

Politics 4521f / PS 9732A : Justice for the Past and Future.
Instructor: Richard Vernon, ravernon@uwo.ca

Discussions of “justice” in political theory have focused almost exclusively on the relations among contemporaries – within a single society, or, more recently, in different societies (global justice). In this course we discuss, selectively, what justice may mean in relation to events in the quite distant past, and in relation to future generations. Part I concerns retributive responses to past events, Part II concerns non-retributive responses to past events. Part III concerns what is owed to the adjacent future generation (children), Part IV concerns what is owed to non-adjacent future generations.

Students are expected to attend every meeting of the seminar unless there are medical or compassionate reasons, and to hand in, at the class, a one-page (single-spaced) summary of the main arguments in the set readings: or in two of the set readings in weeks in which there are more than two. (Main readings are posted on the OWL course site.) Students who do so will be eligible for a participation mark based on the constructiveness of their contributions to seminar discussion (30%). The remaining 70% will be based on a term paper, due on the last day of classes in December. The essay should be a critical discussion of one of the week’s topics, drawing on both the set and the supplementary readings for that week. (Supplementary readings are on reserve in the Weldon Library.) A discussion with the instructor is very strongly recommended, so that the most effective use of sources can be made.

Part I: Retribution

1. Is there such a thing as collective guilt?

Jon Elster, “Retribution”, in Jon Elster ed., *Retribution and Reparation in the Transition to Democracy*, Cambridge University Press, 2006.

Karl Jaspers, *The Question of German Guilt*, Eng. Trans., New York: Capricorn, 1961, 27-46.

Avia Pasternak, “The Distributive Effects of Collective Punishment”, in Tracy Isaacs and Richard Vernon eds., *Accountability for Collective Wrongdoing*, Cambridge University Press, 2011.

Supplementary readings: read further in Jaspers’s book; browse the remaining chapters in the books edited by Elster and by Isaacs and Vernon; see also Bernhard Schlink, *Guilt About the Past*, Toronto: Anansi, 2009, chapters 1-3.

2. Trials vs. Truth Commissions?

Martha Minow, “The Hope for Healing: What Truth Commissions Can Do”, in Robert Rotberg and Dennis Thompson eds., *Truth V. Justice*, Princeton University Press, 2000.

Larry May, *Genocide*, Cambridge University Press, 2010, chapter 13.
Supplementary reading: browse the remaining chapters in the book edited by Rotberg and Thompson; Minow elaborates on her view in chapters 3 and 4 of her *Between Vengeance and Forgiveness*, New York: Beacon, 1998; Priscilla Hayner's *Unspeakable Truths*, New York: Routledge, 2002, is a standard work on truth commissions – see chapter 3 especially; Mark Drumbl's *Aytrocity, Punishment and International Law*, Cambridge University Press 2007, chapter 6, contains a discussion of rationales for punishment.

3. Revenge and Forgiveness.

Jeffrie Murphy, *Getting Even*, Oxford University Press, 2003, chapters 2 and 3.

Trudy Govier, *Forgiveness and Revenge*, London: Routledge, 2002, chapter 3.

Laurence Thomas, "Forgiving the Unforgivable?" in Eve Garrard and Geoffrey Scarre eds., *Moral Philosophy and the Holocaust*, Burlington VT: Ashgate, 2003.

Supplementary:

See the remaining chapters in Govier's book, and her later *Taking Wrongs Seriously*, Amherst NY: Humanity Books, 2006; Eve Garrard and David McNaughton, *Forgiveness*, Durham: Acumen, 2010, is an excellent guide; ; Anca Gheaus, "Is Unconditional Forgiveness Ever Good?" in P.S. Anderson ed., *New Topics in Feminist Philosophy*, Dordrecht: Springer, 2010.

II. Other forms of redress.

1. Do states owe reparations?

Chandran Kukathas, "Responsibility for Past Injustice", *Politics Philosophy & Economics* 2 (2002), 180-93.

Nahshon Perez, "On Compensation and Return", *Journal of Applied Philosophy* 28 (20121), 151-68.

Supplementary readings: Janna Thompson, *Taking Responsibility for the Past*, Oxford: Polity, 2002, is a book-length study – see especially chapters 2-5; Elazar Barkan, *The Guilt of Nations*, New York: Norton, 2000, is an excellent source of historical examples.

2. Giving Back: the Case of Stolen Art.

Kwame Anthony Appiah, *Cosmopolitanism*, New York: Norton, 2006, chapter 8.

John Henry Merryman, "Two Ways of Thinking About Cultural Property", *American Journal of International Law* 80 (1986), 931-53.

Peter Lindsay, "Can We Own the Past?" Critical Review of International Social and Political Philosophy 15 (2012) 1-17.

Supplementary readings: Christopher Hitchens, *The Elgin Marbles*, London: Chatto & Windus, 1987, is a brief and readable account of a famous case; Margaret Miles, *Art as Plunder*, Cambridge University Press, 2008, traces the issue back to ancient Rome.

3. Public Apologies.

Janna Thompson, "Apology, Justice and Respect", in Mark Gibney et al. eds., *The Age of Apology*, Philadelphia: University of Pennsylvania Press, 2008.

John Borneman, "Can Public Apologies Contribute to Peace?" Anthropology of East Europe Review, 17 (1999), 7-20.

Supplementary readings: browse the remaining chapters in Gibney et al, especially Part I: Kathleen Gill, "The Moral Functions of an Apology", *Philosophical Forum* 31 (2000), 11-27; other studies of apology include Aaron Lazare, *On Apology*, Oxford University Press, 2004 – see especially chapters 2 and 3.

III. Duties regarding children.

1. Parental Rights, and a Right to Parent?

Edgar Page, "Parental Rights", *Journal of Applied Philosophy* 1 (1984), 187-203.

High LaFollette, "Licensing Parents Revisited", *Journal of Applied Philosophy* 27 (2010), 327-43.

Supplementary reading: Harry Brighouse and Adam Swift, "Parents' Rights and the Value of Family", *Ethics* 117 (2006), 80-108; views on licensing are collected in P. Tittle ed., *Should Parents be Licensed?* Buffalo: Prometheus, 2004.

2. May Parents "Enrol" Children?

Wisconsin v. Yoder, Opinion of the Court (Burger, J.) 406 U.S. 205 [internet]

Claudia Mills, "Child's Right to an Open Future?" *Journal of Social Philosophy* 34 (2003), 499-509.

Christina Cameron and Matt Clayton, "Debate", *Journal of Political Philosophy* 20 (2012), 341-64.

Supplementary readings: browse the chapters in David Archard and Colin Macleod eds., *The Moral and Political Status of Children*, Oxford University Press, 2002.

3. Is Inherited Wealth Justifiable?

Harry Brighouse and Adam Swift, "Legitimate Parental Partiality", *Philosophy and Public Affairs* 37 (2009), 43-8, 51-64, 67-74.

Edward McCaffery, "The Political Liberal Case Against the Estate Tax", *Philosophy and Public Affairs* 23 (1994), 281-312.

Supplementary readings: Michael Levy, "Liberal Equality and Inherited Wealth", *Political Theory* 11 (1983), 545-64; David Duff, "Taxing Inherited Wealth", *Canadian Journal of Law and Jurisprudence* 6 (1993), 3-62, is very long, but has a table of contents permitting selective reading; Thomas Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality*, Oxford University Press 2004, chapter 1.

IV. Future Generations.

1. Exploiting Future People.

Matthew Rendall, "Non-identity, Sufficiency and Exploitation", *Journal of Political Philosophy* 19 (2011), 229-47.

Christopher Bertram, "Exploitation and Intergenerational Justice", in Axel Gosseries and Lukas Meyer eds., *Intergenerational Justice*, Oxford University Press, 2009.

Supplementary readings: see the chapters by Beckerman and Gardiner in Joerg C. Tremmel ed., *Handbook of Intergenerational Justice*, Cheltenham: Elgar, 2006; on exploitation, Robert Goodin, *Reasons for Welfare*, Princeton University Press, 1988, chapter 5, is useful.

2. Some Problems in Climate Ethics.

Jonathan Pickering and Christian Barry, "On the Concept of Climate Debt", *Critical Review of International Social and Political Philosophy*, 15 (2012), 667-85.

Simon Caney, "Cosmopolitan Justice, Responsibility, and Global Climate Change", in Stephen Gardiner et al. eds., *Climate Ethics*, Oxford University Press, 2010.

Supplementary readings: browse the remaining chapters in Gardiner et al., chapters 10 and 11 recommended; also James Garvey, *The Ethics of Climate Change*, London: Continuum, 2008, chapter 3.

3. Imposing Constitutions.

Michael Otsuka, *Libertarianism Without Inequality*, Oxford University Press, 2003, chapter 7.

[You may find it necessary to look back at parts of chapter 5.]

Stephen Holmes, *Passions and Constraint*, Chicago University Press, 1995, chapter 5.

Supplementary readings: Victor Muniz-Fraticelli, "The Problem of a Perpetual Constitution", in Gosseries ed. Intergenerational Justice; see also Jon Elster and Rune Slagstad eds., *Constitutionalism and Democracy*, Cambridge University Press, 1988, chapters 5 and 11.

APPENDIX TO UNDERGRADUATE COURSE OUTLINES

DEPARTMENT OF POLITICAL SCIENCE

Prerequisite checking - the student's responsibility

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

Essay course requirements

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

Use of Personal Response Systems ("Clickers")

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning.

Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

Security and Confidentiality of Student Work (refer to current *Western Academic Calendar* (<http://www.westerncalendar.uwo.ca/>)

"Submitting or Returning Student Assignments, Tests and Exams - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

Duplication of work

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

Grade adjustments

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

Academic Offences

"Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: <http://www.uwo.ca/univsec/handbook/appeals/scholoff.pdf>."

Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>
Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/> / <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

Plagiarism

"**Plagiarism:** Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking: "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

Multiple-choice tests/exams: "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

PLAGIARISM*

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing

require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. In adopting other writers' ideas, you must acknowledge that they are theirs.

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

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Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991

Accessibility at Western: Please contact poliscie@uwo.ca if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

SUPPORT SERVICES

Students who are in emotional/mental distress should refer to Mental Health@Western
<http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help

Academic Offences (Graduate Students)

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site:
http://www.uwo.ca/univsec/handbook/appeals/scholastic_discipline_grad.pdf