E

Ethics of Compromise

Carrie Menkel-Meadow
University of California, Irvine, Irvine, CA, USA
LAW, Georgetown University Law Center, Washington, DC, USA

"The art of compromise,
Hold your nose and close your eyes."
"The Room Where It Happens" (lyrics from Hamilton: The Musical*)*
–lyrics, book and music by Lin-Manuel Miranda, 2015

"The compromise process is a conscious process in which there is a degree of moral acknowledgement of the other party."
The Nature of Compromise *at 16, Martin Golding, 2016*

"You can't always get what you want, but if you try sometimes,
you get what you need."
You Can't Always Get What You Want, The *Rolling Stones,* Let It Bleed*, 1969*

"All government – indeed every human benefit and enjoyment, every virtue and every prudent act – is founded on compromise and barter."
Edmund Burke (1775)

Synonyms

Dispute resolution; Ethical decision-making; Justice; Humanism; Legislation; Moral principles; Negotiation; Political decision-making; Pragmatism; Responsibility

Introduction: The Meanings and Measures of Compromise

Why does compromise in law, politics, and philosophy have such a bad name, when in family and relationship settings we are told that compromise is a good thing? Compromise is a concept with different and often conflicting definitions and value valences in different settings. For those in philosophy and politics, compromise connotes a "giving up" of pure principle and commitment to rights and truth, demonstrating weakness or lack of integrity (Benjamin 1990; Luban 1985). In contrast, in relationships we are told to compromise to consider the needs and interests of "the other." We "give up" something to someone else because we value something beyond the particular issue or dispute we are having about something, such as the relationship itself or an agreement, policy, or decision. The "ethics" of compromise requires a consideration of when it is "good" (right, correct, just, or fair) to compromise and when it might be "wrong" to compromise (Margalit 2010; Mnookin 2010). *Different*

A. Farazmand (ed.), *Global Encyclopedia of Public Administration, Public Policy, and Governance*,
DOI 10.1007/978-3-319-31816-5_2380-1

contexts clearly produce different assessments of the ethics of compromise.

Compromise as a concept assumes that one is "conceding" something to someone else, usually in order to achieve some goal – any agreement (e.g., contract, treaty, legislation, policy, or decision of more than one person), or simply to end a conflict or dispute – a "peace agreement," perhaps to preserve a relationship or to avert or end conflict. It has come to connote a relinquishment of something that is short of what one really believes in or values. *Principles* are philosophically "higher" and more valued than pragmatic decisions to forego something of value in order to agree to accomplish something else. Compromise is achieved when parties concede something to each other, either mutually and reciprocally or unilaterally or unequally. Compromises may or may not be symmetrical or equal in what is foregone, given up or traded, resulting in ethical concerns about power imbalances in the process that usually governs how compromises are made – through negotiation (Menkel-Meadow et al. 2013).

It is not a "compromise" when parties in conflict arrive at an agreement that meets their needs, either through a new or creative solution to their conflict or by a fairly agreed to negotiation and allocation of their interests (Menkel-Meadow 1984). Sometimes agreements are reached that are contingent, to be revisited when facts or conditions change, or when an agreed to process is used to resolve future conflicts. These situations also are not "compromises" strictly speaking, because parties may gain from engaging in the negotiation process and come to a new understanding of what their interests are, as well as recognizing the value of reaching a jointly achieved agreement, as contrasted with reaching no agreement at all by insisting on their claimed principles (usually an *impasse* when "true" principles conflict or the res being negotiated is scarce and cannot be shared or divided, Susskind and Cruikshank 1989).

Some political scientists (Gutmann and Thompson 2010, 2014), philosophers (Kuflik 1979; Golding 1979; Benjamin 1990; Margalit 2010), and negotiation theorists (Menkel-Meadow 2006, 2010, 2011) have argued that instead compromise should be valued as both intrinsically and pragmatically justified because it allows agreements to be made, actions to be taken, and decisions to be made, when not agreeing might be worse than making an agreement which is a compromise. Further, compromise may be morally valuable because it actually demonstrates respect for and recognition of other human beings' needs, interests, and humanity (Golding 1979; Cohen 2001). Successful politicians (practical people) have long lauded the use of compromise to get things done, from Machiavelli (1532, 1961) who suggested that leaders were required to compromise their own principles in order to govern the many, whose principles might differ from their own, to most recently, President Obama who has urged even dedicated social and legal reformers to "listen" and sit down with the other side, as Martin Luther King, Jr. did with President Lyndon Johnson, in order to produce the United States Civil Rights Act of 1964 (Obama 2016; Shapiro 2013).

For some, compromise is not possible or is unethical or immoral when the interests or conflicts among or between people are not equally *legitimate* (Margalit 2010; Benjamin 1990). Thus, efforts to "balance" or equate that which is incommensurable in order to reach agreements is not an ethical compromise. Compromises that result in great harm, cruelty, or inhumane consequences (consider Chamberlain's concessions to Hitler at Munich) are evaluated after the fact as being wrong, but may have been considered instrumentally expedient at the time they were made (Margalit 2010). Thus, evaluating the ethics of compromise contains a *temporally* complex element of assessment at the time of reaching the compromise or when its effects and consequences can be measured later.

Compromise includes both the *processes* by which agreements are reached, such as negotiation, mediation, and even arbitration and adjudication, as well as the *substantive agreement* itself. Consider King Solomon's story of potentially "splitting the baby" with two mothers claiming maternity – to split the baby in two would clearly harm the baby and be a terrible outcome, but King

Solomon's process of announcing his intention to do so allowed the true mother to emerge (she who would not allow her child to be split in two) – was this an arbitration or a very clever mediation? The threat of a commanded "compromise" verdict produced a life-saving "concession" and produced the "true" and just result.

Recently, and very unusually, the United States Supreme Court refused to decide an important and contested matter and returned a case to the lower courts for the parties to seek an "accommodation" of conflicting interests (religious employer insurance benefits of employee reproductive (contraception) health benefits under the American Affordable Health Care Act, *Zubik vs. Burwell* 2016). If the parties do not agree here (and elsewhere) it is also possible that a "compromise" ruling can occur by a *command decision* or a court or other decision-maker. Consider the parent who cuts a piece of cake in two and orders two children to share it (a classic "split the difference" solution of a dispute about a contested item, Brams 1996), or a court that allocates property, money, or personal rights in a shared, not binary, manner (as in divorce and joint child custody decisions). Thus, the ethics of compromise concerns itself with both *how we make agreements* with others and then, *what we actually agree to – processual*, as well as *substantive* ethical assessments.

This entry reviews the arguments made about when compromise is potentially ethically questionable, but also when compromise is ethically superior to no agreement at all.

What is Unethical About Compromise?

The classic ethical objection to compromise is that it is a foregoing of principle – that which is philosophically, politically, morally, or personally "right" and "true." We say that one should not compromise one's principles, those things we believe in, because it is those moral and political beliefs that are constitutive of who "we" (nation, organization, group, team, or person) are – how we define ourselves and our "reasoned" *integrity.* Thus, Chamberlain should not have conceded sovereignty of portions of Czechoslovakia (the "Sudentland") to Hitler in the hope of preventing war, Alexander Hamilton should not have offered to move the first US capital away from his home of New York, the Constitutional framers should never have allowed slavery to continue when drafting the first US Constitution (Levinson 2011) in order "to form and preserve the American union," and Republicans (in the US) should never agree to tax increases (believing as party principle that taxes should be low and government spending should be minimalist).

Under this conception of what is wrong with compromise, it is assumed that principles are "rational" (agreed to by any thinking person), morally correct, or strongly believed as a matter of self-constitution of a group or identity (values, beliefs or religious, political, moral, or emotional commitments). There are "right" and "good" conceptions of how to behave or think, and fault and "wrongness" should be assessed and condemned. In this view, there is a notion that the "good" is knowable, objective, rational, and essentially, at its core, universal. Consider the traditional conceptions of fault (wrong behavior resulting in liability) in tort law or breach of contract. The "fault lines," so to speak, are clear and must be policed to maintain order in a world, society, institution, organization, or family. Our integrity, worth, and values are what constitute us and we must be morally consistent to be true and right, both in our individual selves and in the polities, organizations, and societies in which we live. These ideas are based on *ideal* conceptions of what we should be as human beings and the groups that human beings create for their identities and self-governance.

Embedded in this conception of wrongful compromise is also a concept of "ownership" or *responsibility for agreement making*. Did Neville Chamberlain have the "authority" to concede sovereignty of a land that was not his? When agents (diplomats, legislators, lawyers) negotiate on behalf of a constituency or principal, by what legitimate authority may they compromise the rights or claims of others? (Menkel-Meadow and Wheeler 2004).

How we actually behave and assess ourselves, however, is often a different matter – thus compromise is both a *philosophical* (assessing principled commitments) and a *sociological* (behavioral) concept, though many philosophers cling to the notion that a basic morality is or should be universal and not culturally variable, as in a Platonic or Rawlsian ideal of right-thinking, moral language, and ultimately, judgment of behavior (Mikhail 2011; Benjamin 1990).

Compromises are considered unethical on a *behavioral or process* basis when agreements are coerced, forced, or achieved through the exercise of unequal power – the "unconscionable" contract, the "victor's peace treaty" (e.g., Versailles after World War I). This, of course, assumes that in crafting agreements or decisions, the less powerful have alternatives to walk away or not make the agreement. Although it may be "unethical" or undesirable to agree to give up something under threat of force, there may be no choice in some settings, and it might be preferable to many to "live" with an "unethical compromise" than to die by principle, though we often venerate those who die for a principle, rather than compromise (e.g., Sir Thomas More refusing to swear an oath to the Church of England and Henry VIII).

Whether the more powerful party is content to live with a coerced agreement is another matter, which demonstrates that the assessment of the ethicality of a compromise or agreement is not necessarily symmetrical or universal. The assessments of the ethics of compromise, once again, are *variable, contextual*, and *not universal*, *but situational*. The ethics of compromise can be assessed from the perspectives of *all sides* to an agreement – the behavior of all parties in reaching the agreement or compromise, as well as the substantive agreement they reach, or by assessing what *each party does on its own part* to create, craft, or concede to the compromise (use of force, coercion, threat, empathy, fairness, or necessity).

What is Unethical About Not Compromising? Pragmatic Justifications for Compromise: To Get Something Done

It may, in fact, be unethical, immoral, or at least, ill advised not to compromise in many circumstances. As the political and practical theorist Edmund Burke (1775) has opined, most successful human interaction is the product of "compromise and barter" or the negotiated trading of interests. At the most pragmatic level, we would not have family relationships, legislations, governmental policies, any economic relations, or international treaties if we did not have a process of traded and bargained for exchanges, many of which involve one or both parties conceding something to each other for the greater benefit that the agreement or relation itself affords the parties.

In their recent plea for *more compromise* (and less polarized political principled based campaigning) in American politics, political scientists and philosophers Amy Gutmann and Dennis Thompson (2014) have argued that movement forward in political legislation and social policy is only achieved when parties of conflicting political values approach each other with *mutual respect, willingness to engage in mutual sacrifice, and a respect for the good faith values and intentions of their political opponents* (Gutmann and Thompson 2010). As relevant case studies many commentators have pointed to successful forms of legislation that were achieved by compromises of conventional political party commitments (such as the Tax Reform Act of 1986, the Civil Rights Act of 1964, and, to a much lesser extent, the Affordable Health Care Act of 2010) in which political parties "traded" such interests as deductions, tax rates, characterizations of legal liability, remedies, and choice versus mandates, with varying (and often inconsistent, less pure) subsidies and definitions of legal terms.

While attempting to provide different solutions for the public good, political legislation (derogatively called "sausage") often provides an array of incentives and disincentives for different public and private interests to participate in the

greater good (e.g., generation of public revenues, health care insurance, and even the creation of new legal rights). Political legislation and public policy, with hotly contested differences of principles and ideas about how best to structure a society can only be accomplished by allowing some, if not all, contestants of principle to gain at least some of what they want, both substantively and remedially. As President Obama recently said in a speech on listening and compromise it is better to get something and then try to improve on it in iterative negotiations, than to get nothing at all (speaking of his efforts in policing reform, as well as health care policy, Obama 2016).

More Precise Justice

Despite the binary (and assumed to be "principled") nature of most legal actions, over the years many legal scholars have also argued that compromise or some form of less brittle (win-lose) result may actually effectuate a more "precise justice" (Coons 1963, 1980; Abramowicz 2001; Sunstein 1995; Menkel-Meadow 1984; Schatzki 1972). Legal standards and remedies of comparative negligence, *quantum meruit*, joint child custody, joint and several liability, creditor workouts in bankruptcy, and jury compromise and "mixed verdicts" are just a few examples of places where the law and legal process now recognize that "winner takes all" outcomes often do not reflect either factual or legal reality when there are equal rights on both sides (parental custody), mixed or indeterminate causation, or competing concerns between policy setting and justice (*general justice*) in individual cases (consider good faith purchasers for value who acquire title from a thief) (*specific justice*). Or, there are competing legal principles from which one might have to choose one over the other, where it might make more sense to find an accommodation between two or more equally important policy concerns, as in certainty and commitment of contracts, and impossibility of performance, equal distribution, or "equitable" or "redistributive" justice concerns. Adjudication or decisions for public policy may point in one direction, while conflict resolution for particular cases may point in another – some accommodation, compromise, or discretion to depart from rules may be necessary to effectuate justice in particular cases (Sinai and Alberstein 2015). And, we have empirical evidence that in order to reduce the risk of complete loss, "most [legal] cases settle." (Galanter and Cahill 1994).

When we have legal, policy, or scientific doubt it might make more sense to "split the epistemological difference" and craft agreements and solutions to problems that do not cut with too sharp a knife. As a form of compromise, mediated agreements now often are *contingent*, allowing revisiting agreement when conditions change or data and empirical study demonstrate consequences and actual effects of decisions made, often with the need to change commitments to accomplish particular ends (e.g., consider the use of "adaptive management" and tax subsidies, graduated incentives and penalties in some environmental disputes (Doremus et al. 2011), annuities in tort settlements, and transitional justice reforms that must take into account the past and the future, punishment and reconciliation, Menkel-Meadow 2015). Many legal problems, like bankruptcy, tort, and contract claims, now require more subtle "apportionment" of liability and redress than simple or principled "winner takes all" solutions.

Although legal policies are intended to govern for the many and contract and agreements only for those who are parties to a negotiated agreement, the tensions between what is "right" for the many (as a matter of *a priori* rule setting) and just or fair (in the actual moment of execution of duties and promises) for those in a particular situation often requires a more subtle use of discretion and flexibly crafted and enforcement of legal and governmental obligations. Thus, the ongoing tension in law between rule of law and equal treatment, with factual variation and discretion/judgment presents the need for the more tailored making and enforcement of law and rules that entails compromise as a more elastic form of human decision-making.

Humanistic Justification

When parties are in conflict over the right and the good in general terms it is far easier to speak of unethical compromises (how can one "compromise" on such values as "one should not kill"?) than the kinds of disputes that occur more readily in everyday life. Since even such basic principles as "thou shall not kill" have been "compromised" with justifiable exceptions, such as "except in self-defense," or when the other (fetus, animal) is not regarded as a rights-bearing entity, it is clear that more contestable principles or human needs may require some accommodation. Some moral theorists, political scientists, and negotiation scholars now have articulated an even more powerful justification for compromise – the recognition of the "other" (with whom we might differ on our conceptions of the good, Hampshire 2000) as a sentient, rights-bearing human being who should be listened to, respected, and from whom we might learn something and have our own views and, yes, principles, modified. Compromise then, may be ethically required, as a human value of empathy or recognition of the other, on both processual (listening, taking account of) and substantive (if you really care so much about that, then I will let you have some of it, if you will let me have some of what I need) grounds. Compromise has its own ethics of *reciprocity and fellow feeling*. This form of "compromise" suggests that where there are scarce resources we should learn to *share* them if we are all humans inhabiting the world of scarce resources with no clear, fair, just, or accurate way of allocating those resources, and when they are not scarce, we should engage each other in participatory and negotiated forms of consented to allocation. Compromise, as an ethical value in itself, promotes other good ethical concerns – sharing, consent, and fairness (a value sometimes in opposition to the more draconian "justice" ("just-us")).

The Ethics of Compromise: Considerations and Issues

While many condemn the assumed "concessions" to principle made when agreements are made somewhere "in the middle," or when the weak are forced to give up to the powerful, or the minority to the majority (in conventional politics), this conception of compromise is thin and unrealistic. Agreements don't always require compromise (I like the icing, my brother likes the cake so we can cut the cake horizontally and both of us can have what we want, without the vertical, get only half, cut of a compromise solution to a conflict, Brams 1996). True communication and exploration of each party's needs and interests can explore complementary, not always conflicting, interests so that exchanges or trades or joint and creative activity can produce agreements where no one has to "give something up" in order to reach an agreement. Furthermore, in situations of repeat interactions (iterative "games" in game theory, repeat play in real politics, Baird et al. 1998) compromises may also alternate and use temporal agreements to produce multiple occasions for interaction, contingent improvement of agreements and outcomes, and opportunities for learning and revision.

Assessment of the ethics of compromise cannot be made as a universal or uniform value (*Compromis/Compromise* 2004). What is compromised (from what principles or endowments) is highly situational – depending, for example, on prewar, during war, or after war for diplomatic and political agreements, and the nature of the conflict itself (scarce resources vs. sharable resources) and the relationship of the parties to each other (personal, familial, economic, dependent, international, or one-off or ongoing). Where there is *doubt* (from a factual, legal, or moral basis) about what is "right" or "true," temporary, intermediate, or other nonfirm outcomes or agreements can resolve a dispute, allow more time for investigation, and allow the parties to proceed to action to collect data on performance and revise agreements later, as needed. Sometimes compromise is literally the *precise* or called for *just* or *fair* solution (e.g.,

shared custody of children, shared use of resources, allocations of scarce resources, alternating uses, multiple actions performed simultaneously, rather than one) allowing other values, like balancing of interests, resolution of ambiguity, humility, peace and contingency to trump certainty, brittleness, and nonreviewability of outcomes.

Yes, there are "rotten compromises" (Margalit 2010) when agreements do great harm or injustice to people on one side of an agreement, and there are "devils" (Mnookin 2010) with whom we should not negotiate because we may not be able to trust them or verify their good faith in doing what they say they will do, but almost any human action, including so-called principled actions, court decisions, executive commands, or freely consented to contracts may turn out later to have consequences that were unintended, harmful to some of the parties, or, yes, just plain wrong. The unjust continuation of slavery in American history was facilitated by both constitutional compromises and political compromises ("the Missouri Compromise" in allocating free and slave states), but principled legal rulings (*Brown v. Board of Education* 1954) which proclaimed "right principles" did not fully facilitate the integration of the races in American education or civil life, and some have argued that a more fully honest and more incremental (compromising?) longer engagement over remedies might have led to greater acceptance and legitimacy of basic principles of equality (Seul 2004).

The search for some form of "compromise" or meeting of the minds of multiple parties to a conflict or dispute may itself be intrinsically valuable, as parties grant each other the respect of understanding and listening to what each values as they attempt to both settle differences between and among themselves, and craft new solutions to difficult social, legal, and even moral problems (e.g., abortion and right to life disputes, Podziba 2011). When our parents tell us to share and compromise with our siblings, they may be imparting an important message of human coexistence – learn to listen and work with your rival, for ultimately you may need to work with those with whom you have conflicts (both ideational and material) in order for both of you to live and prosper. We should learn to consider in the ethics of compromise not only when we *should not compromise* to preserve our integrity and basic principles but when we *should compromise* as a matter of human humility, fallibility, and the possibility that we may not be the only one who is morally, politically, or socially right.

Cross-References

- ▶ *Compromise*
- ▶ *Conflict Management*
- ▶ *Ethics in Decision Making*
- ▶ *Ethics in Public Policy*
- ▶ *Foreign Policy*
- ▶ Goal Setting Theory
- ▶ Leadership Ethics
- ▶ *Negotiation in Organizations*
- ▶ *Peacemaking and Crisis Management*
- ▶ Political Ideology in Bureaucracy
- ▶ Problem Solving Organizations
- ▶ Public Policy and Decision Making
- ▶ *Social Justice and Political Theory of Ethics*
- ▶ Traditional Negotiation in Public Sector

References

Abramowicz M (2001) A compromise approach to compromise verdicts. Calif Law Rev 89:239–314

Baird D, Gertner R, Picker R (1998) Game theory and the law. Harvard University Press, Cambridge, MA

Benjamin M (1990) Splitting the difference: compromise and integrity in ethics and politics. University of Kansas Press, Lawrence

Brams S (1996) Fair division: from cake-cutting to dispute resolution. Cambridge University Press, New York and Cambridge, UK

Brown v. Board of Education of Topeka, 347 US 483 (1954)

Burke E (1775) Speech on the conciliation of America. Available at http://blog.gaiam.com/quotes/authors/edmund-burke/9589

Cohen J (2001) When people are the means: negotiating with respect. Georgetown Law J 14:739

Compromis/Compromise (2004) Information Sur les Sciences Sociales, 43, 131–305

Coons JE (1963) Approaches to court imposed compromise: the uses of doubt and reason. Northwestern Law. Rev 58:750–794

Coons JE (1980) Compromise as precise justice. Calif Law Rev 68:250–262
Doremus H, Andreen WL, Camacho A, Farber D, Glicksman R, Goble D, Karkkainen B, Rohlf D, Tarlock AD, Zellmer S, Jones S, Huang Y (2011),Making good use of adaptive management, Center for Progressive Reform. Accessed at www.progressivereform.or/articles/adaptive_management_1104.pdf
Galanter M, Cahill M (1994) "Most cases settle": judicial promotion and regulation of settlements. Stanford Law Rev 46:1339
Golding MP (1979) The nature of compromise. In: Roland Pennock J, Chapman JW (eds) Compromise in ethics, law and politics, Nomos. New York University Press, New York
Gutmann A, Thompson D (2010) The mindsets of political compromise. Perspect Polit 8(4):1125–1143
Gutmann A, Thompson D (2014) The spirit of compromise: why governing demands it and campaigning undermines it. Princeton University Press, Princeton/Oxford
Hampshire S (2000) Justice as conflict. Princeton University Press, Princeton
Kuflik A (1979) Morality and compromise. In: Roland Pennock J, Chapman JW (eds) Compromise in ethics, law, and politics, NOMOS. New York University Press, New York, pp 38–65
Levinson S (2011) Compromise and constitutionalism. Pepperdine Law Rev 38:821
Luban D (1985) Bargaining and compromise. Philos Public Aff 14(4):397–416
Machiavelli N (1532) (1961) The Prince (trans & ed: Bull G). Pengiun Classics, New York and London, pp 101–102, 131
Margalit A (2010) On compromise and rotten compromises. Princeton University Press, Princeton
Menkel-Meadow C (1984) Toward another view of legal negotiation: the structure of problem solving. UCLA Law Rev 31:754–842
Menkel-Meadow C (2006) The ethics of compromise. In: Kupfer Schneider A, Honeyman C (eds) The negotiator's fieldbook, 155. ABA Press, Washington, DC
Menkel-Meadow C (2010) Compromise, negotiation, and morality. Negot J 26:483
Menkel-Meadow C (2011) The variable morality of constitutional (and other) compromises: a comment on Sanford Levinson's compromise and constitutionalism. Pepperdine Law Rev 38:903–914
Menkel-Meadow C (2015) Cultural variations in transitional justice: lessons from conflict resolution, the Cases of Argentina and Chile. J Confl Recognit Engagem 3:1–30
Menkel-Meadow C, Wheeler M (eds) (2004) What's fair: ethics for negotiators. Jossey Bass, San Francisco
Menkel-Meadow C, Schneider A, Love L (2013) Negotiation: processes for problem solving, 2nd ed. Wolters Kluwer, New York
Mikhail J (2011) Elements of moral cognition: Rawls' linguistic analogy and the cognitive science of moral and legal judgment. Cambridge University Press, New York
Mnookin R (2010) Bargaining with the devil: when to negotiate, when to fight. Simon & Schuster, New York
Obama B (2016) Listening and compromise speech, graduation address, Howard University, 7 May 2016. Available at http://whitehouse.gov/speeches
Podziba S (2011) Civic fusion. ABA Press, Washington, DC
Schatzki G (1972) NLRB resolution of contract disputes under section 8(a)5. Tex Law Rev 50:225
Seul J (2004) Settling significant cases. Wash Law Rev 79:881
Shapiro I (2013) The last great senate: courage and statesmanship in times of crisis. Public Affairs, New York
Sinai Y, Alberstein M (2015),Court arbitration by compromise: rethinking Delaware's state sponsored arbitration case. Cardozo Public Law Policy Ethics J 13:739–764
Sunstein C (1995) Incompletely theorized agreement. Harv Law Rev 108:1733–1772
Susskind L, Cruikshank J (1989) Breaking the impasse: consensual approaches to resolving public disputes. Basic Books, New York
Zubik v. Burwell, United States Supreme Court, 578 U.S. (2016)