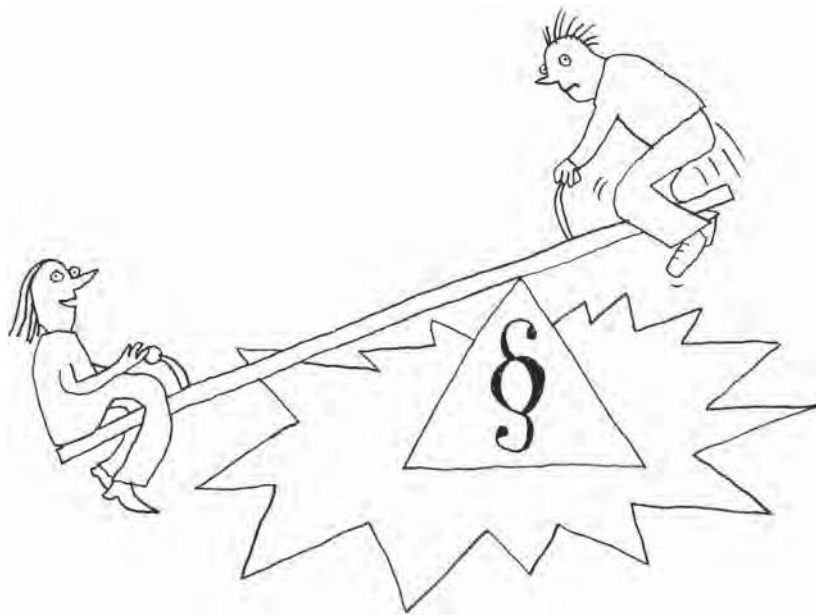


Chapter 5 – Making justice work



Introduction

The picture shows a boy and a girl on a see-saw. The fulcrum supporting the see-saw is not in the middle, providing the girl with a longer lever and the boy with a shorter one. So the girl is dominating the game and she seems to be enjoying it. The boy, with an unhappy look on his face, is trying hard to get down, but his efforts are in vain. Such situations often lead to quarrel and conflict. The fulcrum in the middle carries the symbol of a paragraph referring to the law.

The picture may be read in different ways and it leads to interesting questions. The boy's and the girl's opportunities in this situation are unequal, which addresses the issue of gender equality. Surprisingly, it is the girl who has "the long end" of the stick. Perhaps the girl is cheating, which means she has broken the law, or she is enjoying an advantage granted by the law to overcompensate discrimination against women and girls in the past. So is this a fair game? Is equality always fair? Whose human rights are protected by the law? Are anybody's human rights being violated – and by whom?

The paragraph symbol opens up a further perspective. Who has made the rules of this game? The official symbol of the law refers to the state and the rule of law. The state may consist of institutions sharing power and controlling each other in a system of checks and balances – parliament, government and law courts. It may be run by a benevolent or despotic autocrat. Laws are crucial, as they transform human rights into civil rights for the citizens of a nation state. Laws therefore protect human rights if they are violated. As the picture shows, however, human rights may be violated by fellow citizens or even by an unfair law itself.

Alternatively, the law must strike a balance between the rights of the individual citizens and define the limits of an individual's human rights to protect the rights of others.

The exercises in this chapter address these issues of fairness and justice. The students will realise that justice is crucial for peace and security in society.

Exercise 5.1. – It's not fair

Educational objective	The students become aware of their concepts of justice and injustice.
Resources	Social studies, languages.

Procedure

The students work in pairs.

1. The teacher asks each pair to choose a photo.
2. The teacher asks the students to describe the situation as they understand it:
 - “I can see ...” (factual description)
 - “I feel ...” (affective reaction)
 - “It makes me think of ...” (associations, ideas)

The teacher then asks them to classify the pictures, using three categories:

- The photos show a situation which is fair and just.
 - The photos show the opposite, i.e. an example of injustice.
 - The students are not sure how to classify the photos.
3. The pairs form groups of four. Each pair explains their picture to the other pair and should try to convince them of the judgment they have made. The pictures with the groups' comments are displayed in the classroom. Each student should have time to study the exhibits.
 4. Plenary session:
 - Which kinds of situations have been described as just – or as unjust?
 - It was difficult to reach a decision on some situations depicted. Why?
 - Which conditions produce injustice?
 - How might these unjust situations be changed?

Extension

The students form several groups. Each group chooses an example of injustice and deals with the last question: How might this form of injustice be overcome?

First, they could identify the human rights which are violated in the case under discussion. Second, they could look for ways to protect and enforce human rights.

Exercise 5.2. – The exception

Educational objective	The students are introduced to the topic of discrimination.
Resources	Different numbers of coloured stickers, and one white sticker.

Procedure

The students work in pairs.

1. The teacher attaches a sticker to each student's forehead. The students must not know which colour they have. They should therefore close their eyes when receiving their sticker.
2. The students open their eyes. Each student must now find the other members of his or her group, with the groups finally formed by their colours.
3. Plenary feedback and reflection. Questions and inputs such as the following are suggested:
 - How did you feel when you met the first person wearing a sticker identical to yours?
 - How did the person wearing the single white sticker feel?
 - Did you try to help each other in your group?
 - How can the person wearing the white sticker be integrated?
4. The exercise may serve to introduce the students to the relationship between majority and minority groups in society:
 - Who are the exceptions, the excluded ones, in society?
 - Can being the exception, or marginal, be a personal choice?

Extension

The exercise may be taken further by giving advantages to one group. The students may be more involved, but this arrangement might also generate stress and hostility. The teacher should know the class well and must be prepared to react appropriately.

Exercise 5.3. – The jigsaw puzzle

Educational objectives	<p>The game simulates an experience of unfair treatment.</p> <p>The students become aware of their reactions to unfair treatment, which are based on ethical principles of justice. Justice is a fundamental category of human rights.</p> <p>The students realise the importance of solidarity and co-operation in overcoming injustice.</p>
Resources	<p>Envelopes with simple jigsaw puzzles, or pictures which have been cut up into a few pieces.</p>

Procedure

1. Preparation: there should be a puzzle for every group of three or four students in the class. Teachers can use simple ready-made jigsaw puzzles or prepare such puzzles by cutting pictures (e.g. postcards or advertisements) into a few pieces. Each puzzle should be put into an envelope. Ideally, a duplicate of the picture should be stuck onto the envelope. The teacher takes a part out of some puzzles and exchanges some parts among other puzzles. A few puzzles should be complete.
2. The students form groups of approximately four members. The teacher assigns a specific task to each team member:
 - a student in charge of time and resources
 - an arbitrator who prevents conflict and ensures that instructions are properly carried out
 - a student who has the duplicate of the finished puzzle
 - a student who carries out the task.

The teacher hands out an envelope to each group, giving them the task to solve the puzzle within a (tight) time limit. The students will quickly discover if their puzzle works out or not and whether they can obtain support from other groups.
3. The game produces clear winners and losers. Depending on the age group and the students' reaction, questions such as the following may serve to articulate and evaluate the experience of positive or negative discrimination:
 - How did you feel when you realised that the groups had different material?
 - How would you have felt if you had been in a different group?
 - How did you feel as part of the group which had too little/too much material?
 - What kinds of behaviour helped, or hindered, a group's success?

Extension

The students are encouraged to discuss real situations in which people do not have equal access to important resources (e.g. disposable time, jobs, money, power).

Exercise 5.4. – The role of law

Educational objectives	<p>Ancient philosophers have drawn on different values in defining the purpose of law.</p> <p>The different value options are related to different social and political systems.</p> <p>Theory provides a framework for the reflection of daily experience, in which our value options are guided by our interests.</p> <p>The students are encouraged to make deliberate choices of values within the framework of human rights, to expose them to comparison and discussion and to be committed to them in everyday life.</p>
Resources	<p>Different concepts of the role of law are written on a large sheet of paper and displayed on the wall (see M 1 in materials section).</p>

Procedure

1. The students form groups of three or four and are given worksheets with a list of rules of conduct (see M 2 in materials section).
2. Each group has to relate the rules of conduct to the underlying concept of law (10 minutes).
3. The groups check their results.
4. The students choose the concept to which they subscribe most.
5. The students choose the concept to which they subscribe least.

Extension

Reflection in class:

- Do the rules you apply in your own life correspond to your choice?
- Do you know of rules which come under the options you have rejected? Have you opposed them? Why? What did you do?

Reflection in writing:

- To which concept of the law are you committed most and why?
- State five rules of everyday life that you adhere to.

Materials

(see next page)

M 1: Basic concepts of law

1. The purpose of the law is to prevent individuals from infringing on other people's rights (Aristotle).
2. The purpose of the law is to give each person what he deserves (Aristotle).
3. The purpose of the law is to create a perfect society (Plato).
4. The law serves to prevent the damage done to individuals by injustice (Glaucon).
5. The law should serve to preserve the interests of those who govern (Thrasymachus).
6. The role of the law is to maintain social peace by ensuring the well-being of all and to enforce the practice of that which is useful for society (Protagoras).
7. The purpose of the law is to protect the weakest.

M 2: Rules

1. People who have brutalised their children will be imprisoned.
2. The state will guarantee the unemployed an income which allows them to survive.
3. Priority for jobs will go to the students who have the best grades.
4. All workers will have to contribute something from their earnings to meet the needs of the unemployed.
5. Any action by one person which causes another person damage will oblige the former to compensate for that action.
6. Teachers will make sure that students know that the laws of our society, being the best laws, are inviolable.
7. Any person who demonstrates his opposition to the organisation of society will be interned in a centre for re-education.
8. Only activities allowed by the state for the well-being of all are authorised.
9. Only taxpayers will have the right to vote.
10. All young people will have to belong to state organisations so that they can engage in useful work.
11. Companies should install anti-pollution filters on chimneys.
12. Nobody will be allowed to disseminate ideas which have not been recognised as valid by the government.
13. The state has the right to expropriate if necessary for the public interest.
14. Company directors have the right to organise private security services.
15. It is forbidden to enter another person's home without his or her permission.

Exercise 5.5. – Perspectives on justice

Educational objectives	The students understand that there can be different perspectives on issues of justice. The students develop an understanding of the balance between rights and duties.
Resources	Sets of worksheets containing perspective A or B.

Procedure

1. One of the rights to be examined is chosen.
2. The class divides into groups of four or six.
One half of each group receives sheet A, the other half sheet B.
Each subgroup prepares as many arguments as possible in defence of the statement figuring on their sheet.
3. The groups reunite. The members of subgroup A present their point of view to the members of subgroup B, who must listen attentively and take notes.
Then it is subgroup B's turn.
The presentation of arguments may be followed by a period during which the members of the different subgroups ask each other questions.
4. Subgroups A and B exchange roles. They must not be informed in advance of this part of the exercise.
They are given a few minutes to reconsider their arguments.
5. The groups attempt to adopt a common position in writing on the problem under debate.
6. Questions to consider:
 - Which difficulties did you encounter in trying to reach a common position?
 - Did the fact that you reversed roles make it easier or more difficult for you to agree on a common position?

Extension

The teacher (or students) find cases in which freedom of expression (or child labour) is a controversial subject.

- How can rights and duties be balanced?
- Are there duties – or rights – which impose limits on certain rights?

Information given in the media should be used for the case studies. The investigation could be extended to include other human rights, e.g. freedom of movement or the right of property.

Materials

(see next page)

Perspective A: Freedom of expression

In a fair society freedom of expression is a fundamental human right that should not be restricted. Consider the following points:

- the negative effects of censorship;
- the political implications of its limitation and of dissidence;
- the circumstances in which other countries restrict it;
- the importance of freedom of expression for democracies;
- any other relevant problem.

Perspective A: Child labour

Laws against child labour should be strictly applied so that the right of children to play, to learn and to become healthy adults is protected. Consider the following points:

- the lack of education which follows when children are obliged to work;
- the fact that children often work in unhealthy conditions;
- the way child labour is often exploited because children are not organised to protest against unjust treatment;
- any other relevant problem.

Perspective B: Freedom of expression

In a fair society it is sometimes necessary to restrict freedom of expression in order to protect people's rights. Consider the following points:

- the effects of racist remarks on minorities;
- the ways in which speech may be used to encourage violence;
- how in some countries freedom of expression is unrestricted and leads to the violation of rights;
- the need to promote duties as well as rights;
- any other relevant problem.

Perspective B: Child labour

In the interests of helping families to survive in difficult economic circumstances, and of helping children to assume an active role in society, children should be able to work and help support their families. Consider the following points:

- the fact that in some societies where employment is rare, children can be one of the only sources of income a family has;
- the fact that in many societies children traditionally worked longer than adults;
- the opinion that preventing children from engaging in productive work results in useless isolation of children from the world of adults;
- the fact that work can be a formative experience for children;
- any other relevant problem.

Making justice work

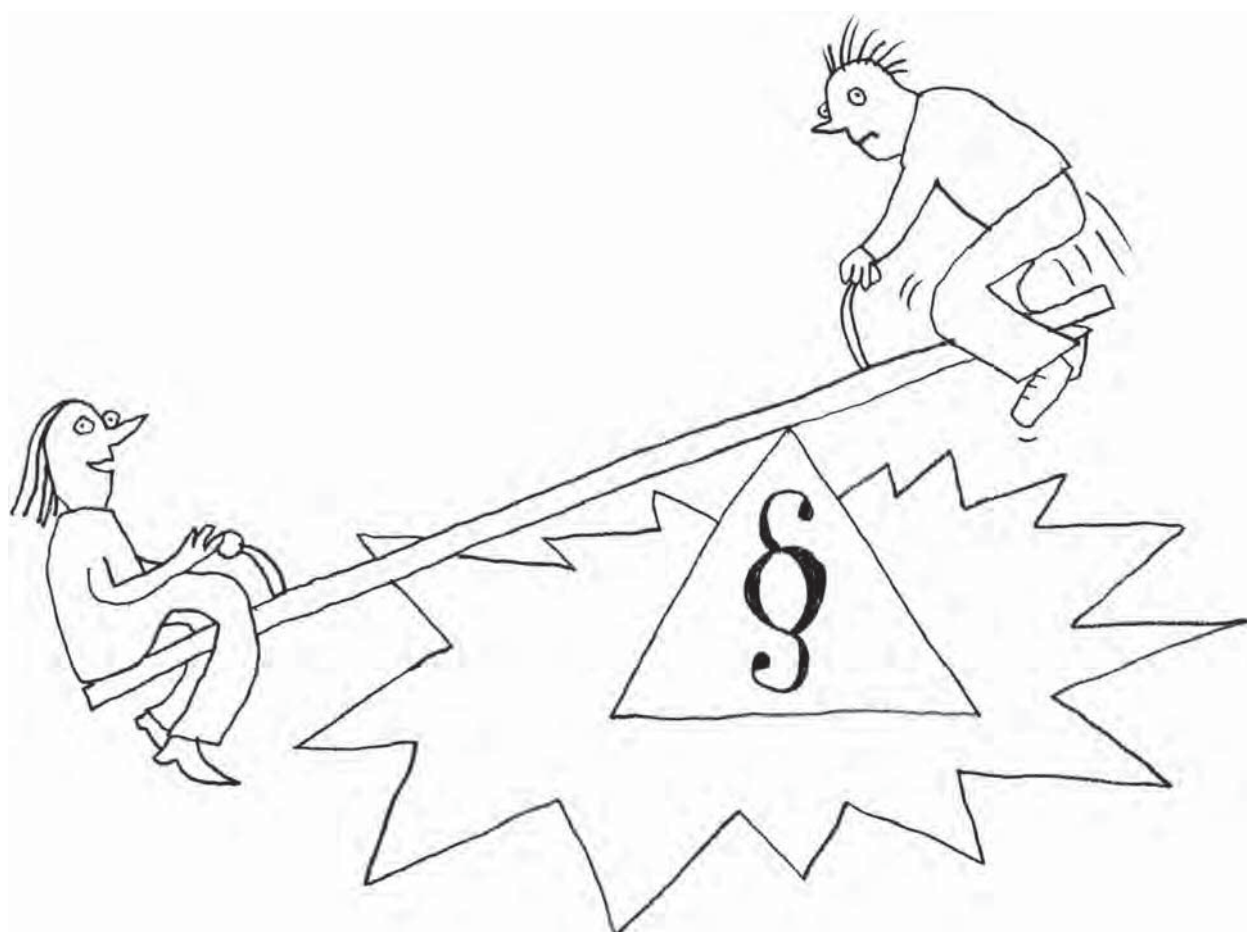


Illustration from Chapter 5

Democracy and Human Rights Education – Volume VI

Teaching democracy

A collection of models for democratic citizenship and human rights education