

Course Outline

COURSE:	LAWS 4101A Contemporary Justice Theories
TERM:	WINTER 2020
PREREQUISITES:	LAWS 2908 or PAPM 3000 and fourth year Honours Standing
CLASS:	Day & Time: Fridays, 2:35pm -5:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Professor Rueban Balasubramaniam
CONTACT:	Office: D587 Loeb Building Office Hrs: Mondays, 1pm-3pm by appointment only. 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).

All other readings will be posted on CU Learn.

SUPPLEMENTARY TEXTS

None.

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. I expect students to bring the book and a copy of the readings, including their notes on the readings in class. It will not be good enough to be looking at the readings on your smart phone. Finally, mere attendance is not enough to secure a participation mark.

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 11:59pm January 31, 2020.**

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 11:59pm March 1, 2020.**

40%: Final Research Essay: 2500 words drawing on at least 5 scholarly sources (these may be taken purely from the course materials). You may write an essay that critically evaluates Rawls’s theory or an essay that uses Rawls’s ideas to analyze a real—world problem **due by 11:59pm April 1.**

EXTENSIONS

All papers are to be submitted electronically via CU Learn by 11:59pm on the stipulated dates. Make sure to submit early enough to avoid the risk of technical problems.

I will not accept any work by email or in person.

Unless you have a formal accommodation with the Paul Menton Centre, there are no extensions for this seminar.

If you are likely to have trouble meaningfully completing work on time, you must make an appointment with me to discuss options as soon as possible. It will not be sufficient to send me an email the day a paper is due or the night before asking for an extension.

GRADE APPEALS

All grade appeals must be made in writing according to the following procedure:

- a) All appeals must be made in writing via hard copy within 10 days from the day that marked papers are made available to students for collection.
- b) Please write a formal cover letter specifying relevant reasons for a grade appeal.
- c) The letter should have your name, date, title (Request for Grade Appeal) and written reasons that identify why the paper has been wrongly evaluated. Specifically, you must show why the reasons given for the grade are wrong. Note that the amount of effort you put into the paper is irrelevant.
- d) Please make an appointment with me during office hours to formally submit a hard copy of your cover letter and application for appeal.
- e) No appeals will be entertained via email.

EMAIL POLICY

Please state your name and student number when emailing and only email using your Carleton University email address.

If your email requests information that has already been detailed in the course outline, CU Learn or during class, you will not get any reply.

Also take note of the policy on extensions. There are no extensions for this course. Any email request for an extension will be ignored.

Finally, your emails will also be kept as a record of your professionalism so think carefully about how you wish to express yourself.

SCHEDULE

I. Rawls Project

1. January 10 – An overview of 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.

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

2. January 17 – 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.

3. January 24 – 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

4. January 31 - 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.

5. February 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.

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

6. February 14 – 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.

7. February 21- No Class. Reading Week.

III. Rawls and the Real World

8. February 28 – 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.

9. March 6 – 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.

10. March 13 – 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. March 20 – Populism, Human Rights, and Social Justice

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

12. March 27 – In Class Final Essay Outline Review.**13. April 4 – Class Cancelled.**

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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, visit the Department of Equity Services 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, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or 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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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:* <http://carleton.ca/studentaffairs/academic-integrity/>

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 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: carleton.ca/sexual-violence-support

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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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. <http://carleton.ca/law/current-students/>