

### Lecture 3 Reading Questions

#### “Communal Norms”

#### Readings:

*Bowers v. Hardwick*. U.S. Supreme Court, 1986.

*Lawrence, et al. v. Texas*. U.S. Supreme Court, 2003.

(1) In *Bowers v. Hardwick*, Hardwick argued that, in its prior decisions, the US Supreme Court had already construed the US Constitution as conferring a fundamental right of privacy that extends to the protection of homosexual sodomy. Why did the Court reject this claim?

(2) According to the Court in *Bowers*, is it an adequate justification for a law prohibiting homosexual sodomy that a majority of the electorate believes that homosexuality is immoral?

(3) Is this an adequate justification according to the Court in *Lawrence v. Texas*?

(4) Is it an adequate justification in your view? If not, then what do you say to Justice Scalia’s charge that, if you refuse to enforce the sexual morality of the majority, then you must refuse to enforce anti-bigamy laws, or laws prohibiting incest between consenting adults?

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