

Political Science W3100y
Fall 2006
MW 11-12:15

Prof. David Johnston
Office hour Wed. 2-3:30

JUSTICE

Course Description

An inquiry into the nature and implications of justice in areas ranging from criminal justice to distributive justice to the circumstances of war and peace. Drawing on utilitarian and Kantian theories, we will consider issues such as abortion, the criminalization of sexual and other forms of behavior, the death penalty, surrogate motherhood, global poverty, civil disobedience, and the conflict between Israelis, Palestinians, and Arabs. We will also discuss the justice or injustice of legal and political systems in their entirety and a range of responses to systemic injustice.

Course Requirements

The writing requirements for this course include at least two short papers, one longer paper, and one final exam. Three short papers (3-4 pages each) will be assigned. All students must submit the **first two** of these papers, due on **Friday, September 22** and **Friday, October 13**. In addition, any student may elect to submit a third paper, due on **Friday, November 3**. If you submit all three papers, the two papers that receive the best grades will be used to compute your final grade. In addition, all students must submit a final paper of 8-10 pages on **Friday, December 1**. All papers must be submitted on the Friday on which they are due by **11 a.m.** One copy should be submitted to the office of the Department of Political Science on the 7th floor of IAB **and** one copy should be submitted electronically to the dropbox in the course website. If you wish to submit your paper before the Friday it is due, you may slip it under the door of my office at 705 IAB. **Please note that papers submitted after the deadlines given above will be penalized by one full letter grade.** We will not accept rewrites of papers that have been submitted.

Each of the two short papers will account for about 15% of the final grade. The long paper will account for about 30% of the final grade. The final exam will account for about 35% of the final grade, and 5% of the final grade will be based on students' participation in class, especially section meetings. Please note that these percentages are approximations; your final grade will be based ultimately on our judgments about your command of the subject matter of this course and of the skills required to reason about questions of justice.

Readings

Readings will range from easy narrative to difficult philosophical and legal argument. The amount of reading will average between 40 and 50 pages per class session, with assignments generally shorter when readings are difficult and longer when readings are easy.

Most of the required readings are collected in an on-line course pack that is accessible through the Courseworks website for this course. Additional required readings will be drawn from the following books, which are available for purchase in the Columbia University Bookstore and on reserve in Butler reserves:

Robert P. George, Making Men Moral (Oxford)
Immanuel Kant, Grounding for the Metaphysics of Morals (Hackett)
John Stuart Mill, On Liberty and Other Essays (Oxford)
Michael Walzer, Just and Unjust Wars (Basic Books)

Course Outline

The course outline below indicates the schedule of topics we will discuss, required readings for each topic as well as a handful of recommended readings, and a tentative schedule of dates on which discussions will occur. All required readings should be completed in advance of the class session in which they will be discussed.

Introduction (September 6)

Aristotle, Nicomachean Ethics, Book V (31 pp.)

I Theoretical Perspectives on Justice

A. Consequentialist Theories (Sept. 11-13)

Bentham, Principles of Morals and Legislation, chs. 1, 4 (11 pp.)

J.S. Mill, Utilitarianism (71 pp.)

B. Deontological Theories (Sept. 18-20)

Kant, Grounding for the Metaphysics of Morals (77 pp.)

Recommended: Jeffrie Murphy, Kant: The Philosophy of Right (137 pp.)

Discussion section (Sept. 20-22)

II Crime and Punishment

A. Criminalization

1. Theory (Sept. 25-27)

J.S. Mill, On Liberty, chs. 1, 4 (32 pp.)

Robert P. George, Making Men Moral, chs. 1, 2 (64 pp.)

First Paper Due (Sept. 29)

2. Sexual Behavior (October 2)

John M. Finnis, "Law, Morality, and Sexual Orientation" (17 pp.)

Historians' Amicus Brief in *Lawrence v. Texas* (30 pp.)

3. Abortion (Oct. 4)

Judith Jarvis Thomson, "A Defense of Abortion" (20 pp.)

Marquis, "Why Abortion is Immoral" (20 pp.)

Recommended: George, Making Men Moral, ch. 4 (19 pp.)

Ronald Dworkin, Life's Dominion, chs. 4, 6 (47 pp.)

Discussion section (Oct. 4-6)

B. Punishment (Oct. 9)

Jeffrey H. Reiman, "Justice, Civilization, and the Death Penalty" (33 pp.)

Michael L. Radelet and Marian J. Borg, "The Changing Nature of the Death Penalty Debate" (15 pp.)

Recommended: Cesare Beccaria, On Crimes and Punishments (97 pp.)

C. Criminal Justice and Equality (Oct. 11)

David Cole, No Equal Justice: Race and Class in the American Criminal Justice System, Introduction and ch. 1 (62 pp.)

Kenneth C. Davis, "The Practice of Selective Enforcement..." (26 pp.)

Second Paper Due (October 13)

III Contracts and Compensation

A. Contracts (Oct. 16-18)
T. H. Green, "Liberal Legislation and Freedom of Contract" (22 pp.)
Mary Williams Walsh, "Court Considers...Pledge Not to Sue" (2 pp.)
Jonathan Glater, "For Last Paycheck, More Workers Cede..." (1 p.)

Surrogate Parenting Agreement, February 6, 1985 (5 pp.)
In Re Baby "M" (1987) (8 pp.)
In the Matter of Baby "M" (1988), 109 N.J. 396 (3 pp.)
Elizabeth Anderson, "Is Women's Labor a Commodity?" (22 pp.)

Discussion section (Oct. 18-20)

B. Compensation (Oct. 18-23)
Robert L. Rabin, "A Sociolegal History of the Tobacco Tort Litigation" (26 pp.)
Peter Pringle, "The Chronicles of Tobacco" (9 pp.)
Michael Janofsky, "Tiny Part of Settlement..." (1 p.)
William Glaberson, "Lawyer Math" (2 pp.)
Fox Butterfield, "Suit Against Gun Makers Gains Ground" (1 p.)
Robert E. Goodin, "Compensation and Redistribution" (24 pp.)

IV Distributive Justice

A. Domestic distributive justice (Oct. 25-November 1)
Aristotle, Nicomachean Ethics, Book V, sec. 3 (2 pp.)
John Rawls, "Justice and Equality" (22 pp.)
David Cay Johnston, "Wealthiest Pay Declining Share..." (1 p.)
Robert Nozick, "Equality versus Entitlement" (14 pp.)

Third Paper Due (November 3)

Academic Holiday (Nov. 6-7)

B. Global Distributive Justice (November 8)
Peter Singer, "Famine, Affluence, and Morality" (15 pp.)
Brian Barry, "Humanity and Justice in Global Perspective" (32 pp.)

Discussion section (Nov. 8-10)

V Political Justice (Nov. 13)

Bernard Manin, "The Verdict of the People," from Principles of Representative Government (32 pp.)
Cass R. Sunstein, "Political Equality and Unintended Consequences" (25 pp.)

VI Reform, Resistance, and Revolution (Nov.15-20)

Martin Luther King, Jr., "Letter from a Birmingham Jail"
Adam Michnik, "On Resistance" (22 pp.)
Jaroslaw Piekalkiewicz, "Poland: Nonviolent Revolution in a Socialist State," pp. 152-160 (8 pp.)

VII War and Peace

Just War Theory (Nov. 22-27)
Michael Walzer, Just and Unjust Wars, chs. 1-4 (70 pp.)
Neta C. Crawford, "Just War Theory and the U.S. Counterterrorism War" (17 pp.)

Thanksgiving Holiday

(Nov. 23-24)

B. Transitional Justice

(Nov. 29)

Carlos Nino, "Legal Problems of Trials for Human Rights Violators" (37 pp.)

Paul van Zyl, "Dilemmas of Transitional Justice: the Case of South Africa's Truth and Reconciliation" (21 pp.)

Discussion section

(Nov. 29 - Dec. 1)

C. The Birth, Death, and Boundaries of States

(December 4-6)

Allen Buchanan, "The Making and Unmaking of Boundaries: What Liberalism Has to Say" (27 pp.)

Dennis Ross, "Why Israelis, Arabs, and Palestinians See the World the Way They Do" (31 pp.)

Final Paper Due

(December 8)

Conclusion

(Dec. 11)

Final Examination

December 18