# ARTSSCI 4MN1 / Interdisciplinary Approaches to Justice (1)Justice: Concepts and Applications

## Sessions: January 17, 24, 31, and February 14 (all 7:00-10:00pm), LRW-3001,plus an experiential outing to a justice-related event (date TBD)Instructor: Jeff Wyngaarden (wyngaapj@gmail.com)

## Introduction

In modern society, we often hear calls for “justice”. Using law as a touchpoint, and drawing on the diverse lived 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 in the abstract and how we know when we’ve achieved it. Next, using historical and contemporary examples, we will examine some of the *tools* of achieving justice – ranging from conventional political action to litigation 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 using a case study that engages with justice on many potential levels, 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 may be appropriate or inappropriate.
3. Evaluate different methods of achieving justice for their efficacy, efficiency, and ethics, with a particular focus on the Canadian political and legal systems.
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.

## Methods of Evaluation

This class asks students to complete two assignments, both of which are marked on a pass/fail basis. You must complete and pass both assignments to pass the course.

## Assignments

Experiential reflection: For the experiential component of this course, we will attend or observe a justice-related event or proceeding. Students are expected to write a reflection on their experience. The reflection should include (1) a brief description of the event, (2) theories or concepts of justice that were at play in the event, and (3) thoughts on how the event might be improved to better achieve justice. Maximum 500 words. *Due February 10*.

Persuasive short essay: 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 February 28*.

## Course Schedule

## Week One (17 January): Theories of Justice

This week will focus on philosophical concepts of justice. We will consider and compare notions of justice as a process, a 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 Canadian social, legal, and/or political systems.

*Required readings*

1. [The Code of Hammurabi](https://sites.ualberta.ca/~egarvin/assets/hammurabi.pdf), Introduction (p. 1) and sections 1-25 (p. 3-4) and 195-214 (p. 15-16)
2. Aristotle, *Nichomachean Ethics*, [Book V](http://classics.mit.edu/Aristotle/nicomachaen.5.v.html), sections 1-3, 6-7
3. [The Fairness Principle: How the Veil of Ignorance Helps Test Fairness](https://fs.blog/veil-ignorance/)

*In-class reading (please skim before class - we will examine this as an in-class case study)*

1. [*R. v. Esseghaier*](https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18734/index.do), 2021 SCC 9, paragraphs 1-10, 35-36, 50-58

*Optional resources*

1. [What Is Justice?](https://www.youtube.com/watch?v=H0CTHVCkm90): Crash Course Philosophy (Youtube video)
2. This American Life, “[Justice](https://www.thisamericanlife.org/48/justice)”, January 3, 1997 (podcast)

## Week Two (24 February): Tools of Justice

In this class, 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 include litigation, mediation, the legislative process, protest, civil disobedience, and civil unrest. We will consider these methodologies through the lenses of efficacy, efficiency, and ethics. In considering these methodologies, we will also look at the guiding principles of some of their best-known practitioners and advocates.

*Required reading/listening (pick one set)*

Set 1:

1. Dr. Martin Luther King Jr., [Letter from Birmingham Jail](https://www.csuchico.edu/iege/_assets/documents/susi-letter-from-birmingham-jail.pdf)
2. “[How Can We Win?](https://www.youtube.com/watch?v=sb9_qGOa9Go&ab_channel=DavidJonesMedia)”, June 1, 2020 (video clip)
3. The Ben Shapiro Show, “[Rioters and Looters are Evil](https://soundcloud.com/benshapiroshow/ep1021)”, June 1, 2020 (podcast), just until 6:00

Set 2:

1. Jonathan Jones, “[What next, petrol on a Picasso? Threatening art is no answer to the climate crisis](https://www.theguardian.com/commentisfree/2022/nov/16/klimt-climate-activists-crisis-petrol-picasso)”, *The Guardian* (November 16, 2022)
2. Lucy Whelan, “[I’m an art historian and climate activist: Just Stop Oil’s art attacks are becoming part of the problem](https://www.theguardian.com/artanddesign/2022/nov/17/im-an-art-historian-just-stop-oil-soup-attacks-prove-theres-nothing-to-worry-about)”, *The Guardian* (November 17, 2022)
3. “[Climate activists are on the right side of history](https://www.theguardian.com/environment/2022/nov/22/climate-activists-are-on-the-right-side-of-history)”, *The Guardian*, letters (November 22, 2022)
4. Damien Gayle, “[Tyre Extinguishers deflate tyres of 900 SUVs in ‘biggest ever action’](https://www.theguardian.com/environment/2022/nov/29/tyre-extinguishers-deflate-tyres-of-900-suvs-in-biggest-ever-action)”, *The Guardian* (November 29, 2022)
5. David Mercer, “[Just Stop Oil considers slashing famous artworks as it threatens to 'escalate' protests](https://news.sky.com/story/just-stop-oil-considers-slashing-famous-artworks-as-it-threatens-to-escalate-protests-12757133)”, *Sky News* (November 30, 2022)

*Optional resources*

1. “[Mantrap](https://thisiscriminal.com/episode-197-man-trap/)”, This Is Criminal (podcast)

## Week Three (31 January): Consequences of Justice

This week 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 focus. 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 might intersect with justice outcomes for marginalized groups.

*Required readings*

1. Thomas Gabor, “[Costs of Crime and Criminal Justice Responses](https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2015-r022/2015-r022-en.pdf)”, Public Safety Canada (2016): *Executive Summary and Background* (pp. 4-10), *The Cost of Individual Offences* (pp. 19-24)
2. “[We will stand up](https://www.youtube.com/watch?v=W2votrF717I&ab_channel=CBCDocs)”, CBC Docs POV (documentary)

## Week Four (14 February): Applications of Justice

In the final week, we will synthesize concepts from the preceding weeks and apply them in the context of a hypothetical case study in which several options for achieving justice will be presented. We will consider the purposes and principles of sentencing in the criminal law context, as well as how they engage with different philosophies of the nature of justice and seek to apportion the varying costs of achieving justice.

1. *Criminal Code of Canada*, [s. 718,](https://laws-lois.justice.gc.ca/eng/acts/c-46/section-718.html) [s. 718.1](https://laws-lois.justice.gc.ca/eng/acts/c-46/section-718.1.html), [s. 718.2](https://laws-lois.justice.gc.ca/eng/acts/c-46/section-718.2.html)

## SENATE-APPROVED ADVISORY STATEMENTS

### ACADEMIC INTEGRITY

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. **It is your responsibility to understand what constitutes academic dishonesty.**

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university. For information on the various types of academic dishonesty please refer to the [*Academic Integrity Policy*](https://secretariat.mcmaster.ca/app/uploads/Academic-Integrity-Policy-1-1.pdf)*,* located at [https://secretariat.mcmaster.ca/university-policies-procedures- guidelines/](https://secretariat.mcmaster.ca/university-policies-procedures-%20guidelines/).

The following illustrates only three forms of academic dishonesty:

* plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
* improper collaboration in group work.
* copying or using unauthorized aids in tests and examinations.

### AUTHENTICITY / PLAGIARISM DETECTION

**Some courses may** use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software. **All submitted work is subject to normal verification that standards of academic integrity have been upheld** (e.g., online search, other software, etc.). For more details about McMaster’s use of Turnitin.com please go to [www.mcmaster.ca/academicintegrity](https://mcmasteru365-my.sharepoint.com/personal/rbishop_mcmaster_ca/Documents/www.mcmaster.ca/academicintegrity).

### COURSES WITH AN ONLINE ELEMENT

**Some courses may** use online elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in a course that uses online elements will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

### ONLINE PROCTORING

**Some courses may** use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and record their computer activities, and/or lock/restrict their browser or other applications/software during tests or exams. This software may be required to be installed before the test/exam begins.

### CONDUCT EXPECTATIONS

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [*Code of Student Rights & Responsibilities*](https://secretariat.mcmaster.ca/app/uploads/Code-of-Student-Rights-and-Responsibilities.pdf) (the “Code”). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online**.

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students’ access to these platforms.

### ACADEMIC ACCOMMODATION OF STUDENTS WITH DISABILITIES

Students with disabilities who require academic accommodation must contact [Student Accessibility Services](https://sas.mcmaster.ca/) (SAS) at 905-525-9140 ext. 28652 or sas@mcmaster.ca to make arrangements with a Program Coordinator. For further information, consult McMaster University’s [*Academic Accommodation of Students with Disabilities*](https://secretariat.mcmaster.ca/app/uploads/Academic-Accommodations-Policy.pdf) policy.

### REQUESTS FOR RELIEF FOR MISSED ACADEMIC TERM WORK

In the event of an absence for medical or other reasons, students should review and follow the [*Policy on Requests for Relief for Missed Academic Term Work*](https://secretariat.mcmaster.ca/app/uploads/Requests-for-Relief-for-Missed-Academic-Term-Work-Policy-on.pdf).

### ACADEMIC ACCOMMODATION FOR RELIGIOUS, INDIGENOUS OR SPIRITUAL OBSERVANCES (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the [RISO](https://secretariat.mcmaster.ca/app/uploads/2019/02/Academic-Accommodation-for-Religious-Indigenous-and-Spiritual-Observances-Policy-on.pdf) policy. Students should submit their request to their Faculty Office ***normally within 10 working days*** of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

### COPYRIGHT AND RECORDING

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors. The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done either by the instructor for the purpose of authorized distribution or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

### EXTREME CIRCUMSTANCES

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.

### NOTES FOR ALL ARTS & SCIENCE COURSES

1. Some of the statements above refer to a “Faculty Office”; please note that the Arts & Science Program Office serves in this capacity.
2. It is the responsibility of students to check their McMaster email regularly. Announcements will be made in class, via A2L, and/or via the course email distribution list.
3. For additional information regarding requests for accommodation, relief for missed term work (e.g. MSAF), deferred examinations, etc., students should read carefully the [Requests](https://artsci.mcmaster.ca/forms-requests/) and [Resources](https://artsci.mcmaster.ca/current-students/resources/) pages on the Arts & Science Program website.