

Course Outline

COURSE:	LAWS 4101A – Contemporary Theories of Justice
TERM:	Fall 2014
PREREQUISITES:	Fourth-year Honours standing
CLASS:	Day & Time: Wednesdays – 8:35am – 11:25am. Room: Please check with Carleton Central for current room location
INSTRUCTOR:	RUEBAN BALASUBRAMANIAM
CONTACT:	Office: Loeb D583 Office Hrs: Wednesdays 2pm-4pm by appointment only. Telephone: 613-520-2600 ext 8809 Email: Rueban_Balasubramaniam@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 more details visit the Equity Services website: <http://www2.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 Equity Services website: <http://www2.carleton.ca/equity/>

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. 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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://www.carleton.ca/studentaffairs/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.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION

John Rawls is a central figure in western political theory with his work continuing to define the terrain of major debates in contemporary theories of justice. In this seminar, we shall grapple with Rawls's principal ideas. Part I of the course engages Rawls's writings with a focus on his recent book *Justice as Fairness*. Part II considers the link between Rawls's theory and the law, and Part III considers the relevance of Rawls's theory to issues of gender, race, and multiculturalism.

REQUIRED TEXTS

Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe). Please cite the course code when you purchase your copy from the bookstore.

John Rawls, *Justice as Fairness: A Restatement* (Cambridge, Mass.: Harvard University Press, 2001). We start with this book in the second week of class so please ensure you obtain a copy as soon as possible.

SUPPLEMENTARY TEXTS

All other readings will be posted electronically on Web CT.

EVALUATION

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

COURSE DEADLINES: All papers are to be handed in to me at the start of class on the relevant date of submission. Late papers are

to be handed in at the **Department of Law and Legal studies Drop Box**. In the event of doubt about when the paper was handed in, I take the Law Department Stamp as conclusive evidence of the date of submission. **Late penalties kick in from the end of class on the due date.** Please keep an electronic copy of all your assignments. **I do not accept emailed assignments.**

LATE PENALTIES: Late assignments are deducted 10% per day (including weekends), which works out to the equivalent **loss of one letter grade per day**. Also note that I will not make any comments on late work without which you may find it very difficult to do well in this course. **It is your responsibility to take deadlines seriously.**

- 1) **20 %: Informed Participation during in-class discussions, and workshops.** Your participation in class should reflect that you have read the relevant materials and are attempting to critically engage them. Please bring the appropriate articles to class, including your notes, and questions you have for discussion. Note the participation mark can make significant difference to your final grade so it is in your interests to come to class regularly and be prepared. In addition, your participation mark will also depend on your participation during **the final peer-review workshop on November 26** where you should bring an outline of your Final Essay including a thesis statement, a skeletal version of the argument you wish to make. This workshop is very useful for you to gain feedback for your final essay. Lastly, participation implies physical (and psychological) presence in class. Therefore, there is no way to make up lost participation marks due to absences.

- 2) **20 %: Response Paper analyzing any article or reading from the materials covered in class until and including September 24 (Rawls's Project) of no more than 3 – 5 double spaced pages, DUE NO LATER THAN OCTOBER 1, 2014.** (Description of Response Paper expectations will be given out in class; make sure that you are clear on the parameters of the Response Paper assignment well in advance.)

- 3) **20 %: Response Paper analyzing any article or reading from Part I or Part II of no more than 3-5 double spaced pages, DUE NO LATER THAN NOVEMBER 5, 2014.** (Description of Response Paper expectations will be given out in class; make sure that you are clear on the parameters of the Response Paper assignment well in advance.)

- 4) **40 %: Final Term Paper is an independent research paper** and there is a measure of flexibility (I do not stipulate a particular question or problem for you to write about) about what you write about as long as your paper engages Rawls's ideas. For example, you might analyze Rawls's theory, writing a purely theoretical paper that explains aspects you find appealing or

unappealing. Alternatively, you might draw resources from Rawls to analyze a real world issue. Another option is to use Rawls to analyze real world problems with a view to addressing what you see as a strength or weakness in his ideas. **Your essay should not be more than 12 - 15 double spaced page, excluding the bibliography. The paper is DUE ON DECEMBER 3, 2014.**

Note that I will not accept any paper handed in after December 8, which is the absolute final date for handing in papers as set by the University. This is a hard administrative deadline so there is no way to grant any extensions beyond this date short of obtaining a formal deference from the Registrar.

FRIENDLY ADVICE: This course is very challenging. However, you will find that Rawls's ideas about liberal democracy should resonate with your own experience of living in a liberal democratic society. His philosophical abstractions are complex ways of capturing your convictions about politics and morality. Therefore, the theory is a flop if it builds upon ideas that are too alien from your everyday beliefs and convictions. Rawls's aim is to systematize and interrogate these beliefs and convictions and to leave it to you to decide your position. Nevertheless, you will have to grow accustomed to philosophical abstraction and that is a matter of practice (like learning a new language). My advice is that you talk to me regularly during my office hours or through email interaction to grapple with your ideas and to develop insights for your final essay. It is a bad idea to leave things to the end because there is no way to do well in this course if you procrastinate. By reading the book early and by starting to actively think about and talk about the materials early, you will be in a better position to engage Rawls and to produce high quality and meaningful scholarship.

SCHEDULE

I. Rawls's Project

1. September 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. September 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.

**Note: No office hours on Wednesday, September 17, 2014.*

3. September 24 – The Idea of Public Justification Continued [RESPONSE PAPER WORKSHOP]

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 1 - 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 8 - 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 15 – Class Cancelled.

7. October 22 - Rawls and the Rule of Law [CONSTRUCTING AN ACCOUNT WORKSHOP]

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

8. October 29 – Class Cancelled/Reading Week.

9. November 5 -- Rawls and Race [BUILDING A FINAL ESSAY WORKSHOP]

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. November 12 – 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. November 19 – 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. November 26 – [PEER REVIEW/DRAFT FINAL ESSAY WORKSHOP]

13. December 3 – FINAL ESSAY IS DUE IN CLASS.