

## Course Outline

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<b>COURSE:</b>	<b>LAWS 4101A – Contemporary Justice Theories</b>
<b>TERM:</b>	<b>Summer 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 or PAPM 3000, and 4<sup>th</sup> year standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Mondays and Wednesdays, 11:35am - 2:25pm</b> <b>Room: Please check Carleton Central for current Class Schedule.</b> The course is to be in person at RB 3202.
<b>INSTRUCTOR:</b>	<b>Dr. Rueban Balasubramaniam</b>
<b>CONTACT:</b>	<b>Office: D587 Loeb</b> <b>Office Hrs:</b> Immediately after the seminar on Mondays and Wednesdays. <b>Telephone:</b> <b>Email: rbalasubramaniam@cunet.carleton.ca</b>

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### 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 20<sup>th</sup> 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 discussion 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 actual seminar discussion.

**40% Response Paper 1:** 1200 words (6 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 11:59pm May 20, 2022.**

**Optional "Retry" of Response Paper 1:** Given that the first paper is often a trial and error experience for many students, you will have the option of rewriting the first paper and resubmitting the paper **within 7 days of receipt of the grade** for that paper, if you are unsatisfied with the grade. Note that this option will not apply to the second paper, where the expectation is that you will know what is expected.

**40% Response Paper 2:** 1200 words (6 double spaced pages) critically analyzing any paper of your choosing from the syllabus **due by 11:59pm June 17, 2022.**

Please submit work to the electronic drop box on Brightspace unless otherwise indicated.

**All work must be submitted to receive a final grade.** The final grade will be based on a combination of your participation mark and the average marks received for two completed Response Papers.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Please see the Departmental extension policy below..

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 extensions lasting less than 7 days, 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>.

**Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

**A Special Note on Mental Health:** No concessions will be given on grounds of mental health unless these grounds fall within specific categories defined by the University as validated by the Paul Menton Center and/or supported by formal medical documentation. Note that you can expect this seminar to be challenging and stress inducing but the expectation is that you will rise to the challenge in fulfilling its requirements.

### **Grade Appeals**

Grade appeals are to be made in writing to me directly stating relevant reasons directly related to the justification given for the particular grade you received. If the reasons given are plausible, then your work will be reviewed. Please also note that upon review your grade may get worse, not better.

### **Email Etiquette**

Please note that every email should be professional and state your student number and reasons for the email.

Please also make sure to take reasonable steps to figure out answers to questions you have may before sending an email. Often a question you may have in mind can be answered by doing a little bit of independent work, especially if these are questions related to the administration of the course. Check the course outline and regular announcements made via Brightspace.

Kindly also keep in mind that we are all working under stressful conditions generally from home during the Covid-19 pandemic. It is therefore not reasonable to expect very quick replies to your emails. I urge you to be professional and considerate if you do not receive a quick reply.

## **SCHEDULE**

### **I. Rawls's Project**

#### **1. May 9 – Mini Lecture on Rawls's Project**

## 2. May 11 – 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. May 16 – 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. May 18 – 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. May 25 – The Principle of Equal Liberty and its 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.

# II. Rawls and the Law

## 8. May 30– 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. June 2 – Rawls and Race

**Required reading:** Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto' (2007) 35:2 *Philosophy and*

*Public Affairs* 126 – 160.

### 9. June 6 – Rawls and Multiculturalism

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

### 10. June 8 – 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.

### 11. June 15 – 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.

### 12. June 17 – Populism, Human Rights, and Social Justice

**Required Reading:** William Scheuerman, "Donald Trump meets Carl Schmitt" (2019) 9-10 *Philosophy and Social Criticism* 1170-1185

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## University and Departmental Policies

### PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism 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, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

## **DEPARTMENT POLICY**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.

## **COVID-19 PREVENTION MEASURES**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** On the recommendation of Ottawa Public Health, Carleton will be maintaining the mandatory [COVID-19 Mask Policy](#) until further notice. The policy requires masks to be worn in all university buildings, including offices, classrooms and labs.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).

## **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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**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 [click here](#).

**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](mailto:pmc@carleton.ca) for a formal evaluation. 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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<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/>.

**Diversity Declaration**

I identify as a person of colour and non-citizen of Canada. I bring an inherently different perspective to bear on how I conduct lectures and seminars, especially in the way that I highlight concepts, questions, and problems that tend to inform structural problems of inequality, domination, and subordination of vulnerable groups.