

Faculty of Arts and Social Science
Huron University College
The University of Western Ontario
Phil 3810G: JUSTICE

Instructor: Dr. Ryan Robb
Office: HUC-V128
Office Hours: 1 hour after class on M and W
e-mail: rrobb@uwo.ca

Class Times: M 11:30 a.m. – 12:30 p.m.
and W 11:30 a.m.– 1:30 p.m.
Class Location: HUC-W112

Antirequisite(s) at Main campus: Law 5770.

Prerequisite(s): Philosophy 2700F/G or Philosophy 2800F/G or Philosophy 2801F/G or Philosophy 2821F/G or Philosophy 2822F/G.

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 three short 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%

Four In-Class Quizzes (best 3 will be counted): 30% (10% each)

Three 1000 – 1200 word essays: 60% (20% 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.

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 Advisor 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., Tuesday, April 9th, 2019.

Academic policies on examinations, appeals, absences due to illness, etc. may be found in the 2018-19 Academic Calendar. For further information, contact your Faculty's Academic Advisor.

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 4 through 9: 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 13: 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".

In-Class Quiz Dates

Quiz #1 – Monday January 28th
Quiz #2 – Monday February 25th
Quiz #3 – Monday March 18th
Quiz #4 – Monday April 8th

Essay Due Dates

Essay 1: Friday February 15th
Essay 2: Friday March 15th
Essay 3: Tuesday April 9th



Appendix to Course Outlines

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 enrol in it without them, you may be removed from this course and it will be deleted from your record. If you enrol in this course despite having already taken an antirequisite you may be removed from this course and it will be deleted from your record. Removals for these reasons 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 or for having already taken the antirequisites.

Conduct of Students in Classes, Lectures, and Seminars

Membership in the community of Huron University College and the University of Western Ontario 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. The academic and social privileges granted to each student are conditional upon the fulfillment of these responsibilities.

In the classroom, students are expected to behave in a manner that supports the learning environment of others. Students can avoid any unnecessary disruption of the class by arriving in sufficient time to be seated and ready for the start of the class, by remaining silent while the professor is speaking or another student has the floor, and by taking care of personal needs prior to the start of class. If a student is late, or

knows that he/she will have to leave class early, be courteous: sit in an aisle seat and enter and leave quietly.

Please see the *Code of Student Conduct* at:

<https://huronuc.on.ca/sites/default/files/pdfs/Code%20of%20Student%20Conduct.pdf>

Technology

It is not appropriate to use technology (such as, but not limited to, laptops, cell phones) in the classroom for non-classroom activities. Such activity is disruptive and is 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.

Academic Accommodation for Medical/Non-Medical Grounds

Students who require special accommodation for tests and/or other course components must make the appropriate arrangements with the Student Development Centre (SDC). Further details concerning policies and procedures may be found at:

http://www.sdc.uwo.ca/ssd/?requesting_acc

(a) Medical Grounds for assignments worth 10% or more of final grade: Go Directly to Academic Advising

University Senate policy, which can be found at

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf,

requires that all student requests for accommodation on medical grounds for assignments worth 10% or more of the final grade be made directly to the academic advising office of the home faculty (for Huron students, the “home faculty” is Huron), with supporting documentation in the form (minimally) of the Senate-approved Student Medical Certificate found at:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform_15JUN.pdf.

The documentation is submitted in confidence and will not be shown to instructors. 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. The instructor will not normally deny accommodation where appropriate medical documentation is in place and where the duration it describes aligns with the due date(s) of assignment(s). Before denying a request for accommodation on medical grounds, the instructor will consult with the Dean. The instructor’s decision is appealable to the Dean.

(b) Accommodation on Medical Grounds for assignments worth less than 10% of final grade: Consult Instructor Directly

When seeking accommodation on medical grounds for assignments worth less than 10% of the final course grade, 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. 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. The instructor will not normally deny accommodation where appropriate medical documentation is in place and where the duration it describes aligns with the due date(s) of assignment(s). Before denying a request for accommodation on medical grounds, the instructor will consult with the Dean. The instructor's decision is appealable to the Dean.

(c) Non-medical Grounds: Consult Instructor Directly

Where the grounds for seeking accommodation are not medical, the student should contact the instructor directly. Late penalties may apply at the discretion of the instructor. Apart from the exception noted below, academic advisors will not be involved in the process of accommodation for non-medical reasons.

Where a student seeks accommodation on non-medical grounds where confidentiality is a concern, the student should approach an academic advisor with any documentation available. The advisors will contact the instructor after the student's request is received, and will outline the severity and duration of the challenge without breaching confidence. The student will be informed that the instructor has been notified that significant circumstances are affecting or have affected the student's ability to complete work, and the student will be instructed to work as quickly as possible with the instructor on an agreement for accommodation. Before denying a request for accommodation where documentation has been submitted to an academic advisor, the instructor will consult with the Dean. The instructor's decision is appealable to the Dean.

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 Web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Statement on Academic Integrity

The International Centre for Academic Integrity defines academic integrity as "a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow principles of behaviour that enable academic communities to translate ideals to action." (CAI Fundamental Values Project, 1999).

A lack of academic integrity is indicated by such behaviours as the following:

- Cheating on tests;
- Fraudulent submissions online;
- Plagiarism in papers submitted (including failure to cite and piecing together unattributed sources);
- Unauthorized resubmission of course work to a different course;
- Helping someone else cheat;
- Unauthorized collaboration;
- Fabrication of results or sources;
- Purchasing work and representing it as one's own.

Academic Integrity: Importance and Impact

Being at university means engaging with a variety of communities in the pursuit and sharing of knowledge and understanding in ways that are clear, respectful, efficient, and productive. University communities have established norms of academic integrity to ensure responsible, honest, and ethical behavior in the academic work of the university, which is best done when sources of ideas are properly and fully acknowledged and when responsibility for ideas is fully and accurately represented.

In the academic sphere, unacknowledged use of another's work or ideas is not only an offence against the

community of scholars and an obstacle to academic productivity. It may also be understood as fraud and may constitute an infringement of legal copyright.

A university is a place for fulfilling one's potential and challenging oneself, and this means rising to challenges rather than finding ways around them. The achievements in an individual's university studies can only be fairly evaluated quantitatively through true and honest representation of the actual learning done by the student. Equity in assessment for all students is ensured through fair representation of the efforts by each.

Acting with integrity at university constitutes a good set of practices for maintaining integrity in later life. Offences against academic integrity are therefore taken very seriously as part of the university's work in preparing students to serve, lead, and innovate in the world at large.

A university degree is a significant investment of an individual's, and the public's, time, energies, and resources in the future, and habits of academic integrity protect that investment by preserving the university's reputation and ensuring public confidence in higher education.

Students found guilty of plagiarism will suffer consequences ranging from a grade reduction to failure in the course to expulsion from the university. In addition, a formal letter documenting the offence will be filed in the Dean's Office, and this record of the offence will be retained in the Dean's Office for the duration of the student's academic career at Huron University College.

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.

Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

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.

Policy on Special Needs

Students who require special accommodation for tests and/or other course components must make the appropriate arrangements with the Student Development Centre (SDC). Further details concerning policies and procedures may be found at:

http://www.sdc.uwo.ca/ssd/?requesting_acc

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.

Class Cancellations

In the event of a cancellation of class, every effort will be made to post that information on the Huron website, <https://huronuc.on.ca/about/accessibility> (“Cancellations and Closures”).

Mental Health @ Western

Students who are in emotional/mental distress should refer to Mental Health @ Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Academic Advising

For advice on course selections, degree requirements, and for assistance with requests for medical accommodation [see above], students should contact an Academic Advisor in Huron’s Student Support Services (huronsss@uwo.ca). An outline of the range of services offered is found on the Huron website at: <https://huronuc.ca/student-life-campus/student-services/academic-advising>

Department Chairs and Program Directors and Coordinators are also able to answer questions about their individual programs. Their contact information can be found on the Huron website at: <https://huronuc.ca/student-life-campus/art-social-science>