and maybe even family members, who will share in that sacrifice directly."

Or, suppose you don't want to go for conscription, but want to stay with an all-volunteer army: What are the other kinds of sacrifice that are appropriate for fellow citizens here at home who are not sending their children to fight and die? Should there be a tax cut at a time when there is this kind of sacrifice going on? Should there be an increase in the energy tax, in the gas tax, to make us less dependent on the foreign sources of oil, even if you don't think that the reason we went to war is to secure oil supplies?

This was a missed theme which Kerry could have raised. President Bush was very weak on this theme. The press asked him, "Why aren't you asking the American people to share in this sacrifice?" His answer: "They are sacrificing. They have to wait longer in lines at the airport."

Now, sacrifice and its moral and civic importance has a certain spiritual dimension. It also has to do with

the shared obligations of citizenship, so it's a civic theme as well. Beyond that, one could debate the justice of various economic and tax policies, health care, the war itself. What matters politically is not so much that you agree with a particular religious community on an issue, but that you speak a language that makes it clear that you are paying attention, respecting and engaging with the moral and spiritual yearnings and energy and aspirations so central to their faith.

QUESTION: To follow up and explore the civil society, the biblical prophets always inveighed against false gods and against leaders who were more concerned about themselves than about the people they were leading. So in this case, we now see, with tax policies, a greater and greater concentration of wealth among a very few people, and at the same time cuts for education, for health, for many people, so the good life for the few but not for the many. What is happening in our society?

MICHAEL SANDEL: There are two ways of questioning or challenging the growing gap between rich and poor:

1) It is unfair that those at the top get tax cuts and other largesse from government policy while those at the bottom go without health insurance. This is a straightforward question of distributive justice and fairness. That is an important argument morally. How effective it is politically is in question.

2) The gap between rich and poor has a corrupting effect on civic life and the common good. It's not just a matter of income and wealth being skewed; it is also that public and civic institutions that bring men and women together across classes and races and ethnic groups are important instruments of the common good in a democratic society, whether it is public schools that create a common citizenship, or whether it is public transportation that brings people from all walks of life into common public spaces, libraries, or museums. These are the civic infrastructure of a democratic society.

If the gap between rich and poor becomes too great, the affluent opt out of shared public institutions. They send their kids to private schools, which leads to the decline of the public schools. Health clinics become the place where poor people go, so they are ill funded. We need to worry about the gap between rich and poor, because we are losing the institutions that bring people together as citizens from different walks of life, different backgrounds, which enable a shared citizenship. Let's create, build up, these public shared institutions and provide them with the necessary funding.

QUESTION: You talk about John Kerry arguing on Iraq that the problem was unilateralism versus multilateralism and the Democrats now talking about warrant-less surveillance as a question of process.

But couldn't we also consider these as questions about the rule of law? John Kerry was saying that to take an action unilaterally is a violation of international law, and to argue that you can spy on citizens in the United States without warrants is a violation of the constitution. Isn't a commitment to the rule of law a very significant moral value, which liberals haven't focused on?

MICHAEL SANDEL: It is an important value that liberals have focused on, to their credit. Politically it is a mistake to put those questions at the center. Now, you might say, "Well, that's cynical. If you believe the rule of law is important, then you should care about multilateralism and you should care for its own sake about a program of warrant-less domestic spying."

We should care for their own sake about those questions. But as a matter of emphasis and focus, the critique of those practices has to connect with a larger story. Politics is about stories and narrative; it isn't just about rules and principles and policies and programs.

Now, you may say, "Stories and narrative are the province of PR." Not really. It's integral to what it means to connect with and engage with citizens in a democratic society. You have to tell them their collective story in a way that is convincing and that connects the particular things you have to say to them about the rule of law, about the war in Iraq, about Alito's appointment, about warrant-less spying. It has to connect in a coherent whole, a story that is also at the same time a sort of moral narrative.

And so I would incorporate those points that you rightly emphasized about the rule of law into a bigger

story. In the case of multilateralism, for example, to point out concretely and to ask questions concretely—this virtue of going it alone, given the result and given the result that could be expected, has it made us more or less safe?

If I were a political leader, here is how I would put it. Now, it's true it is hard to follow all the factions in Iraq, and who knows exactly what the relation between the Sunnis and the Shiites is and what role we can play and the different factions and the names; it's all very complicated. But Bush won the last election with one simple, intuitive claim, which Kerry never attacked: Messy though it is, they attacked us, and better that we be fighting them over there than over here. That was the core of Bush's success. The only way of defeating him, would have been to take that argument apart convincingly. How?

Let me give you a counter-story. It begins with a question. Suppose you went to Osama bin Laden on September 12, 2001, and you said to him: "Do you know what the United States will do in response to this attack? We are not going to come after you; or if we do, we won't catch you. Five years from now, you will still be alive and functioning, the tallest man in the Pakistani mountains. We won't go after you, but we will invade Iraq, get bogged down in insurgency, have problems with Abu Ghraib, prisoner abuse, Guantánamo, Danish cartoons—it will be a package deal where we will wind up confirming the civilizational war that you want to start."

What would Osama have said? Would he have trembled, or would he have said, "It's too good to be true. I don't believe you." That's how I would begin the argument.

QUESTION: First, on the stem cell issue. It's a question of the analogy between discarding the stem cells for no purpose at all and harvesting organs of cadavers. They are not un-analogous. You are using something that is about to expire for the benefit of others. I don't hear anybody talking about organ transplants, but they are talking about stem cells.

Number two, on what a liberal can say: If they want to use the Bible, they have not been saying that the issues, like abortion and gay rights, are barely mentioned in the Bible, if at all. The Bible talks about starving people, sick people, and our obligation as human beings to take care of them. There seems to be no emphasis on what the Bible says.

MICHAEL SANDEL: On the stem cell issue, there is a certain analogy between the kind of stem cell research that uses already existing early embryos in freezers in infertility clinics that would otherwise be discarded, and using organs from cadavers.

But people would argue that it's not a perfect analogy for the following reason: organs taken for transplant from cadavers are taken from already dead people. But if you believe that the early embryo, that fertilized egg, in the fertility clinic is, because it is still alive, a human being, then the analogy, would be to taking organs out of a person who may soon die but hasn't quite died yet, saying, "He or she is going to die anyway sooner or later. We may as well avail ourselves of the kidneys now." I would concede that there is that dis-analogy, which would drive us back to the question: Are they really human beings?

QUESTION: Would you say something about the dialectical relationship between the rationalities that we develop to present a particular opinion and the underlying stories. How are the stories enriched, by the rational presentations that we make, and how do these stories goad us to develop our rational presentations?

MICHAEL SANDEL: You are right to hear this argument in the background, which is that politics, and for that matter political philosophy, are not only about warring principles—the greatest good for the greatest number, the utilitarian principle; versus equal respect for persons, say a Kantian principle; or the inalienable right to life, liberty, and the pursuit of happiness, Locke as amended by Jefferson. These are among the great principles of political philosophy, and often they clash.

But politics isn't only about clashing moral principles, because ultimately what works in politics, but also what vindicates the principles as a matter of moral philosophy, is the relation between the principles and a coherent story that we can tell ourselves about our lives. This is true in thinking about our own

individual lives and the principles by which we live, of "what narrative do I find myself part of a larger story, and very often that narrative may connect me when I reflect on it to a wider community."

It also applies to these stories, collectively. Indeed, the most effective politics involve telling a convincing story—not winning an argument about those principles, but connecting those principles to a larger collective story. Whoever's stories prevail is very likely to prevail politically and in the battle of principles. I am not just talking about the anecdotes politicians tell at after-dinner talks to get a few laughs. They are the stories that are integral to the enterprise of politics understood as a morally serious venture.

JOANNE MYERS: Thank you for a stimulating discussion.