

ARTSSCI 4MN1 / Justice: Concepts and Applications

Four sessions: 6:30-8:30pm on Wednesday 26 January, 2 February, 9 February, 16 February, 2022

Instructor: TBA

Introduction

In modern society, we often hear a call for “justice.” Using law as a touchpoint, and drawing on the diverse experiences of our classroom community, this course investigates how we respond to that call. Beginning with philosophy, we will start by examining *theories* of justice, with a view to developing a better understanding of what “justice” means and how we know when we’ve achieved it. Next, using historical examples we will examine some of the *tools* of achieving justice – ranging from conventional political action to civil unrest – and evaluate them in terms of their efficacy, efficiency, and ethics. We will then discuss some of the *consequences* of justice, including the costs of achieving justice and the impact that the pursuit of justice has on the involved parties, the legal system, and society as a whole. Finally, we will explore *applications* of justice by discussing sentencing in the criminal context, and will attempt to answer for ourselves: what does justice require?

Course Objectives

1. Understand and critically evaluate different theoretical concepts of justice.
2. Critically assess contexts in which particular methodologies of achieving justice are appropriate or inappropriate.
3. Evaluate different methods of justice for their efficacy, efficiency, and ethics, with a particular focus on the Canadian criminal justice system.
4. Understand and appreciate the varying perspectives of different stakeholders in justice-related processes, with a particular focus on the Canadian criminal justice system.
5. Develop analytic skills to improve decision-making in justice-related situations.

Assignments

Before week three: As part of the experiential component of this course, students will be expected to attend or observe a justice-related event or proceeding and write a reflection on their experience. The reflection should include (1) a brief description of the event, (2) theories or concepts of justice that you saw at play in the event, and (3) your thoughts on the efficacy and ethics of the event and how the event might be improved to better achieve justice. Maximum 500 words. *Due Wed. 9 February, 2022.*

After week four: Write a persuasive piece on the ultimate case study in the course, explaining (1) what you feel is a just outcome and why, and (2) what concepts or theories of justice are or should be emphasized and why. Maximum 500 words. *Due Mon. 28 February, 2022.*

Module One: Theories of Justice

This module will focus on philosophical concepts of justice. Using a selection of curated texts from leading philosophers in both ancient and contemporary time periods, we will consider and compare notions of justice as process, goal, manner of conduct, and as a basis for structuring societal institutions. We will examine the strengths and weaknesses of each approach and consider how each is manifested in the Canadian criminal justice system.

Module Two: Tools of Justice

In this module, we will examine some of the methods people and societies have used, and continue to use, to achieve the aims of justice both inside and outside of mainstream legal systems. Examples of such methods will include litigation, mediation, public demonstration, and civil unrest. We will consider each of these methodologies through the lenses of efficacy, cost-effectiveness, and ethics. In considering these methodologies, we will also look at the guiding principles of some of their best-known practitioners.

Module Three: Consequences of Justice

This module will focus on the repercussions that the pursuit and attainment of justice have for stakeholders in justice-related processes, using the criminal justice system as a framework. We will consider the costs, both financial and personal, that are borne by individual offenders, direct and indirect victims, justice system participants, and society as a whole. This will include a discussion of the role of juries in the criminal justice system and how that role intersects with justice outcomes for racialized groups.

Module Four: Applications of Justice

In the final module, we will synthesize concepts from the preceding weeks and apply them in the context of a hypothetical criminal sentencing hearing. We will consider the purposes and principles of sentencing, as well as how they invoke different philosophies of the nature of justice and seek to apportion the varying costs of achieving justice. This will culminate in a group discussion in which we examine a fact pattern and seek to answer the time-old question: what does justice require?

List of Prospective Texts (subject to change)

- 1) [What Is Justice?](#): Crash Course Philosophy (Youtube video)
- 2) Aristotle, *Nicomachean Ethics*, [Book V](#), sections 1-3, 6-7
- 3) This American Life, "[Justice](#)", January 3, 1997 (podcast)
- 4) "[How Can We Win?](#)", June 1, 2020 (video clip)
- 5) The Ben Shapiro Show, "[Rioters and Looters are Evil](#)", June 1, 2020 (podcast)
- 6) "[We will stand up](#)", CBC Docs POV
- 7) Thomas Gabor, "[Costs of Crime and Criminal Justice Responses](#)", Public Safety Canada (2016): *Executive Summary and Background* (pp. 4-10), *The Cost of Individual Offences* (pp. 19-24)
- 8) *Criminal Code of Canada*, [s. 718](#), [s. 718.1](#), [s. 718.2](#)