

Course Outline

COURSE:	LAWS 4105A – Global Justice Theory
TERM:	Fall 2013
PREREQUISITES:	N/A
CLASS:	Day & Time: Thursdays – 08:30 – 11:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Professor Mahmoud Masaeli
CONTACT:	Office: B442 (Loeb Building) Office Hrs: Thursday – 11:30 – 13:30 Telephone: Email: Mahmoud.masaeli@carleton.ca

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

The course falls within the field of International Political Theory and hence follows debates in Ethics, International relations Theory and International Law. It is a highly theoretical course.

This course is dedicated to a critical study of the theories of global justice with a deep view into the impacts of the process of globalization for the lifeworld. More particularly, the course examines emerging cosmopolitan visions, doctrines, and arguments about the justification of our responsibilities toward global justice via challenging the internationalist legal norms. To pursue these goals, the course begins with the assumption that the critical examination of any kind of moral duty toward those who are suffering from injustice requires us to understand and evaluate our responsibility with respect to global justice. This critical examination enlightens how we can relate our ends and

purposes to the well-being of our fellow human beings inhabiting in the global community of mankind through both moral and legal lenses. This examination also takes fundamental transformations in the world legal system and more particularly the conception of sovereign rights.

The course begins with a careful analysis of John Rawls view of international legal system in *The Law of Peoples* as a base from which the contemporary theories of global justice can be discussed. Among those theories we analyze the radical cosmopolitanism of Charles Beitz against the internationalist views and the (mild) legal/institutional cosmopolitanism of Thomas Pogge for global justice. The course also covers the antagonist accounts of cosmopolitan global justice such as Thomas Nagle's internationalist approach and David Miller's national-based theory of justice. However, beyond this binary opposition, the course also examines Amrtya Sen' account of justice beyond borders; Martha Nussbaum's principles of global justice; Jürgen Habermas' account of global justice through global constitution; and David Held's justice via cosmopolitan democracy.

General course objectives

- To identify the moral/legal dilemmas pertaining to justice beyond borders in an era of global transformations,
- To understand comparatively theories of global justice addressing global unjust inequality and deprivation,
- To evaluate the success of efforts of theorists in articulating a theory of global justice that can effectively address global concerns related to justice,
- To discuss a need to move away from internationalism to global justice
- To argue whether there exist a cosmopolitan responsibility to protect those who are suffering from inequality and inhuman treatments beyond borders,

Terminal course objectives

- To determine and measure the extend and scope of inequality and suffering,
- To be able to determine how enormous deprivation, marginalization, and exclusion in the international system can be responded,
- To figure out the failure of global norms and institutions responsible for global justice,
- To determine what kind of ethical standards must be applied in the world regardless of identity, cultural, ethnic, gender, and religious differences,
- To familiarize oneself with a range of ethical, legal, and institutional accounts responding global inequality,

Teaching Methods

The course mainly includes highly analytical/interpretive lectures covering comparatively the national-based and cosmopolitan theories of global justice. Accordingly, to achieve the objectives of the course, that is a deep familiarity with theories of global justice, regular attendance and extensive participation are required.

At the beginning of the each session you must provide orally your critical understanding of the readings that have been assigned to you on that session. Failure in the advanced reading of the texts may cause inability in understanding of the arguments and lectures.

REQUIRED TEXTS

- Thomas Pogge and Darrel Moellendorf ed., *Global Justice: Seminal Essays*, (Paragon House, 2008). Extra readings have already been posted on CuLearn.
- Complementary readings have been provided to you to deepen your knowledge of theories of global justice and present the main ideas of these readings in class. Your participation mark is accorded based on your level of familiarity with these extra readings.

EVALUATION**(All components must be completed in order to get a passing grade)**

- **Participation: 5 Marks** – This mark is dedicated to active participation. Accordingly, the mere attendance results in gaining maximum two marks. You are expected to share your impression and critique of the readings assigned for the week in class.
- **Group presentation: 10 Marks** - You must form a group and start from the seventh class delivering presentations. The presentation covers the recommended readings of each session. Presentation takes maximum 30 minutes and 10 minutes for questions and discussion. You are required to write three original questions about the theme of presentation and send them to me minimum 48 hours before the date of your presentation. Late submission causes 50% deduction in this mark. These questions will be posted on CuLearn. All participants in class must read the questions and contribute in the discussions.
It is strictly recommended to follow a guideline which has already been posted on CuLearn. This rubric shows you how your presentation is marked. If you don't feel comfortable giving presentation in class you may give it in my office.
- **Mid-Term Test: 20 Marks** - There will be a mid-term test administrated electronically. On Thursday, October 10th you will write your test via CuLearn. You may then arrange your time to write it from home or wherever you have access to a computer and internet. The test will be 2:00 hours in length. The test includes the assigned readings as well as the topics and analyzed issues covered in the lectures.
- **Research Essay: 25 Marks** - You are required to write one research essay. The essay must not exceed 10 typed pages – double-spaced, using 12 point font. You can choose a topic which is of the interest to you. However, it must be related to global justice and may include a theoretical analysis, a concrete case study, or examination of a scenario. You can consult, if necessary, with me about your topic of interest. The essay must follow proper essay style and structure, and must use a recognized referencing style (the referencing style must be correct and consistent). Essay should also be properly cited and be accompanied by a bibliography. This essay is due on November 7th until 18:00 and must be submitted electronically on CuLearn. Late submission get 3 marks penalty per day. Submission after 18:00 gets one day penalty.

A rubric has already been posted on CuLearn that provide you with a clear guidelines and criteria to be followed in writing of the essay.

- **Take-Home Final Exam: 40 Marks** - The exam will be comprehensive. It covers all materials for the entire term. Further details about the format of the exam will be posted on CuLearn. The exam will be posted on CuLearn in November 28th. Exam is due on December 5th and must be submitted electronically on CuLearn.

Components of final mark

Evaluation format	Weight	Date
Participation	5%	N/A
Group presentation	10%	From the 7 th class
Mid-term test	25%	October 10 th (online)
Research essay	20%	November 7 th (maximum until 18:00)
Take-home final exam	40%	December 5 th

Total	100%	
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Late Assignments:

Extensions beyond the original due date will not be granted. If you are ill (with a doctor's note) or have another legitimate reason for lateness, please see the professor as soon as possible (preferably before the due date).

Three marks per day will be deducted for late assignments. Weekends are not excluded.

Special Needs, OR Inability to Complete Assignments on Dates Indicated: If the student has special needs that require particular arrangements or which will make it difficult to complete assignments or examinations on the dates indicated, it is the student's responsibility to seek the appropriate university approval AND advise the professor at the BEGINNING of the term (maximum by the end of the third week of classes).

** An updated version of the syllabus will be provided on CuLearn internet site for this course. It is the student's responsibility to consult the internet for the latest information on assigned readings, due dates and other matters.

COURSE SCHEDULE**Week 1 (September 05) introduction &
John Rawls' Theory of Justice: From Internationalism toward Global Justice**

Readings:

- o John Rawls, "The Law of Peoples" in *Global Justice*, op.cit. pp. 421-460. Has already been posted on CuLearn.
- o John Rawls, "Justice as Fairness," *The Philosophical Review* 67, no. 2 (April 1958): 164-94. Has already been posted on CuLearn.
- o John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14, no. 3 (Summer 1985): 224-251. Has already been posted on CuLearn.

Complementary readings:

- o John Rawls, "The Idea of an Overlapping Consensus", Samuel Freeman ed., *John Rawls, Collected Papers*, (Cambridge, Mass.: Harvard University Press, 1999.), pp. 421-448.
- o Charles Beitz, "Rawls's Law of People," *Ethics* 110, no. 4 (July 2000): 469-96. Has already been posted on CuLearn.
- o Andrew Linklater, "Rawlsian Global Justice: Beyond *the Law of Peoples* to a Cosmopolitan Law of Persons", *Political Theory* 28, no. 5 (October 2000):640-674.
- o Thomas W. Pogge, "An Egalitarian Law of People", *Philosophy & Public Affairs* 23, no. 3 (Summer 1994): pp. 195-224.
- o Charles Beitz, "Rawls' Law of Peoples", *Ethics* 110, no. 4 (June 2000): 669-696.
- o Nancy Bertold, "Rawls on International Justice", *The Tocqueville Review/La Revue Tocqueville*, XXX, no. 1, (2009): 61-91.

Week 2 (September 12) Charles Beitz's Radical Cosmopolitanism and Global Justice

Readings:

- o Charles Beitz, "Justice and International Relations", in *Global Justice*, op. cit., pp. 21-48.
- o Charles Beitz, "Social and Cosmopolitan Liberalism", *International Affairs* 75, no. 3 (1999): 515-529. Has already been posted on CuLearn.

- Charles Beitz, "Cosmopolitan Ideal and National Sentiment", *The Journal of Philosophy* 80, no. 10 (October 1983): 591-600. Has already been posted on CuLearn.

Complementary readings:

- Charles Beitz, "Cosmopolitanism and Global Justice," in Gillian Brook and Darrel Moellendroff ed., *Current Debates in Global Justice* (Dordrecht, Netherlands, Springer, 2005), pp. 11-27.
- Charles Beitz, "Does Global Inequality Matter", *Metaphilosophy* 31, no. 1, (January 2001): 95-112.
- Chris Brawn, "The House that Chuck Built: Twenty-Five Years of Reading Charles Beitz", *Review of International Studies* 31, (2005): 371-379.
- Beitz, Charles R. "Human Rights as a Common Concern." *The American Political Science Review* 95:2 (2001): 269–282.
- Charles Beitz, "Cosmopolitanism and Global Justice," in *Current Debates in Global Justice*, pp. 11-27.

Week 3 (September 19) Thomas Nagel on International Justice

Readings:

- Thomas Nagel, "Poverty and Food: Why Charity is not Enough?" in *Global Justice*, op. cit., pp. 49-60.
- Thomas Nagel, "Justice and Nature," in *Concealment and Exposure*, (Oxford University Press, 2002), pp. 113-133. On reserve.

Complementary readings:

- Thomas Nagel, "The Problems of Global Justice," in Thomas Nagel, *Secular Philosophy* Oxford University Press, 2010), pp. 61-92.
- Thomas Nagel, *Equality and Partiality* (Oxford University Press, 1991).
- Richard Findler, "The Impossibility of the Last World," *The European Legacy*, 11, no. 4, (2006): 425–428.
- Kostas Koukouzelis, "Liberal internationalism and global social justice" *Journal of Global Ethics* 5, no. 2, (August 2009): 97–108.

Week 4 (September 26) Thomas Pogge: Global Justice and a Need for Reform in International Institutions

Readings:

- Thomas Pogge, "Cosmopolitanism and Sovereignty", in *Global Justice*, op. cit., pp. 355-390.
- Thomas Pogge, "An Egalitarian Law of People", in *Global Justice*, op. cit., pp. 461-494.
- Thomas Pogge, "Priorities of Global Justice", *Metaphilosophy* 32, no. 1 (January 2001): 6-24.

Complementary readings:

- Thomas Pogge, *World Poverty and Human Rights*, (Cambridge, Polity Press, 2002). pp. 1-25.
- Thomas Pogge, "Sever Poverty as a Human Rights Violation," in Thomas Pogge ed., *Freedom from Poverty* (Oxford University Press, 2007), pp. 1-53.
- Thomas Pogge, "Introduction: Global Justice", *Metaphilosophy* 32, no. 1 (January 2001): 1-5.
- Thomas Pogge, "Real World Justice," in *Current Debates in Global Justice*, pp. 29-5.

Week 5 (October 03) Brian Barry: Humanity and Justice Require different Obligations

Readings:

- Brian Barry, "Humanity and Justice in Global Perspective" in *Global Justice*, op. cit., pp. 179-210.

Complementary readings:

- Brian Barry, *Theories of Justice* (Berkeley, University of California Press, 1989).
- Richard J. Arneson, "Does Social Justice Matter? Brian Barry's Applied Political Philosophy," *Ethics* 17 (April 2007)
- Frank J. Garcia, *Between Cosmopolis and Community: Globalization and the Emerging Basis for Global Justice*, Boston College Law School at

Week 6 (October 10) Midterm test (administrated online via CuLearn)**Week 7 (October 17) David Miller on National Responsibility to Justice**

Readings:

- David Miller, "The Ethical Significance of Nationality" in *Global Justice*, op. cit., pp. 23-254.
- David Miller, "National Responsibility and Global Justice", *Critical Review of International Social and Political Philosophy* 11, no. 4, (December 2008): 383–399.
- David Miller, "Two Ways to Think about Justice", *Politics, Philosophy, and Economics* (2002): 5-28.

Complementary readings:

- David Miller, "Social Justice versus Global Justice," in Olaf Cramme, Patrick Diamond ed., *Social Justice in Global Age* (Cambridge, UK: Polity Press, 2009), pp. 23-37.
- David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2009).
- David Miller, *The Principles of Social Justice* (Cambridge, Mass., Harvard University Press., 1999).
- David Miller, "National Self-Determination and Global Justice," in *Current Debates in Global Justice*, op. cit. pp. 55-79.

Week 8 (October 24) Amartya Sen and Justice beyond Borders

Readings:

- Amartya Sen, "Equality of What" in *Global Justice*, op. cit., pp. 61-82.
- Amartya Sen, "Justice Across Borders," in Pablo de Greiff and Ciaran Cronin ed., *Global Justice and Transnational Politics* (Cambridge, Mass.; London: MIT Press, 2002), pp. 37-52. This reading is posted CuLearn.

Complementary readings:

- Amartya Sen, "Capability and Well-Being," in Martha Nussbaum and Amartya Sen ed., *The Quality of Life: a Study Prepared for the World Institute for Development Economics Research (WIDER) of the United Nations* (Clarendon Press, 1993), pp. 30 – 53.
- Amartya Sen, "Well-Being, Agency, Freedom. The Dewey Lectures 1984," *The Journal of Philosophy* 82 (1985): 169 – 221.
- Nuno Martins, "Ethics, Ontology, and Capabilities", *Review of Political Economy* 19, no. 1, (January 2007): 37–53.
- Benedetta Giovanola, "Personhood and Human Richness: Good and Well-Being in the Capability Approach and Beyond", *Review of Social Economy* lxiii, no. 2, (June 2005): 249-267.

Week 9 (October 31) fall break no class**Week 10 (November 14) Martha Nussbaum and Principles of Global Justice**

Readings:

- o Martha Nussbaum, "Human Capabilities: Female Human Beings," in *Global Justice*, op. cit., pp. 495-552.
- o Martha Nussbaum, "Beyond the Social Contract: Capabilities and Global Justice", *Oxford Development Studies* 32, no. 1, (March 2004): 3-18.

Complementary readings:

- o Martha Nussbaum, "Patriotism and Cosmopolitanism," in Martha Nussbaum, *For Love of Country?*(Boston: Beacon Press, 1996), pp. 3-20.
- o Martha Nussbaum, "Justice," in Astra Taylor ed., *Examined Life*, (New York: The New Press, 2009), pp. 115-132.
- o Martha Nussbaum, *Frontiers of Justice* (Harvard University Press, 2007), pp. 230-272.
- o Ingrid Robyns, "Selecting Capabilities for Quality of Life Measurement", *Social Indicators Research* 74, (2005): 191–215.

Week 11 (November 21) Jurgen Habermas: Global Justice through Global Constitution

Readings:

- o Jurgen Habermas, "Citizenship and National Identity," in *Global Justice*, op. cit., pp. 285-310
- o Jurgen Habermas, "A Political Constitution for the Pluralist World Society," in, *The Cosmopolitan Reader*, 267-278. This reading has been posted on CuLearn.

Complementary readings:

- o Andrew Linklater, "Distant Suffering and Cosmopolitan Obligations," *International Politics* 44 (2007): 19–36.
- o David Ingram, "The Subject of Justice in Postmodern Discourse: Aesthetic Judgment and Political Rationality," in Maurizio Passerin d'Entrèves, Seyla Benhabib ed., *Habermas and the Unfinished Project of Modernity: Critical Essays on the Philosophical Discourse of Modernity* (MIT Press, 1997), pp. 269-302.
- o Ciaran Haysom, "Cosmopolitan Democracy," in Barbara Fultner ed., *Jurgen Habermas Key Concepts*, (Acumen, Acumen Publishing Limited, 2011), pp. 96-221.
- o Pablo Gilabert, "Cosmopolitanism and Discourse Ethics: A Critical Survey", *New Political Science* 28, no. 1, (March 2006): 1-21.

Week 12 (November 28) David Held: No Justice without Cosmopolitan Democracy

Readings:

- o David Held, "Democracy from City State to a Cosmopolitan Order," in *Global Justice*, op. cit. pp. 311-345.
- o David Hel, "Restructuring Global Governance: Cosmopolitanism, Democracy and the Global Order", *Millennium: Journal of International Studies* 37, no.3, (2009): 535–547.

Complementary readings:

- o David Held, *Democracy and Global Order* (Stanford: Stanford University Press, 1995), pp. 219-238.

- o David Held and Heikki Patomaki, "Problems of Global democracy: A Dialogue", *Theory, Culture & Society* 23, no. 5, (2006): 115–133.
- o David Held, "Regulating Globalization? The Reinvention of Politics", *International Sociology* 15, no. 2 (June 2000): 394-408.

Week 13 (December 05) Concluding remarks

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Plagiarism: The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: <http://www.carleton.ca/polisci/undergrad/Essay%20Style%20Guide.html>

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

Submission and Return of Term Work: Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

Approval of final grades: Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Course Requirements: Students must fulfil all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Carleton Email Accounts: The Department of Law and Legal Studies strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Carleton email system. See <http://www6.carleton.ca/ccs/students/> for instructions on how to set up your account.