

What is Fairness or Justice?



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Grade level: 6-8

Objectives: Students will be able to:

- Define fairness or justice
- Explain distributive, corrective and procedural justice
- Identify situations in their lives when fairness or justice applied

Background

The Preamble to the United State Constitution includes “Establish Justice” as one of the purposes for creating the constitution. Lady Justice, blindfolded with measuring scales and a sword, is an allegorical personification of the moral force in the judicial system. The Pledge of Allegiance ends with the words “with liberty and justice for all.” The federal government and each state maintain a Department of Justice. The term “justice” and the concept of fairness are all around us.

Anticipatory Set: What does “fairness” or “justice” mean?

That’s not Fair! Everybody has an idea of what’s fair, especially in regard to themselves. Ask your class: Where do we get our ideas about fairness or justice? Discuss the ideas generated by the students and conclude: We get our ideas about fairness or justice from:

- our families
- our religious and/or cultural beliefs or morals
- rules and laws that tell us what is right and wrong.

Background

Philosophers and religions have grappled with the issue of fairness or justice for millennium. Plato was concerned about how to have a good society. In his Utopian Republic he had it ruled by “philosopher kings” who would make fair and just decisions. The Judeo-Christian and other religions emphasize the ‘Golden Rule’: treat others as you would like to be treated.

Scottish Enlightenment philosopher David Hume (1711-1776) described justice as "... a convention [practice] entered into by all the members of a society to bestow stability on the possession of all those external goods, and leave everyone in the peaceable enjoyment of what he may acquire by his fortune and industry. . .it is by that means we maintain society...."

British jurist, philosopher and social reformer Jeremy Bentham (1748-1832) suggested that the fairness or justice of an act depended on the extent to which its benefits outweigh the pain or detriments to the greatest number of people (Utilitarian Theory).

John Rawls (1921-2002) was concerned that the liberties or interests of some citizens (especially minorities) might be limited or sacrificed for the "good" of the majority and suggested that inequalities are justified only if they benefit the worst off (the difference principle in distributive justice). He suggested that to determine what is "just" we should consider how we should treat everybody by operating behind a "veil of ignorance," not knowing who is the object of our actions.

Three types of justice

Fairness may depend on the situation.

For example, when we are concerned about the fairness of how something is shared or distributed, we look at the benefit or the burden of the thing to be distributed. For example, how should the amount of pay for work (the benefit) be allocated? Or how should household chores or taxes (the burden) be distributed. This is **distributive justice**. John Rawls was mostly concerned about distributive justice and this probably what we think of mostly often when we talk about fairness or justice.

When we are concerned about the fairness of how we correct or respond to some injury (such as an accident) or wrongdoing (such as a crime), we are talking about **corrective justice**.

When we are concerned about how we gather information and make decisions, we are talking about **procedural justice**.

Activity: Ask students to identify which type of justice is involved in the following situations:

- Your class has 12 color markers. There are 20 students who want to use them.

Distributive—how to share the markers

- A student in your class cheats on a test.

Corrective—how to respond to a wrong

- The principal wants to find out who painted graffiti in the restrooms.

Procedural—how to gather information

- Your class has to decide how much each student should donate for a spring party.

Distributive—how to share the burden

- The librarian has \$2000 to spend on the school library. She has to decide whether to buy more books or a new computer.

Procedural—how to fairly gather information and decide

- During recess, a student in your class throws a ball and breaks a window.

Corrective—how to respond to a wrong

Have students identify situations involving distributive, corrective and procedural justice from media sources or in their own lives and discuss them in class.

Distributive Justice

Distributive justice is based on the principle of similarity, that is, people who are in similar positions should be treated the same. How do we determine which similarities or differences are important? We consider: need, capacity and desert.

Ask: What are the Similarities or Differences among these people in terms of

- Need: the degree to which the persons or groups are similar or different in terms of need for what is being distributed.

Example: Suppose there are ten people waiting in a hospital emergency room. Six have been waiting a long time, but are not seriously injured. The other four, who just arrived, suffered severe injuries in a car crash.

Ask students: Who has the greatest need and should be seen first?

The four seriously injured people because they had the greatest need.

- Capacity: the degree to which the persons or groups are similar or different in terms of their capacity or ability to deal with whatever is being distributed.

Example: Six students want to work on the school newspaper. Two of the students write very well.

Ask: Who has the greatest capacity and should be given the opportunity?

The two students who write well should be given the opportunity to write on the school newspaper based on their capacity or ability.

- Desert: the degree to which the persons or groups are similar or different in terms of deserving what is being distributed.

Example: Suppose that in the Olympic Games six nations had teams running the 400-meter relay race. At various stages, different teams were ahead, but at the finish the runner from Germany was first over the finish line, the runner from Canada was second over the line and the runner from the United States was third over the line.

Ask: Which teams were the most deserving of the Gold Medal, Silver Medal and Bronze Medal?

Germany deserved the Gold Medal to Germany, Canada the Silver Medal and the U.S. the Bronze Medal based on their performance.

Activity: Have students consider the following scenarios and determine:

- How are the people in each situation the same?
- How are they different?
- How should similarity of need, capacity or desert be applied?
- What would be the fair thing to do in each situation?

1: Your community has had a terrible fire. The Red Cross has a limited amount of food and clothing to help people. The fire did not hurt several families. It did destroy the home and property of many others.

- Those families whose homes were destroyed should get the limited food and clothing based on the greatest need and desert.

2: On the island of Exuma, food was distributed to people based on how tall they were. Tall people got more food than short people. The reasoning behind the policy was that the shorter a person was, the smaller his or her stomach was and the less food he or she needed.

- Height is not a rational basis for a fair distribution of benefits (food).

3: You want to leave your five-year old child with a baby sitter. Your cousins have all asked to babysit. The ages of your cousins are seven, ten and fourteen.

- Capacity—in this case age—should be the basis for deciding what would be fair. The 14 year old is probably the only one with the capacity to babysit.

4: In your class, three students always interrupt others. They make it difficult to learn. Your teacher needs to decide who should receive poor grades in citizenship.

- Desert—obviously the students who are always interrupters do not deserve a good grade in citizenship.

Corrective Justice

Corrective justice refers to the fairness of responses to wrongs or injuries. Wrongs are intentional and may require different responses than injuries, which are unintentional, such as accidents or carelessness. Criminal negligence is conduct where a person ignores an obvious risk or disregards the life and safety of those around him and is a wrong, even if the resulting injuries were not specifically intended.

Ask students: Do the following situations involve wrongs or injuries?

- Three teenagers assaulted Mrs. Samuels. They stole her purse. Mrs. Samuels broke her arm in the fall.
 - The assault was an intentional wrong. While breaking her arm was probably not intentional, it was something that was potentially foreseeable from the assault and therefore, negligent and a wrong.
- Jake extorted money (\$1000) from Ryan based on blackmail.
 - A wrong or crime—extorting money is an intentional crime and it requires preparation and intent.

- Juliet dropped Paula’s pot. The pot broke into several pieces.
 - Injury—an accident, not intentional
- Sally takes her baby sister’s toys because she is making noise with them and bothering her.
 - A wrong—Intentional
- Suzy and Tom run through Mr. Brown’s garden causing damage.
 - May not have been intentional, but Tom and Suzy should have known that they were being negligent and causing damage.
- After borrowing a book from the library, Mr. Green lost it.
 - Injury—not intentional
- Matt and Mark had an argument. Matt is angry. He thinks about how angry he is and plans revenge. The next week, he buys a gun and shoots and kills Mark.
 - A wrong or crime—intentional
- Just before an election for mayor in a small town, a local newspaper opposed to one of the candidates printed several stories which hinted that the candidate might be guilty of taking bribes and having connections with organized crime.
 - Might be a wrong—intentional comments made
- Two men were arrested and convicted of selling narcotics to teenagers
 - A wrong or crime—intentional selling of something illegal

Additional Background: Why is intent so important?

Historically, corrective justice was based on ideas about “retribution” and “restoration”. When members of one tribe harmed members of another, they had to pay compensation to keep the peace. Punishing offenders restores balance to society and satisfies society’s need or desire for vengeance. Retribution and restorative principles appear in law codes from the ancient Near East, including the Babylonian Code of Hammurabi (c. 1750 BCE) and the Old Testament (written c. 13-14th century BCE). At its core is the principle of equal and direct retribution, as expressed in Exodus 21:23-25 as “an eye for an eye, a tooth for a tooth.” Destroying the eye of a person of equal social standing meant that one’s own eye would be put out. *Lex talionis* is Latin for the law of retaliation. It connects to the original retributive notion of paying back a debt, and it specifies that the debt is to be paid back in kind. Victims were to be compensated for the intentional and unintentional harms they suffered, and offenders were to be punished because they had done wrong. In general, the severity of the punishment was proportionate to the seriousness of the crime. This was viewed as “justice”.

Under retribution, both the criminal act and the intent to commit it (*mens rea*) must be present before punishment can be imposed. Retribution also forbids the punishment of offenders who cannot be held responsible for their actions. Insane or intellectually disabled individuals, for example, should not be penalized for acts that result from mental illness or disability. In addition, acts that are truly accidental, as well as those committed by children, are not subject to the same punishment as those committed by adults who possess criminal intent.. If individuals do

not or cannot form *mens rea* (i.e., they cannot freely choose how they act), they do not deserve to be punished for their actions.

The restorative part of justice is focused on helping the victims and survivors of crime, usually in the form of receiving payment from the offender. If the crime is against the state, such as defacing a public building, since the whole community is harmed, the response may be community service or something to restore the community.

Most legal scholars agree that restorative and retributive justice elements coexisted for centuries in justice systems that recognized the value of victims and their recovery from harm perpetuated by offenders. In 451–450 BCE, the Law of Twelve Tables was drafted by a committee of Roman judges. It signaled the end of private justice achieved through blood feuds by confirming compensation as the accepted method of justice in ancient Rome. In the Twelve Tables, restitution was the sanction of choice for most crimes, and victim retaliation was tolerated only when attempts to obtain restitution had failed. In many respects, the Twelve Tables indicated the beginning of state-involved justice. Around 1116 England's Henry I redefined offenses as crimes against the king or government and thus shifted the focus of justice away from concern for victims. Instead of harming victims, crimes came to be viewed as transgressions against an amorphous "king's peace."

Other concepts for determining the basis of a fair response to a crime or wrong are "rehabilitation" and "deterrence." The concept of deterrence is to punish a wrongdoer so that it deters or stops others from committing such acts. The idea of criminal rehabilitation and prevention is to help those who have committed wrongs to change so that they will not commit any further crimes (prevention).

Critical Thinking Activity: Are these fair responses to wrongs? Why or why not?

- Three teenagers assaulted Mrs. Samuels. They stole her purse. Mrs. Samuels broke her arm in the fall. Mrs. Samuels charges the three teenagers with assault but they are only given a reprimand by the court.
 - Probably not. The assault was an intentional wrong. While breaking her arm was probably not intentional, it was something that was potentially foreseeable from the assault and therefore, negligent. Based on idea of retribution and restoration the three teenagers should receive a punishment proportional to the crime. On the other hand, if the teenagers were minors and had not committed any prior offenses, the court may be more concerned about rehabilitation and prevention the teenagers from committing other crimes.
- Jake extorted money (\$1000) from Ryan. The court sentenced him to 50 years in prison.
 - No. Although Jake has committed an intentional crime, 50 years in prison serves no purpose other than vengeance and is not a fair response to extorting \$1000.
- Juliet unintentionally dropped Paula's pot. The pot broke into several pieces. Paula asks Juliet to buy her a new pot, of the same size and quality.
 - Yes, this is probably fair. It restores Paula to where she was before the incident, which was unintentional.

- Sally takes her baby sister's toys because she is making noise with them and bothering her. Your parents send you to your room for an hour's timeout.
 - Yes, it is fair. The purpose of corrective justice is more than simply punishment, it also aims to prevent the wrongdoing from happening again (prevention) and to discourage others from committing wrongs and causing injuries for fear of the consequences (deterrence).
- Suzy and Tom run through Mr. Brown's garden causing damage. Mr. Brown asks them to either pay to repair the damage and/or work to fix it.
 - Yes, this is probably fair. Although the damage may not have been intentional, Tom and Suzy should have known that they were being negligent and causing damage. Having them fix or repair the damage restores Mr. Brown to where he was before the incident and is proportional to the injury. It will deter Suzy and Tom, and possibly others, from such negligent behavior. The issue would be how much money or work would be fair to make Mr. Brown whole.
- After borrowing a book from the library, Mr. Green lost it. The library required that he pay the price of a new book to compensate for the one he had lost.
 - Yes, it is fair. Mr. Green injured the general public by losing a library book. Having him pay to replace the book will compensate the library for the injury and will deter Mr. Green and perhaps others from losing library books.
- Matt and Mark had an argument. Matt is angry. He thinks about how angry he is and plans revenge. The next week, he buys a gun and shoots and kills Mark. The court sentences Matt to five years in prison.
 - No, if a person kills someone else, it is usually referred to as a homicide, regardless of the intent and circumstances surrounding the situation. That does not mean that every homicide results in criminal charges. For example, certain instances of self-defense or homicide as a result of an accident may not warrant charges. However, there was no claim of self-defense here. If the homicide was planned or committed on purpose, as it was by Matt, it is considered murder. Generally, the penalty for murder in New Jersey, for example, can range from 15 years to life. The sentence for murder reflects the seriousness of the crime, and the desire to prevent recurrence and to deter others.
- Just before an election for mayor in a small town, a local newspaper opposed to one of the candidates printed several stories which hinted that the candidate might be guilty of taking bribes and having connections with organized crime. The candidate lost and sued the newspaper. At the trial, the newspaper was unable to provide any evidence to back up their stories. The court ordered the newspaper to pay the candidate \$20,000 in damages.
 - Question whether accidental or not. If not, it was libel and should be punished as a deterrent to keep newspapers from making false claims

- Two men were arrested and convicted of selling narcotics to teenagers. They were sentenced to 3 to 5 years in prison.
 - This was an intentional crime and the response needs to be enough punishment for prevention and deterrence.

Critical thinking: What would be corrective justice and why?

Felonies are serious crimes, which often involve violence and require incarceration, such as arson, grand theft, kidnapping, murder, and rape. Many states take away the voting rights of felons serving prison terms as part of their punishment, based on the idea that voting is a privilege which is forfeited. The constitutionality of felons forfeiting their voting privilege was upheld by U.S. Supreme Court in *Richardson v. Ramirez* (1974). However, some states allow the vote to be returned once the individual has served his term.

What do you think would be corrective justice in terms of returning the vote to felons after they have served their prison terms, and why?

Students might answer that corrective justice has been served by incarceration and having felons forfeit their right to vote does not serve any corrective purpose. It is unlikely to deter others from committing a felony.

Alternatively, student might respond that by committing serious crimes, felons have forfeited their right to vote, and they and others should consider this before committing felonies. The basis may be more likely retribution

Procedural justice

Procedural justice refers to the fairness of the ways information is gathered and how decisions are made—not to the fairness of the decisions themselves. We think of this primarily in a judicial setting but due process is followed by all branches of government, including in schools. Basically, the rights of the individual and the right of society to be safe are balanced against the potential severity of the consequences

The goals of procedural justice are:

1. To increase the chances of discovering information necessary to make wise and just decisions
2. To insure the wise and fair use of the information in making decisions
3. To protect important values and interests, such as the right to privacy, human dignity, freedom of expression and distributive justice

Critical thinking: What do you think?

Have students work with a partner or in small groups to consider how fair were the procedures used to gather information or to make the decisions in the following situations. How could you make the procedures fair?

- Your physical education teacher decided to let the class choose what game they will play during the physical education period. The teacher asks for suggestions from several students and then says, “OK, that’s it—volleyball.” Although you and your friends who wanted to play basketball raised your hands, you were not given the opportunity to make your suggestions before the decision was made.

- The teacher should hear from everybody before making a decision. And then, since the teacher said that the class could choose, they should be involved in the decision, by voting.
- Two neighbors inform the police that you look very much like one of a group of teenagers who broke into the school over the weekend and destroyed property in several classrooms. The police arrest you and charge you with vandalism.
 - Police should gather more evidence before making an arrest. Were their fingerprints? Did anyone see the vandals? Did you get to explain where you were at the time and have it corroborated?
- Acting on a tip from an informer, the secret police broke into Alicia's house and searched for materials critical of the government. When they found several books written by writer with "foreign" sounding names, they took Alicia to the police station. After being questioned for five days without sleep and with nothing to eat but bread and water, Alicia confessed. She admitted that she had criticized the government several times. She was then tried as a traitor, convicted and sent to a work camp for ten years.
 - This entire scenario violates every right to personal dignity and free expression. A tip is not a sufficient basis for breaking into somebody's house. In the United States, the fourth amendment requires that the police have a warrant from a court based on evidence of the likelihood of
- A commission was established by the federal government to license industrial plants on public lands. The commission was required to hold public hearings before giving licenses. Several times, however, the commission refused to allow certain groups to make presentations at public hearings. The commission claimed that its staff had already studied and rejected the positions the groups wished to present.
 - Procedural justice would require that the commission hear from all groups interested in making a presentation at their public hearings before it makes a decision. It may comment after hearing from all groups, when it makes its decision that certain positions had been studied and rejected, giving the reasons for the rejection.

The Founders of our nation included a Bill of Rights which included basic rules for procedural justice.

Activity: Ask students to look at the Bill of Rights and Identify procedural due process rights::

They should identify the following:

- Fourth Amendment:
 - No unreasonable searches without warrants issued by a court based on probable cause
- Fifth Amendment:
 - Right to a speedy and public trial

- Trial by an impartial jury in criminal cases.
- Right to be present at the trial and heard in one's own defense (effective presentation includes having a lawyer)
- Sixth Amendment
 - Right to a jury trial in some cases
 - Court to follow the rules of common law

The extent of “procedural justice” (also called “due process”) depends on the extent of the right involved:

- If you may potentially lose your liberty and go to jail, your procedural due process is much greater than if you are a student who has been suspended for a day because of getting into a fight.
- Potential jail term would require a lawyer, a trial, the opportunity to cross examine.
- Suspension would require notice and a hearing.

Activity: Have students look at court cases and current events to explain why due process is essential for the protection of individual rights and maintenance of limited government.

Mock Trials: A mock trial involves students in simulating a real trial and provides an opportunity for them to apply and see the application of procedural justice. Students prepare and play the roles of attorneys, witnesses, jurors, bailiffs, and others involved in the judicial process. See New Jersey Stat Bar Foundation Mock Trial Competition for grades 7 and 8 at <https://njsbf.org/school-based-programs/mock-trial/law-adventure-competition-for-grades-7-and-8/> or Mock Trial Strategies at <https://classroomlaw.org/student-programs/mock-trial/mock-trial-in-your-classroom/>

For more detail about due process, see “What is Due Process” at <https://civiced.rutgers.edu/documents/civics/middle-school-civics/american-ideals/87-what-is-due-process>

For more detail about the three kinds of justice, see the Center for Civic Education’s Foundations of Democracy, Middle School Level.

Extension: What would a just society look like?

Have a class discussion about what a just society would look like or ask students to individually prepare essays responding to this question. The discussion and/or essays should explain how the benefits from education and employment could be fairly distributed, how the burdens of taxation could be fairly distributed, how everybody would follow fair procedures for gathering information and making decisions, and how responses to wrongs or crimes would be measured to prevent further crimes.

Handout One: Fairness or Justice

How we determine what is fair may depend upon the situation.

For example, when we are concerned about the fairness of how something is shared or distributed, we look at the benefit or the burden of the thing to be distributed. For example, how should the amount of pay for work (the benefit) be allocated? Or how should household chores or taxes (the burden) be distributed. This is distributive justice.

When we are concerned about the fairness of how we correct or respond to some injury (such as an accident) or wrongdoing (such as a crime), we are talking about corrective justice.

When we are concerned about how we gather information and make decisions, we are talking about procedural justice.

Identify which type of justice is involved in the following situations:

- Your class has 12 color markers. There are 20 students who want to use them.
- A student in your class cheats on a test.
- The principal wants to find out who painted graffiti in the restrooms.
- Your class has to decide how much each student should donate for a spring party.
- The librarian has \$2000 to spend on the school library. She has to decide whether to buy more books or a new computer.
- During recess, a student in your class throws a ball and breaks a window.

Identify situations involving distributive, corrective and procedural justice from media sources.

Handout Two: Distributive Justice

Distributive justice is based on the principle of similarity, that is, people who are in similar positions should be treated the same. How do we determine which similarities or differences are important?

We consider the similarities or differences among these people in terms of:

Need: the degree to which the persons or groups are similar or different in terms of need for what is being distributed.

Example: Suppose there are ten people waiting in a hospital emergency room. Six have been waiting a long time, but are not seriously injured. The other four, who just arrived, suffered severe injuries in a car crash.

Who has the greatest need and should be seen first?

Capacity: the degree to which the persons or groups are similar or different in terms of their capacity or ability to deal with whatever is being distributed.

Example: Six students want to work on the school newspaper. Two of the students write very well.

Who has the greatest capacity and should be given the opportunity?

Desert: the degree to which the persons or groups are similar or different in terms of deserving what is being distributed.

Example: Suppose that in the Olympic Games six nations had teams running the 400-meter relay race. At various stages, different teams were ahead, but at the finish the runner from Germany was first over the finish line, the runner from Canada was second over the line and the runner from the United States was third over the line.

Which teams were the most deserving of the Gold Medal, Silver Medal and Bronze Medal?

Handout Three: Which similarities and differences regarding need, capacity and desert should be taken into account in deciding how to distribute benefits or burdens?

Consider each scenario and determine:

- How are the people in each situation the same?
- How are they different?
- How should similarity of need, capacity or desert be applied?
- What would be the fair thing to do in each situation?

1: Your community has had a terrible fire. The Red Cross has a limited amount of food and clothing to help people. The fire did not hurt several families. It did destroy the home and property of many others.

2: On the island of Exuma, food was distributed to people based on how tall they were. Tall people got more food than short people. The reasoning behind the policy was that the shorter a person was, the smaller his or her stomach was and the less food he or she needed.

3: You want to leave your five-year old child with a baby sitter. Your cousins have all asked to babysit. The ages of your cousins are seven, ten and fourteen.

4: In your class, three students always interrupt others. They make it difficult to learn. Your teacher needs to decide who should receive poor grades in citizenship.

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Handout Four: Corrective Justice

Which goals of corrective justice do you think should be most important? Why?

Retribution: ensuring that those committing wrongs/crimes are punished to satisfy society's need or desire for vengeance

Restoration: helping the victims and survivors of crime, usually in the form of receiving payment from the offender

Deterrence: preventing others from committing similar wrongs or crimes

Rehabilitation and Prevention: helping those who have committed crimes to change so that they will not commit any further crimes (prevention)

Handout Five: Injuries or Wrongs?

Corrective justice refers to the fairness of responses to wrongs or injuries. Wrongs are intentional and may require different responses than injuries, which are unintentional, such as accidents or carelessness. Criminal negligence is conduct where a person ignores an obvious risk or disregards the life and safety of those around him.

Identify whether the following situations involve wrongs or injuries:

- Three teenagers assaulted Mrs. Samuels. They stole her purse. Mrs. Samuels broke her arm in the fall.
- Jake extorted money (\$1000) from Ryan based on blackmail.
- Juliet dropped Paula's pot. The pot broke into several pieces.
- Sally takes her baby sister's toys because she is making noise with them and bothering her.
- Suzy and Tom run through Mr. Brown's garden causing damage.
- After borrowing a book from the library, Mr. Green lost it.
- Matt and Mark had an argument. Matt is angry. He thinks about how angry he is and plans revenge. The next week, he buys a gun and shoots and kills Mark.
- Just before an election for mayor in a small town, a local newspaper opposed to one of the candidates printed several stories which hinted that the candidate might be guilty of taking bribes and having connections with organized crime.
- Two men were arrested and convicted of selling narcotics to teenagers.

Handout Six: Are these fair responses to wrongs? Why or why not?

- Three teenagers assaulted Mrs. Samuels. They stole her purse. Mrs. Samuels broke her arm in the fall. Mrs. Samuels charges the three teenagers with assault but they are only given a reprimand by the court.
- Jake extorted money (\$1000) from Ryan. The court sentenced him to 50 years in prison.
- Juliet unintentionally dropped Paula's pot. The pot broke into several pieces. Paula asks Juliet to buy her a new pot, of the same size and quality.
- Sally takes her baby sister's toys because she is making noise with them and bothering her. Your parents send you to your room for an hour's timeout.
- Suzy and Tom run through Mr. Brown's garden causing damage. Mr. Brown asks them to either pay to repair the damage and/or work to fix it.
- After borrowing a book from the library, Mr. Green lost it. The library required that he pay the price of a new book to compensate for the one he had lost.
- Matt and Mark had an argument. Matt is angry. He thinks about how angry he is and plans revenge. The next week, he buys a gun and shoots and kills Mark. The court sentences Matt to five years in prison.
- Just before an election for mayor in a small town, a local newspaper opposed to one of the candidates printed several stories which hinted that the candidate might be guilty of taking bribes and having connections with organized crime.
- Two men were arrested and convicted of selling narcotics to teenagers. They were sentenced to 3 to 5 years in prison.

Handout Seven: Critical thinking: What would be corrective justice and why?

Felonies are serious crimes, such as arson, grand theft, kidnapping, murder, and rape, which often involve violence and require incarceration. Many states take away the voting rights of felons serving prison terms as part of their punishment, based on the idea that voting is a privilege which has been forfeited.

The constitutionality of felons forfeiting their voting privilege was upheld by U.S. Supreme Court in *Richardson v. Ramirez* (1974). However, some states allow the vote to be returned once the individual has served his term.

What do you think would be corrective justice in terms of returning the vote to felons after they have served their prison terms, and why?

Handout Eight: Procedural Justice

The goals of procedural justice are:

- To increase the chances of discovering information necessary to make wise and just decisions
- To insure the wise and fair use of the information in making decisions
- To protect important values and interests, such as the right to privacy, human dignity, freedom of expression and distributive justice

How fair were the procedures used to gather information or to make the decisions in the following situations. What would be fair procedures?

- Two neighbors inform the police that you look very much like one of a group of teenagers who broke into the school over the weekend and destroyed property in several classrooms. The police arrest you and charge you with vandalism.
- Your physical education teacher decided to let the class choose what game they will play during the physical education period. The teacher asks for suggestions from several students and then says, "OK, that's it—volleyball." Although you and your friends who wanted to play basketball raised your hands, you were not given the opportunity to make your suggestions before the decision was made.
- Acting on a tip from an informer, the secret police broke into Alicia's house and searched for materials critical of the government. When they found several books written by writer with "foreign" sounding names, they took Alicia to the police station. After being questioned for five days without sleep and with nothing to eat but bread and water, Alicia confessed. She admitted that she had criticized the government several times. She was then tried as a traitor, convicted and sent to a work camp for ten years.
- A commission was established by the federal government to license industrial plants on public lands. The commission was required to hold public hearings before giving licenses. Several times, however, the commission refused to allow certain groups to allow certain groups to make presentations at public hearings. The commission claimed that its staff had already studied and rejected the positions the groups wished to present.