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| COURSE: | LAWS 4101 Contemporary Theories of Justice |
| TERM: | FALL 2020 |
| PREREQUISITES: | LAWS 2908 or PAPM 3000 and fourth-year Honours standing |
| CLASS: | Day & Time: Fridays 2:35-5:25pm Room: All Courses in the Fall 2020 term are offered online. Lectures/seminars in this course will be delivered synchronously via a live Zoom session. Online seminars will typically run for about 2 hours or so with a break. Efforts will be made to record the seminar, technology cooperating. |
| PROFESSOR: | Name: Ratna Rueban Balasubramaniam |
| CONTACT: | Office: Loeb D587 Office Hrs: Tuesdays 2:30pm – 4:30pm by appointment only. Email me to book a time-slot during office hours and I can send you a Zoom link. Telephone: 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).

For access to this book, please email me directly at Rueban_Balasubramaniam@carleton.ca as I have made arrangements in light of the fact that students may have challenges with going out to buy the book given the Covid-19 pandemic.

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.

Typically, the assessments for this course involve a combined participation mark, two Reading Response Papers, and a Final Research Essay. But because of the Covid-19 situation I have simplified the method of evaluation.

I'll be taking regular attendance even though there is no participation mark for attending and discussing for this seminar. Nevertheless, it is in your interests to attend seminars regularly because Rawls's theory is very difficult and you will find it quite hard to understand that theory unless you attend the seminar. You should also make a reasonable attempt to do the relevant readings before the seminar even if you find the readings hard to follow. Such difficulty is normal and confusion to be expected. In the seminar, I will spend time to explain central ideas and to try to dispel this confusion by addressing questions you may have about the theory. As well, each seminar will model what is necessary to closely read and analyze text, the skill you will need to demonstrate for the evaluations required in the seminar as stated below.

I cannot emphasize enough that your chances of successfully completing the seminar are significantly diminished if you don't attend the seminar sessions.

The course evaluations will comprise three Reading Response Papers of about 1000 words each.

A Response Paper requires that you make a critical argument about a specific reading, displaying the skill of close reading and analyses. We will go over what is required to write such papers in the seminar since they are notoriously difficult to write. The key skill being tested is your ability to closely read a text, interpret that text correctly, and then to analyze an aspect of that text.

The first two response papers will be in relation to readings specified by the Professor, while students will have flexibility as to what readings they address for the final Response Paper.

The final grade will be a tabulation of the average grade attained in the best two out of three response papers. In theory this means you could choose to write only two out of three papers but most students do not do very well when they write the first one. It is therefore in your interests to practice and to write all three papers to attain a suitable grade for the seminar.

If you do not submit a Response Paper (assuming that you must submit at least two papers), un-submitted work will receive an automatic mark of 0.

The following are the stipulated deadlines for each Response Paper.

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 October 7, 2020.**

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 November 1, 2020.**

Response Paper 3: 1000 words (5 double spaced pages) critically analyzing any reading of your choosing **due by 11:59pm December 1, 2020.**

All Response Papers are to be submitted via the electronic drop-box on Cu Learn.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Penalties: Any paper submitted after the stipulated deadline will lose one letter grade per day.

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).

GRADE APPEALS

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

- a) All appeals must be made in writing stating relevant reasons for a grade appeal.
- b) 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.
- c) If the reasons given are plausible, then I will review the paper but note that a grade may get worse, not better upon appeal.

SCHEDULE**I. Rawls's Project****1. September 11 – 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. September 18 – 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. September 25 – 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. October 2 - 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. October 9 - 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. October 16 – 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

7. October 23 – 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.

8. October 30 – No Class due to Reading Week.

9. November 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. November 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. November 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. November 27 – Final Wrap-Up Seminar

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 and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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) <https://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: <https://carleton.ca/registrar/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: <https://carleton.ca/studentssupport/svpolicy/>

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

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.