

Course Outline

COURSE:	LAWS 4101A – Contemporary Justice Theories
PREREQUISITES:	Fourth year Honours standing
TERM:	Fall 2009
CLASS: Day & Time:	Wednesday, 8:35 – 11:25
Room:	Please check with Carleton Central for current room location
INSTRUCTOR:	Professor R. Rueban Balasubramaniam
CONTACT: Office:	D 487 Loeb
Office Hrs:	Wednesdays, 2:00-4:00 pm by appointment.
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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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 gender, race, and multiculturalism.

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.

All readings will be posted electronically on Web CT.

EVALUATION All components must be completed to receive a grade.

Course Deadlines:

All papers are to be handed in at the Law Department Drop Box on the dates stipulated below. In the event of doubt about when the paper was handed in, I take the Law Department Stamp as conclusive evidence of the date of submission. Late penalties kick in from the day following the due date. Please keep an electronic copy of all your assignments. I do not accept emailed assignments.

Late Penalties:

Late assignments are deducted 10% per day (including weekends) which works out to the equivalent loss of one letter grade per day. Also note that I will not make any comments on late work without which you may find it very difficult to do well in this course. It is your responsibility to take deadlines seriously.

EVALUATIONS

- 1) 20 marks: Informed Participation during in-class discussions, and workshops. Your participation in class should reflect that you have read the relevant materials and are attempting to critically engage them. Please bring the appropriate articles to class, including your notes, and questions you have for discussion. Note the participation mark can make significant difference to your final grade so it is in your interests to come to class regularly and be prepared.
- 2) 15 marks: Response Paper to Part I (Rawls's Project) of no more than 3 – 5 double spaced pages, DUE NO LATER THAN October 12, 2009.
- 3) 15 marks: Response Paper to Part II (Rawls and the Law) of no more than 3-5 double spaced pages, DUE NO LATER THAN November 2, 2009.
- 4) 50 marks: Final Term Paper is an independent research paper and there is a measure of flexibility about what you write about as long as your paper engages Rawls's ideas. For example, you might analyze Rawls's theory, writing a purely conceptual paper that explains aspects you find appealing or unappealing. Alternatively, you might draw resources from Rawls to analyze a real world issue. Another option is to use Rawls to analyze real world problems with a view to addressing what you see as a strength or weakness in his ideas. Your essay should not be more than 12 double spaced pages, excluding the bibliography. The paper is DUE ON November 30, 2009 and should be handed in at the Law Department's Drop Box.

Note that I will not accept any paper handed in after December 8, which is the absolute final date for handing in papers as set by the University. Also keep in mind that I will have to impose a very significant late penalty at this stage so that the paper loses 35 marks out of 50 right off the top. It is in your interests not to lose marks needlessly for not handing work in on time.

SCHEDULE**I. Rawls's Project****1. Sep 16 Rawls'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.
Samuel Freeman, 'Introduction: John Rawls – An Overview' in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 1-52.

**2. Sep 23 Political Liberalism and Public Reason/Justification
In-Class Workshop: Writing Response Papers**

Required reading: John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 9, 11, 58-59.
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.
John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, M. A.: Harvard Belknap Press, 2001), Sections 47, 54-57.
Thomas Scanlon, 'Rawls on Justification,' Chapter Three in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 139-166.

3. Sep 30 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.
H. L. A. Hart, 'Rawls on Liberty and Its Priority' (1973) 40:3 *University of Chicago Law Review* 534-555.
Thomas Pogge, 'Equal Liberty for All?' (2004) 28 *Midwest Studies in Philosophy* 266-281.

4. Oct 7 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.
Norman Daniels, 'Democratic Equality: Rawls's Complex Egalitarianism,' Chapter Six in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 241-271.
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**5. Oct 14 Rawls and the Rule of Law**

In-Class Workshop: Constructing an Account.

Required reading: Ronald Dworkin, 'Rawls and the Law' (2004) LXXII: 5 *Fordham Law Review* 1387-1405.
Frank Michelman, 'Rawls on Constitutionalism and Constitutional Law,' Chapter Eleven in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 394-420.

6. Oct 21 The 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**7. Oct 28 A Feminist Critique of Rawls**

In-Class Workshop: Articulating Competing Sides of a Debate.

Required reading: Martha C. Nussbaum, 'Rawls and Feminism' Chapter Fourteen in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2005), 488-515.
Susan Moller Okin, 'Justice and Gender: An Unfinished Debate' (2004) LXXII: 5 *Fordham Law Review* 1537-1567.

8. Nov 4 Rawls and Race**In-Class Workshop: Writing an Analytical Essay**

Required reading: Tommie Shelby, 'Race and Social Justice: Rawlsian Considerations' (2004) LXXII: 5 *Fordham Law Review* 1697-1714.
Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto' (2007) 35:2 *Philosophy and Public Affairs* 126 – 160.

9. Nov 11 Rawls and Multiculturalism

Required reading: Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), Chapter 5-6, 75 -130.
Chandran Kukathas, 'Multiculturalism as Fairness: Will Kymlicka's *Multicultural Citizenship*' (1997) 5: 4 *Journal of Political Philosophy* 406 – 427.

10. Nov18 Is Rawls Illiberal?

Required reading: David Dyzenhaus, 'Liberalism After the Fall, Schmitt, Rawls, and the Problem of Justification' (1996) 22:6 *Philosophy and Social Criticism* 9-37.

11. Nov 25 In- Class Final Essay Review and Workshop.