



Pre-Lesson on Justice

What are the Different Kinds of Issues of Justice?
How Can We Examine Issues of Distributive Justice?

Introduction

This pre-lesson has been provided for non-SVPDP teachers to give both the teacher and students the necessary background to successfully complete the Women's History month lesson on the Equal Rights Amendment. Both the content and tools learned here can be applied to other historical and current issues found in history or government classes throughout the year.

Overview

This lesson condenses three lessons found in the student text of the *Foundations of Democracy* curriculum on justice. Students first explore the concept of justice by identifying and then analyzing three types of problems that raise issues of distributive, corrective, and procedural justice. Students are then presented with excerpts from the Declaration of Independence, the U.S. Constitution and Bill of Rights, and subsequent amendments that have been designed to establish principles or polices of law related to the three types of issues of justice. Finally, students focus attention on distributive justice by using the intellectual tools designed to examine its issues.

Suggested Grade Level

Middle school and high school (grades 7–12)

Estimated Time to Complete

Approximately 45–90 minutes

Lesson Objectives

At the conclusion of this lesson, students will be able to do the following:

- 1) describe distributive, corrective and procedural justice
- 2) classify situations that raise issues of distributive, corrective, or procedural justice
- 3) explain the usefulness of classifying issues of justice in this way
- 4) classify excerpts from our nation's founding documents as dealing with distributive, corrective, or procedural issues
- 5) identify the principles, values, and interest that the excerpts are designed to protect and promote
- 6) define the principle of similarity

- 7) apply the principle of similarity, using the consideration of need, capacity and desert in analyzing particular situations
- 8) explain the need to take other values and interest into account when developing a position on an issue of distributive justice
- 9) explain the usefulness of the principle of similarity and the considerations of need, capacity, and desert in analyzing issues of distributive justice

Materials Needed

Student text of the lesson
Intellectual Tools Chart

Before the Lesson

Read this lesson and the student pages and determine how best to impart the concepts within and which critical thinking exercises to complete with students.

Lesson Procedure

1. *Beginning the lesson.* Ask students to define justice. List their responses on the chalkboard or chart paper.

2. *Examining issues of justice.* Have students complete the critical thinking exercise either as a class or in small groups.

3. *Why do we divide issues of justice into different categories?* Review this section with students. List the three categories of justice on the board. Ask students to give examples for each other than the ones in text's examples.

Define for students the term "intellectual tools," an analytical framework to help them think critically and develop reasoned and responsible positions on important issues. The term "intellectual tools" refers to a wide variety of ideas and sets of questions useful in examining and making decisions about issues.

4. *Critical Thinking Exercise: Identifying Issues of Distributive, Corrective, and Procedural Justice*

Note: This exercise is optional and may be condensed or executed verbally to quickly assess student understanding.

5. *Applying the concepts.* Have students complete this important critical thinking exercise: Examining Justice—A National Idea. It directs students to apply what

they have learned about the issues of justice to the fundamental legal documents of the American government.

6. *Read and Discuss.* Ask students to read the three sections entitled:

- What are some issues of distributive justice?
- How can you decide issues of distributive justice?
- What difficulties may arise in applying the principle of similarities?

As you read the second section, ask students to answer the questions embedded in the reading after the examples provided.

7. *Critical Thinking Exercise: Identifying Relevant Considerations*

This exercise illustrates these difficulties discussed in the preceding reading.

Note: This is an optional exercise and can be condensed into a class discussion or small group discussion or skipped.

8. *What values and interests should be considered?* Have students define the terms values and interests and ask them to offer examples of values and interests from the reading or their own experience.

9. *Using Intellectual Tools to Evaluate a Legal Case.* This critical thinking exercise allows students to apply intellectual tools to a real legal case. Use the intellectual tool chart provided for this activity.

10. *Concluding the lesson.* To conclude the lesson, ask groups to share their analysis of the Colorado anti-discrimination case with the class. Use the chart to direct the discussion. At the end of the discussion, you may want to share the decision of the Court with the class.

Colorado Anti-Discrimination Commission v. Continental Airlines, Inc., 372 U.S. 714 (1963). The Colorado Anti-Discrimination commission found the company had discriminated in violation of state law and ordered it to give Green the first opening in its next training course. A state court overruled the Commission's order, however, on the grounds that the state law unduly burdened interstate commerce. The U.S. Supreme Court reversed the trial court. The state anti-discrimination law, the Court said, did not conflict with or frustrate any federal law that might also regulate employment discrimination by airlines. Nor did it deny the airlines any rights granted by Congress.