

Course Outline Template

COURSE:	LAWS 4101B - Contemporary Theories of Justice
TERM:	Winter 2024
PREREQUISITES:	LAWS 2908 or PAPM 3000 and fourth-year Honours standing.
CLASS:	Day & Wednesdays Time: 8:35am-11:35am Room: Please check Carleton Central for current Class Schedule This is an in-person seminar and you are expected to attend regularly; you are unlikely to succeed if you do not.
INSTRUCTOR:	Dr. Rueban Balasubramaniam
CONTACT:	Office Hrs: Tuesdays, 1-2:30pm by appointment only and via Zoom Telephone: 613-520-2600 ext 8809 Email: Rueban_Balasubramaniam@carleton.ca

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.

REQUIRED TEXTS

John Rawls, *Justice as Fairness (A Restatement)*, (2001, Harvard University Press) to be provided along with all other materials online via Brightspace.

SUPPLEMENTARY TEXTS

N/A

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.

20% Informed class participation: You will be expected to do the reading before class and to participate in discussions about those readings in class. That means you need to cite and talk about actual passages in the text in class. Attendance is recorded from the first day of class but mere attendance is not enough to secure a substantive participation mark. Note there are no other ways to earn participation in the seminar if you do not attend and do not speak in class.

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 Feb 1, 2024.**

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 14, 2024.**

40% Research Essay: 15-20 page double- spaced essay critically engaging Rawls's ideas **due by midnight April 3, 2024.**

All components must be successfully completed in order to get a passing grade. Note that all the parts of the evaluation are related and it is in your interests to complete them as best as you can and within the stipulated deadlines. Students who fail to attend classes regularly are not likely to get through this seminar and where there is an egregious level of failure to come to classes (less than 50%), there would be grounds for determining that you have failed to complete all the components.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

As a rule, no extensions are given for late work; such work will not be accepted. Part of the reasons for this rule have to do with the need for students to respect deadlines as well as the administrative burdens that are unfairly generated by such work. One of the major pedagogical aims of this seminar is that you are professional in your approach to doing your work, including the need to take deadlines very seriously.

If extensions are to be granted, this is subject to the discretionary judgment of the instructor in light of relevant pedagogical aims, as well as other relevant administrative considerations.

Note that the following ARE NOT grounds for an extension:

- a) Stress (any claims that you suffer from disabling anxiety will require medical evidence or a note from the PMC)
- b) Inability to manage time or cope with your workload.
- c) Competing deadlines.

Procedure to Request Extensions: The initial decision about whether extensions are given resides with the instructor. The relevant procedure I require is that you initiate the request for extension in person unless there is an emergency. You must offer factual evidence to support your claim (which may include medical notes covering the specified period or police reports etc). A decision will be made in light of such facts as well as relevant pedagogical and other relevant considerations applying a reasonableness standard. You will then receive a reply in writing by email communicating the instructor's decision.

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/wp-content/uploads/self-declaration.pdf>.

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>

PROCEDURE FOR GRADE APPEALS: Appeals are to be initiated only after 48 hours of receiving a grade by email. You must show why the reasons given for the grade are flawed so you must engage the pedagogical/substantive justifications given for the grade by the instructor. The fact that you may have worked hard or feel like you need a particular grade are not relevant reasons for seeking a grade appeal. As well, keep in mind, your grade may also get worse upon review.

EMAIL ETIQUETTE: Kindly be professional in communicating with your Professor. Please remember that your Professor, like you, is also a human being with a very large workload, professional and personal responsibilities, immense emotional and other pressures, and all the things that confront our shared human existence. Think before you decide what to say to your Professor by email. Ask yourself if your email will be reasonable. Keep in mind that how you comport yourself will affect subsequent decisions about how far a Professor may be willing to support reference applications and so on.

SCHEDULE**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.

II. Rawls and the Law

7. February 21 - No Class due to Winter Break

8. 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 6 – 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 13 – 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 20 – 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 27 – 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 3 – Final Essay is due.

Winter 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 8, 2024	Winter term begins.
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.
March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 27, 2024	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
March 29, 2024	Statutory holiday. University closed.
April 10, 2024	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.
	Last day for take home examinations to be assigned.
April 13-25, 2024	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.
April 25, 2024	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

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

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/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

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

Pregnancy 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 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/>.