

Course Outline

COURSE:	4101 A – Contemporary Justice Theories
TERM:	Winter 2025
PREREQUISITES:	LAWS 2908 or PAPM 3000 and fourth-year Honours standing.
CLASS:	Day & Time: Fridays, 8:35am-11:25am Room: Please check Carleton Central for current Class Schedule This is an in person seminar, not an online seminar.
INSTRUCTOR:	Dr. Rueban Balasubramaniam
CONTACT:	Office Hrs: Mondays 2-3pm, Zoom by appointment only. Telephone <i>n/a</i> : Email: Rueban_Balasubramaniam@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/285181

CALENDAR COURSE DESCRIPTION

Selected major contemporary theories of justice such as those associated with Rawls, Walzer, and Habermas, with emphasis on both their procedural and substantive elements and their concrete ramifications for law, policy and political practice.

COURSE DESCRIPTION

In this course, we will examine John Rawls's theories of justice and political liberalism. Rawls is the leading liberal political philosopher of the 20th century, whose influence extends into legal, political, and moral philosophy. Rawls's central ideas are especially relevant to the Canadian context where it is arguable that the basic structure of the Canadian legal-political system reflects Rawlsian principles of free and equal citizenship, equality of opportunity, and a commitment to protecting the welfare of the least well-off in society. As well, we will consider the threat to liberal ideals posed by right-wing populism, which we can see on the rise in many Western countries once considered stable and consolidated liberal democracies. Rawls's ideas are ever more relevant if our concern is to defend the foundations of a liberal egalitarian political ideal.

LEARNING OUTCOMES

- To display comprehension of the essentials of Rawls's theory.
- To learn and apply the skills of close reading and syntopical reading.
- Professionalism in coming to the seminar on time, prepared, and contributing meaningfully.
- Professionalism in submitting work on time.

REQUIRED TEXTS

Students are not required to purchase textbooks or other learning materials for this course. All materials are provided on Brightspace.

EVALUATION

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

Your overall grades is influenced by how far you acquit the relevant pedagogical objectives for this seminar and include:

20 %: Informed class participation. You will be expected to do the reading before class and to participate in discussions about those readings in class. While attendance will be recorded, mere attendance is not enough to secure a participation mark. Finally, there are no other ways to earn participation in the seminar since participation presumes presence and engagement within the seminar discussion; if you miss class you lose the marks.

20% Response Paper 1: 1000 words (5 double-spaced pages) critically analyzing 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 **due by midnight February 1, 2025.**

20% Response Paper 2: 1000 words (5 double-spaced pages) critically analyzing HLA Hart, 'Rawls on Liberty and Its Priority' (1973) 40:3 *University of Chicago Law Review* 534- 555 **due by midnight March 8, 2025.**

40% Research Essay: 2500-3000 words critically engaging Rawls's ideas **due by midnight April 4, 2025.**

All components must be successfully completed in order to get a passing grade

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

I. Rawls's Project

1. January 10 – Mini Lecture on Rawls's Project

2. January 17 – Fundamental Ideas

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

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

3. January 24- Political Liberalism and Public Reason/Justification

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

Required reading: 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.

4. January 31 - The Idea of Public Justification Continued

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

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

5. February 7 - 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.

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

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

6. February 14 - 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.

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

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

No Class on February 21 due to Reading Week.

II. Rawls and the Law**7. February 28 – Rawls and the Rule of Law**

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

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

III. Rawls and the Real World**9. March 7 – Rawls and Race**

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

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

10. March 14 – Rawls and Multiculturalism

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

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

11. March 21 – Schmitt's Illiberal Critique

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

12. March 28 – 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.

13. April 4 – Wrap up Q and A: The Future of Liberalism

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

- Some duplication of work submitted is permitted because I encourage you to work through ideas in each piece of work to develop those ideas, culminating in a final research paper.
- There will not be any option for group work.
- The use of Generative AI to produce final work is not permitted.

UNIVERSITY AND DEPARTMENTAL POLICIES

(This section will be copied in by the department during the final review.)

Further resources and examples:

Winter 2025 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 6, 2025	Winter term begins.
January 17, 2025	Last day for registration and course changes (including auditing) in winter courses.
January 31, 2025	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
February 17-21, 2025	Winter break, no classes.
March 15, 2025	Last day for academic withdrawal from winter courses.
March 25, 2025	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
April 8, 2025	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.
April 9-10, 2025	No classes or examinations take place.
April 11-26, 2025	Final examinations in winter and fall/winter courses will be held.
April 18, 2025	Statutory holiday. University closed.
April 26, 2025	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the*

same as a formal appeal of grade. More information about the academic consideration can be found [here](#).