

Faculty of Arts and Social Science
Huron University College
The University of Western Ontario
Phil 3810F (550): JUSTICE

Instructor: Dr. Ryan Robb
Office: Lucas Annex/Zoom
Office Hours: Monday 11:30 a.m. – 12:30 p.m. or
by appointment
e-mail: rrobb@uwo.ca

Class Times: Mon 10:30 – 11:30 a.m.
and Wed 9:30 – 11:30 a.m.
Class Location: W112

Prerequisites: Phil 2700 or 2800 or 2801 or 2821 or 2822

Course Description:

Discussions of justice occur at the locus of ethical, political, and legal theory; fairness is an ethical norm, one that many (most?) believe is and/or should be used to both structure and guide political institutions, institutions whose character is expressed in law. Not surprisingly then, the readings we engage in this course are all concerned with the extent to which existing Western political and legal institutions do and/or should manifest ‘fairness’. Those readings are organized according to a distinction first introduced by Aristotle, i.e., the distinction between ‘corrective’ and ‘distributive’ justice. Contemporary discussions of corrective justice focus on ‘private law’, i.e., the area of law concerned with the voluntary and involuntary relationships between individuals (rather than the relations between citizens and the State), in an effort to determine how the Anglo-American Common Law tradition does and/or should secure fairness in those relations. Contemporary discussions of distributive justice, by contrast, are concerned primarily to identify the principles of fairness by which government institutions are and/or ought to be guided in their efforts to re-distribute the formal/material resources controlled by the State.

Learning Objectives:

The primary goal of this course is to help students improve their existing abilities to think critically about the materials we engage and respond to those readings by developing well-supported arguments. The primary means by which this goal will be accomplished is two essay assignments, supplemented by in-class discussions.

The secondary goal of this course is to familiarize students with the dominant positions taken in the contemporary discussions of corrective and distributive justice. This goal will be accomplished by assessing student comprehension in the form of in-class quizzes.

Class Methods:

80% Lecture – The bulk of our class time will be devoted to ensuring that students understand the positions defended in the readings, and the issues to which those positions give rise.

20% Discussion – Students are expected to attend class having completed the scheduled readings, prepared to discuss each.

Required Resources:

All readings and lecture notes are available under the ‘Resources’ tab on OWL

Method of Evaluation:

Participation/Attendance: 10%

Three Tests: 30% (10% each)

Two 1300 – 1500 word essays: 60% (30% each)

NOTE:

Students are responsible for ensuring that they have successfully completed all course prerequisites. If you do not have the prerequisites for this course, and you do not have written special permission from your Dean to enroll in this course, you will be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Plagiarism is an academic offense and will be treated as such. Students who are in doubt as to the nature of this offence should consult their instructor, Department Chair, or Dean’s Office, as well as the Huron University College Statement on Plagiarism, available at the Reference Desk in the Huron University College Library and at www.huronuc.on.ca. In addition, students may seek guidance from a variety of current style manuals available at the Reference Desk in the Huron University College Library. Information about these resources can be found at <http://huronuc.libguides.com/academicintegrity>

Plagiarism detection software will be used in this course. Students will be required to submit their work in electronic form.

Classroom Mask Policy:

Students will be expected to wear triple layer non-medical masks at all times in the classroom as per Huron policy and public health directives. Students who are unable to wear a mask for medical or religious reasons must seek formal accommodation through Accessible Education at aew@uwo.ca.

Students are expected not to eat or drink while in class to ensure masks stay in place. Students will be able to eat and drink outside of the classroom during scheduled breaks.

Students unwilling to wear a mask as stipulated by Huron policy and public health directives will be referred to the Department, and such actions will be considered a violation of the student Code of Conduct.

Special Instructions:

1. Submission of essays

Please submit your assignments electronically. Do not submit a paper copy.

In order to submit your assignment, simply visit the OWL site for this course. On the left-hand navigation menu you will find the assignment tool. Click on this tool and you will find the assignment guidelines and basic instructions for submitting your assignment. To submit your assignment upload it and click on the submit button at the bottom of the page.

A corrected version of your paper will be returned to you through the OWL site.

2. Extensions

If you miss a quiz or fail to meet the work submission dates for the three essays, extensions may be granted only as a result of a petition to the Academic Counselor of the student's faculty. **Instructors have no authority to waive this requirement, and any unofficial arrangements they make with students will not be respected by the administration.**

All course work must be submitted by the last day of classes, i.e., Wednesday December 8th, 2021.

3. Late essays and penalties

An essay will be considered late if it is handed in after the due date. Late essays will be penalized at the rate of **five** percentage points on the first day it is late, followed by a deduction of **one** percentage point for each subsequent day up to a maximum of 50%, at which point a grade of 0 will be automatically recorded

4. E-mail policy

I am **not** able to respond to philosophical concerns or questions over e-mail. I will deal with such concerns or questions during my office hours **only**. If you have a problem turning in an assignment on time or you need to make an appointment with me or you have some private issue you would like to communicate to me, feel free to use e-mail. Otherwise, please attend my office hours or make an appointment to see me.

Topic Schedule

Weeks 1 through 4: An Introduction to Corrective and Distributive Justice, and the Law of Torts

Readings by Ernest Weinrib, from Aristotle's *Nicomachean Ethics*, Kant's *Metaphysics of Morals*, and a primer on the Law of Torts

Weeks 5 through 8: Corrective Justice

Readings from Ernest Weinrib's *Corrective Justice*, along with John Gardner's "What is Tort Law for?", John Goldberg and Ben Zipursky's "Torts as Wrongs", Zoe Sinel's "Concerns about Corrective Justice"

Weeks 9 through 12: Distributive Justice

Readings from John Rawls's *A Theory of Justice*, followed by Robert Nozick's *Anarchy, State, and Utopia*, Barbara Fried's "Wilt Chamberlain Revisited", Liam Murphy and Thomas Nagel's *The Myth of Ownership*, and Susan Okin's "Justice and Gender".

Test Dates

Test #1 – Wednesday October 6th

Test #2 – Wednesday November 10th

Test #3 – Scheduled by the Office of the Registrar, during the final exam period.

Essay Due Dates

Essay 1: Friday October 22nd

Essay 2: Friday December 3rd



Appendix to Course Outlines: Academic Policies & Regulations 2021 - 2022

Prerequisite and Antirequisite Information

Students are responsible for ensuring that they have successfully completed all course prerequisites and that they have not completed any course antirequisites. Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Pandemic Contingency

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, all remaining course content will be delivered entirely online, typically using a combination of synchronous instruction (i.e., at the times indicated in the timetable) and asynchronous material (e.g., posted on OWL for students to view at their convenience). Any remaining assessments will also be conducted online at the discretion of the course instructor. In the unlikely event that changes to the grading scheme are necessary, these changes will be clearly communicated as soon as possible.

Student Code of Conduct

Membership in the community of Huron University College and Western University implies acceptance by every student of the principle of respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Upon registration, students assume the responsibilities that such registration entails. While in the physical or online classroom, students are expected to behave in a manner that supports the learning environment of others. Please review the Student Code of Conduct at: <https://huronatwestern.ca/sites/default/files/Res%20Life/Student%20Code%20of%20Conduct%20-%20Revised%20September%202019.pdf>.

Attendance Regulations for Examinations

A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations:

- 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year.
- 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Review the policy on Attendance Regulations for Examinations here:

https://www.uwo.ca/univsec/pdf/academic_policies/exam/attendance.pdf.

Statement on Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following website: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf. The appeals process is also outlined in this policy as well as more generally at the following website: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/appealsundergrad.pdf.

Turnitin.com

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Statement on Use of Electronic Devices

It is not appropriate to use electronic devices (such as, but not limited to, laptops, cell phones) in the classroom for non-classroom activities. Such activity is disruptive and distracting to other students and to the instructor, and can inhibit learning. Students are expected to respect the classroom environment and to refrain from inappropriate use of technology and other electronic devices in class.

Statement on Use of Personal Response Systems (“Clickers”)

Personal Response Systems (“clickers”) may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else’s clicker in class constitutes a scholastic offence
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence.

Academic Consideration for Missed Work

Students who are seeking academic consideration for missed work during the semester may submit a self-reported absence form online provided that the absence is **48 hours or less** and the other conditions specified in the Senate policy at

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf are met.

Students whose absences are expected to last **longer than 48 hours**, or where the other conditions detailed in the policy are not met (e.g., work is worth more than 30% of the final grade, the student has already used 2 self-reported absences, the absence is during the final exam period), may receive academic consideration by submitting a Student Medical Certificate (for illness) or other appropriate documentation (for compassionate grounds). The Student Medical Certificate is available online at

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf.

All students pursuing academic consideration, regardless of type, must contact their instructors no less than 24 hours following the end of the period of absence to clarify how they will be expected to fulfill the academic responsibilities missed during their absence. **Students are reminded that they should consider carefully the implications of postponing tests or midterm exams or delaying submission of work, and are encouraged to make appropriate decisions based on their specific circumstances.**

Students who have conditions for which academic accommodation is appropriate, such as disabilities or ongoing or chronic health conditions, should work with Accessible Education Services to determine appropriate forms of accommodation. Further details concerning policies and procedures may be found at:

<http://academicssupport.uwo.ca/>.

Policy on Academic Consideration for a Medical/ Non-Medical Absence

(a) Consideration on Medical Grounds for assignments worth *less than 10%* of final grade: Consult Instructor Directly and Contact Academic Advising

When seeking consideration on **medical grounds** for assignments worth *less than 10%* of the final course grade, and if the student has exceeded the maximum number of permissible Self-Reported absences, the student should contact the instructor directly. The student need only share broad outlines of the medical situation. The instructor **may** require the student to submit documentation to the academic advisors, in which case she or he will advise the student and inform the academic advisors to expect documentation. If documentation is requested, the student will need to complete and submit the [Student Medical Certificate](#). The instructor may **not** collect medical documentation. The advisors will contact the instructor when the

medical documentation is received, and will outline the severity and duration of the medical challenge as expressed on the Student Medical Certificate and in any other supporting documentation. The student will be informed that the instructor has been notified of the presence of medical documentation, and will be instructed to work as quickly as possible with the instructor on an agreement for accommodation.

(b) Consideration on Non-Medical Grounds: Consult Huron Support Services/Academic Advising, or email hurousss@uwo.ca.

Students seeking academic consideration for a **non-medical** absence (e.g. varsity sports, religious, compassionate, or bereavement) will be required to provide appropriate documentation where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported. All consideration requests must include a completed [Consideration Request Form](#). Late penalties may apply at the discretion of the instructor.

Please review the full policy on Academic Consideration for medical and non-medical absence at: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf. Consult [Huron Academic Advising](#) at hurousss@uwo.ca for any further questions or information.

Support Services

For advice on course selections, degree requirements, and for assistance with requests for medical accommodation, students should email an Academic Advisor in Huron's Student Support Services at hurousss@uwo.ca. An outline of the range of services offered is found on the Huron website at: <https://huronatwestern.ca/student-life/student-services/>.

Department Chairs, Program Directors and Coordinators are also able to answer questions about individual programs. Contact information can be found on the Huron website at: <https://huronatwestern.ca/contact/faculty-staff-directory/>.

If you think that you are too far behind to catch up or that your workload is not manageable, you should consult your Academic Advisor. If you are considering reducing your workload by dropping one or more courses, this must be done by the appropriate deadlines. Please refer to the Advising website, <https://huronatwestern.ca/student-life/student-services/academic-advising/> or review the list of official Sessional Dates on the Academic Calendar, available here: <http://www.westerncalendar.uwo.ca/SessionalDates.cfm>.

You should consult with the course instructor and the Academic Advisor who can help you consider alternatives to dropping one or more courses. Note that dropping a course may affect OSAP and/or Scholarship/Bursary eligibility.

Huron Student Support Services: <https://huronatwestern.ca/student-life/student-services/>

Office of the Registrar: <https://registrar.uwo.ca/>

Student Quick Reference Guide: <https://huronatwestern.ca/student-life/student-services/#1>

Academic Support & Engagement: <http://academicsupport.uwo.ca/>

Huron University College Student Council: <https://huronatwestern.ca/student-life/beyond-classroom/hucsc/>

Western USC: <http://westernusc.ca/your-services/#studentservices>

Mental Health & Wellness Support at Huron and Western

University students may encounter setbacks from time to time that can impact academic performance. Huron offers a variety of services that are here to support your success and wellbeing. Please visit

<https://huronatwestern.ca/student-life-campus/student-services/wellness-safety> for more information or contact staff directly:

Wellness Services: huronwellness@huron.uwo.ca

Community Safety Office: safety@huron.uwo.ca

Chaplaincy: gthorne@huron.uwo.ca

Additional supports for Health and Wellness may be found and accessed at Western through, <https://www.uwo.ca/health/>.