

## Course Outline

**COURSE:** LAWS 4101A – Contemporary Theories of Justice  
**PREREQUISITES:** LAWS  
**TERM:** Fall/Winter 2007-08  
**CLASS: Day & Time:** Thursday, 11:30 – 2:25  
**Room:** 515 Southam  
**INSTRUCTOR:** Professor R. Rueban Balasubramaniam  
**CONTACT: Office:** D 487 Loeb  
**Office Hrs:** TBA  
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Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

**Course Description:** John Rawls is a central figure in western political theory with his work continuing to define the terrain of major debates in contemporary theories of justice. In this seminar, we shall grapple with Rawls's principal ideas. Part I of the course engages Rawls's writings with a focus on his recent book *Justice as Fairness*. Part II considers the link between Rawls's theory and the law and Part III considers the relevance of Rawls's theory to issues of international justice, gender, race, and multiculturalism.

**Course Structure:** In this seminar, you will be involved in small group discussions and workshop settings, and be required to make group presentations in addition to informal in-class writing assignments. The success of this seminar depends on your informed and active participation so you must closely read the materials, take notes, and be ready to pose questions to facilitate discussion about the materials in class. In addition, you are expected to write one short comment as output of your group presentation, in addition to the one long essay. There is no final exam.

**Required Texts:** Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe).

John Rawls, *Justice as Fairness: A Restatement* (Cambridge, Mass.: Harvard University Press, 2001). We start with this book in the second week of class so please ensure you obtain a copy as soon as possible.

LAWS 4101A Coursepack with required readings for Part II and III.

All readings for group presentations and suggested readings will be posted electronically on Web CT.

**Evaluation:** All components must be completed to receive a grade. All grades will be posted on Web CT.

- 1) 30% Informed Participation (approximately 1% per class for informed participation in class discussion, debate, and small group discussion, 2% per in-class activity, which includes in-class writing assignments, and approximately 10% overall participation grade based on in-class evidence of completing the readings and grappling with the core ideas)
- 2) 20% Group Presentation including a written comment on the presented material of no more than 2-3 double spaced pages submitted in class the week following the presentation.
- 3) 50% Final Term Paper of no more than 12-15 double spaced pages (inc. Bibliography) due NOVEMBER 29, 2007.

**NOTE ON ASSIGNMENTS:** Extensions are not given except in extreme circumstances supported by appropriate documentation. All assignments are due when class begins and late assignments are deducted 2% per day (including weekends) for any paper submitted after the end of class on the due-date. Emailed assignments will not be accepted.

The ABSOLUTE FINAL date for submitting a LATE Final Term Paper is December 3. NO term work will be accepted beyond this date without a formal petition.

Please ensure that you keep electronic copies of all your assignments.

## 1. September 6 – Introduction

### I. Rawls's Project

## 2. September 13 – Rawl's Project

**Required reading:** John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 1-16, 23-25.

**Group Presentation:** Samuel Freeman, 'Introduction: John Rawls – An Overview' in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 1-52.

## 3. September 20 – Political Liberalism and Public Reason

**Required reading:** John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 9, 11, 58-59.

**Group Presentation:** John Rawls, 'The Idea of Public Reason Revisited', in Samuel Freeman ed., *John Rawls: Collected Papers* (Cambridge, M. A.: Harvard University Press, 1999), 573-615.

**Group Presentation:** Charles Larmore, 'Public Reason,' Chapter Ten in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 368-391.

## 4. September 27 – Political Liberalism and Justification

**Required reading:** John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 47, 54- 57.

**Group Presentation:** Thomas Scanlon, 'Rawls on Justification,' Chapter Three in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 139-166.

## 5. October 4 – Democratic Equality, the Basic Liberties and their Priority

**Required reading:** John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 13, 27 -32, 45- 46.

**Group Presentation:** H. L. A. Hart, 'Rawls on Liberty and Its Priority' (1973) 40:3 *University of Chicago Law Review* 534- 555.

**Group Presentation:** Thomas Pogge, 'Equal Liberty for All?' (2004) 28 *Midwest Studies in Philosophy* 266-281.

## 6. October 11 – Democratic Equality, the Difference Principle and Egalitarianism

**Required reading:** John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 13, 17-22, 34-42, 53.

**Group Presentation:** Norman Daniels, 'Democratic Equality: Rawls's Complex Egalitarianism,' Chapter Six in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 241-271.

**Group Presentation:** David Estlund, 'The Survival of Egalitarian Justice in John Rawls's Political Liberalism' (1996) 4: 1 *Journal of Political Philosophy* 68- 78.

## II. Rawls and the Law

### 7. October 18 – Rawls and the Rule of Law

**Required reading:** Ronald Dworkin, 'Rawls and the Law' (2004) LXXII: 5 *Fordham Law Review* 1387-1405.

**Required reading:** Frank Michelman, 'Rawls on Constitutionalism and Constitutional Law,' Chapter Eleven in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 394 - 420.

### 8. October 25 – The Rule of Law and Public Reason

**Required reading:** Samuel Freeman, 'Public Reason and Political Justifications' (2004) LXXII: 5 *Fordham Law Review* 2021-2072.

## III. Rawls and the Real World

### 9. November 1 – Rawls and International Justice

**Required reading:** Charles Beitz, 'Rawls's Law of Peoples' (2000) 110 *Ethics* 669 - 696.

**Required reading:** Thomas Pogge, 'The Incoherence Between Rawls's Theories of Justice' (2004) LXXII: 5 *Fordham Law Review* 1739- 1759.

**Suggested reading:** John Rawls, *Law of Peoples* (Cambridge, MA: Harvard University Press, 1999) (Parts I –IV).

### 10. November 8 – A Feminist Critique of Rawls

**Required reading:** Martha C. Nussbaum, 'Rawls and Feminism' Chapter Fourteen in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 488-515.

**Required reading:** Susan Moller Okin, 'Justice and Gender: An Unfinished Debate' (2004) LXXII: 5 *Fordham Law Review* 1537- 1567.

### 11. November 15 – Rawls and Race

**Required reading:** Tommie Shelby, 'Race and Social Justice: Rawlsian Considerations' (2004) LXXII: 5 *Fordham Law Review* 1697-1714.

**Required reading:** Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto' (2007) 35:2 *Philosophy and Public Affairs* 126 – 160.

### 12. November 22 – Rawls and Multiculturalism

**Required reading:** Chandran Kukathas, 'Multiculturalism as Fairness: Will Kymlicka's *Multicultural Citizenship*' (1997) 5: 4 *Journal of Political Philosophy* 406 – 427.

**Suggested reading:** Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), Chapter 5-6, 75 -130.

### 13. November 29 – Final Term Paper due.