



Course and Examination Fact Sheet: Spring Semester 2022

8,702: Recht/Law: Modern Theories of Justice

ECTS credits: 3

Overview examination/s

(binding regulations see below)

Decentral - examination paper written at home (individual) (50%)

Examination time: term time

Decentral - Group examination paper with presentation (all given the same grades) (50%)

Examination time: term time

Attached courses

Timetable -- Language -- Lecturer

[8,702,1.00 Recht/Law: Modern Theories of Justice](#) -- Englisch -- [Kolmar Martin](#)

Course information

Course prerequisites

None

Learning objectives

- Understanding the most important modern theories of justice from the last 100 years.
- Being able to understand the similarities and differences between the theories and their implications regarding a "just" society.
- Being able to apply the theories to important societal issues like climate crises, globalization, digitalization, etc.
- Understanding the biological and psychological roots of the human sense of morality.

Course content

Economics, Law, Political Science, and Business Administration as social sciences play a double role in society. As positive sciences they try to help us to better understand the logic of collective action and the role of institutions like firms and governments. As normative sciences they help us to develop better ideas about the best way to organize a firm or a society. This distinction sounds obvious, but in fact it is not because there can be wide discrepancies between individuals about what it means to have better and worse societies. Hence, any prescription about how to organize a society relies ex- or implicitly on a normative criterion. Law is almost exclusively a normative science and therefore also relies on some ideas about the ultimate ends of society. Theories of justice try to develop those criteria in order to help us to reflect our own perceptions of and prejudices about how to organize societies.

This course gives a systematic introduction into different theories of justice that have been developed to "support" conceptions about a "good" society. The main purpose of this course is to develop a precise understanding of the value judgments underlying the most popular conceptions of justice, their similarities and differences. The perspective is therefore mostly meta-ethical; we will try to carve out models of justification to support different conceptions of justice and look for the differences with respect to the implications for the organization of society.

On a first level we will distinguish between deontological and consequentialist theories of justice, confront them with virtue ethics, and try to get a feeling for the main advantages and shortcomings of the different concepts. We then take a closer look at consequentialist theories because they are the most important theories underlying modern economic reasoning. We will distinguish between welfaristic theories, for example Utilitarianism, and non-welfaristic theories, for example Amartia Sen's capabilities approach and John Rawls' concept of primary goods. The purpose of this section is to develop a deeper understanding of the normative "enclosures" in economic policy.



One important class of normative problems is justice between generations. A number of pressing social problems like public debt, social security, population growths, and climate change have as an integral part the characteristic that present decisions will have an impact on generations not yet born. This creates deep conceptual problems for any theory of justice (is there an optimal population size? does our knowledge about the consequences of our behavior on future generations create a moral obligation to take them into consideration?, ...) that is largely ignored by mainstream economic reasoning. A good example is the discussion about the Stern report on climate change that focuses almost exclusively on the "right" discount rate between present and future generations. But is it legitimate to discount the value of life of human beings only because they live in the future? We will focus on questions like these in this part of the course. Given that the course so far has shown that you can pick your own normative criterion from a large menu of more or less well-justified concepts of justice, the rest of the course will be devoted to the question of whether we can hope for a one-size-fits all theory of justice that allows us to determine unequivocally what to do under which circumstances or whether we have to accept that (a) different people can legitimately differ in their normative ideals and (b) justice must necessarily remain a piecemeal-science without any hope for a unified theory.

Course structure and indications of the learning and teaching design

The course will take place on a weekly basis. During the first half of the semester we will discuss key concepts and theories, whereas the second half of the semester is devoted to the discussion of more specific topics in the form of term papers and presentations. The idea is to have a relatively open format that allows for open discussions and creativity.

Contextual Studies are considered part of **Contact Learning**; thus, taking part properly implies **regular attendance**, be it online or in the classroom. In order to fully comply with the distance and hygiene rules applicable at the university, the course can be taught online or in smaller groups. It is the students' own responsibility to ensure that there is **no timetable clash** between the courses they have chosen. A detailed course outline and all relevant documents will be made available on **StudyNet**. Only the current timetable as published on **Stundenplan online** does apply.

Course literature

The mandatory reading list will be published on Canvas by January 15, 2022.

Additional course information

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in SpS2022, the course information listed above will be changed as follows:

- The course is conducted online via Zoom (or any other official platform);
- The lecturer informs via StudyNet on any changes in the implementation modalities of the course.

The examination information listed below would be changed as follows:

- The presentations are conducted online and are being recorded.

Martin **Kolmar** is Professor of Economics at the University of St. Gallen and Director of the Institute for Business Ethics. He is interested in normative economics and the relationship between decision making, perception, and well-being.

Examination information

Examination sub part/s

1. Examination sub part (1/2)

Examination time and form

Decentral - examination paper written at home (individual) (50%)

Examination time: term time

Remark

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Examination-aid rule

Term papers



Written work must be written without outside help according to the known citation standards, and a declaration of authorship must be attached, which is available as a template on the StudentWeb.

Documentation (quotations, bibliography, etc.) must be carried out universally and consistently according to the requirements of the chosen/specified citation standard such as e.g. APA or MLA.

The legal standard is recommended for legal work (cf. by way of example: FORSTMOSER, P., OGOREK R., SCHINDLER B., Juristisches Arbeiten: Eine Anleitung für Studierende (the latest edition in each case), or according to the recommendations of the Law School).

The reference sources of information (paraphrases, quotations, etc.) that has been taken over literally or in the sense of the original text must be integrated into the text in accordance with the requirements of the citation standard used. Informative and bibliographical notes must be included as footnotes (recommendations and standards e.g. in METZGER, C., Lern- und Arbeitsstrategien (latest edition)).

For all written work at the University of St.Gallen, the indication of page numbers is mandatory, regardless of the standard chosen. Where page numbers are missing in sources, the precise designation must be made differently: chapter or section title, section number, article, etc.

Supplementary aids

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Examination languages

Question language: English

Answer language: English

2. Examination sub part (2/2)

Examination time and form

Decentral - Group examination paper with presentation (all given the same grades) (50%)

Examination time: term time

Remark

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Examination-aid rule

Term papers

Written work must be written without outside help according to the known citation standards, and a declaration of authorship must be attached, which is available as a template on the StudentWeb.

Documentation (quotations, bibliography, etc.) must be carried out universally and consistently according to the requirements of the chosen/specified citation standard such as e.g. APA or MLA.

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Supplementary aids

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Examination languages



Question language: English

Answer language: English

Examination content

The final grade consists of a take-home exam in the form of an essay (50%) and a group presentation plus term paper (45 minutes, ca. 4.000 words, 50%).

The mid-term take-home exam is based on the material from the first half of the semester. The oral presentation plus term paper can be negotiated individually, but I will provide a list of potential topics and basic literature. Presentations take place during the second half of the semester.

Examination relevant literature

An updated mandatory reading list will be available on the Studynet by Januar 15, 2022.

Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW21) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 12 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 04 (Thursday, 27 January 2022);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 15 (Monday, 11 April 2022).