Impartiality of the Judiciary

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| **Class: 8th Grade social Studies** |
| **Unit: Supplement lesson to *United States Government, Principles in Practice* (Holt McDougal)** |
| **Lesson Title or Topic/Essential Question: How is Impartiality Possible, and Why is it Necessary?**  What is impartiality? How can entities be independent, impartial, and follow the rule of law? Why is impartiality essential to the rule of law? |
| **Estimated Classroom Time Required for the Lesson:**  Schedule one hour for lesson and one hour of writing time. |
| **Content Standard Alignment:**  CCSS.ELA-LITERACY.RH.9-10.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science. |
| **Lesson Objectives/Instructional Outcomes:**  Students will demonstrate an understanding of impartiality and its importance in the judicial system. Students will explore the effects of bias on determinations of fairness in judicial decisions. |
| **Lesson’s Relationship to Unit Structure:**  *United States Government, Principles in Practice (Chapter 8: The Federal Courts and Judicial Branch)* covers the federal court system and the Supreme Court of the United States in three sections. This chapter does not emphasize the role of the courts to interpret the law and the inherent need for impartiality. Therefore, this lesson will serve as a supplement to the chapter and instill a better understanding of impartiality and its role in the courts. |
| **Instructional Materials/Resources:**  Content specific vocabulary include: objective, subjective, impartial, morality, and neutrality.  These terms will be included on an activity worksheet. |
| **Methods and Instructional Strategies** |
| **Concept Prerequisites:**  Vocabulary includes: objective, subjective, impartial, morality, and neutrality. |
| **Anticipated Student Misconceptions:**  Students may be inclined to define fairness as in accordance with their personal values, morality, and understanding of the purpose of law (i.e., to protect *them*). |
| **Introduction/Anticipatory Set:**  Using humor to keep what could be a serious discussion light, the students will be subjected to various biases. Then introducing different rubrics, fair and unfair, the students will appreciate the need for objective and fair rules enforced by an impartial teacher. |
| **Instructional Activities:**  Step One: Subjectivity  Use a simple grading exercise to explain the difference between subjective and objective. Review with students a grading rubric of student work that reveals exaggerated, subjective biases. (For example: Say you will grade students who agree with your personal position on a certain argument higher, due to your low expectations of their being able to think for themselves, and you will grade contentious students more critically, because of your expectation that they can think and express themselves more easily than others. Assert that because students may have different abilities and levels of confidence, this rubric will give students grading equity.) Discuss with students the many problems, assumptions, and issues of fairness with this (“subjective”) rubric.  Step Two: Objectivity  Introduce and explain an assignment’s rubric that evaluates performance against a clear and rational process that includes objective criteria (due process and written laws). Discuss the pros and cons of this rubric’s fairness vs. the teacher’s rubric in the “subjective” example. Discuss how adherence to the rule of law is intended to promote fairness.  Step Three: Question: What can one do if a rubric is not fair?  Use historical examples of how the will of the people can change laws, governments, etc. (examples: revolutions, civil rights movements).  Use historical examples of how the will of the people can go wrong (examples: mob rule, witch trials, the “terror” during the French Revolution). How can these situations be avoided? |
| **Differentiation According to Student Needs:**  All students should be included in the discussion. Invite individual students to offer examples based on their own experiences or situations they have read/seen. Caution students that no individuals’ names should be used in the sharing of personal experiences. |
| **Wrap Up- Synthesis/Closure:**  Two Short writing assignments (with two separate rubrics): A subjective opinion on the school’s dress code policy followed by an objective explanation of the school’s dress code policy. |
| **Assessment (Formative and Summative):**  Following an analysis of class discussions (checking for understanding), an assessment will be made of students’ written assignments. |
| **Extension and Evaluation of the Lesson** |
| *United States Government, Principles in Practice (Chapter 8: The Federal Courts and Judicial Branch)* will follow this lesson. Students will enter that lesson with a better understanding of the judicial branch and the importance of impartiality on the part of the police, juries, and the courts. |