

Greene on How Rights Went Wrong (in the US)

Please read the Introduction to Jamal Greene's *How Rights Went Wrong*. After reading the text, answer the questions that follow.

1. How does perceiving rights as absolute affect our relations with other people, according to Greene?
2. What does Greene say is the ultimate source of “fights about rights?”
3. What is the “dominant strategy” of using rights talk across the political spectrum in the US?
4. What does it mean to take a *mediation* view of rights? How does this differ from the dominant view today?
5. How would judges do their job differently under a mediation strategy?
6. What's the difference between declaring rights and reconciling them?
7. How could a mediating approach to rights improve democratic self-governance?
8. According to Greene, how well do current practices of addressing rights in the US today match the practices and ideas of doing so earlier in American history?
9. What role was given to legislatures, juries, churches, and families earlier in American history in the interpretation of rights, according to Greene?
10. What is “proportionality” and how does it affect the way judges approach rights questions?
11. Why do American judges worry about “too much justice,” according to Greene?
12. Where does rights mediation channel conflict, and how does this affect the resolution of conflicts?