**Ethics – Theory of Knowledge 2019**

**Case Study – Justice Jackson and International Justice**

**An integrated unit by Peter Stuhlmiller**

**12 Days of Instruction**

**Rationale:**

One thing often said to distinguish humans from other animals is morality. A key question in ethical discussions in TOK is therefore whether we can really know whether something is moral. What is peculiar about moral values is that they seem to embody obligations for action. An example of a key area of discussion in ethics is the issue of moral rules. There is disagreement about whether being moral is about following rules, not least because some would question whether moral rules really exist at all. There is also debate about whether moral rules should ever be broken, and if so, in what circumstances. Other key areas of discussion include the issue of whether humans are essentially altruistic or selfish, or whether the consequences of, or motivation for an action is the location of moral value.

This unit explores the essential elements of ethical frameworks – including the scope and application of ethical knowledge, key concepts and use of language, methodology employed in the development of ethical principles, key historical developments, and links to personal knowledge.

The unit offers students a detailed case study on how Robert H. Jackson led the allied efforts to apply a universal concept of ethical justice to Nazi officials captured at the end of WW II vis a vis the Nuremberg War Tribunal. Students will also consider the efficacy in developing UN International Tribunals and the International Criminal Courts.

**The Unit will consider the role of:**

• Ways of knowing

• Justifications for accepting knowledge claims as true

• How language frames the acquisition, consideration and production of knowledge.

• Cultural framework for ethical applications

**Essential Questions from 2015 IB Theory of Knowledge Subject Guide & Frameworks**

Is there such a thing as moral knowledge?

Does the rightness or wrongness of an action depend on the situation?

Are all moral opinions equally valid?

Is there such a thing as a moral fact?

In what sense can ethics be regarded as a system of knowledge?

How are conflicts between different ethical systems resolved?

To what extent might lack of knowledge be an excuse for unethical conduct?

Do universal moral truths exist?  Should there be universal moral truths?

**New York State Social Studies Learning Standards**

Commencement level for Standard 2 Key Ideas 1 and 3 – Understanding world cultures, traditions, values and beliefs.

**11 Grade NYS Frameworks for Social Studies - 2017**

**11.8c**

In response to World War II and the Holocaust, the United States played a major role in efforts to prevent such human suffering in the future.

* Students will investigate American officials' knowledge of the Holocaust, evaluating the degree to which intervention may have been possible.
* Students will examine the contributions of Supreme Court Justice Robert Jackson and his arguments made as Chief Prosecutor for the United States at the Nuremberg War Crimes trials.
* Students will investigate the role of Eleanor Roosevelt in creating the United Nations Universal Declaration of Human Rights.

**Common Core Instructional Shifts & Student “I can“Objectives”:**

The lesson/unit addresses key areas of focus with the Common Core Instructional Shifts:

**SHIFT 1: Balancing Informational & Literary Text**

  •Students read a true balance of informational and literary texts.

The students can:

1. Use context cues to identify and explain key topics from ethical research.
2. Investigate a variety of on-line and text based information sources looking for key knowledge components on ethical knowledge.
3. Identify the role and function of translated text as both literary and informational sources of knowledge.

**SHIFT 2: Knowledge in the Disciplines**

 • Students build knowledge about the world (domains/ content areas) through TEXT rather

  than the teacher or activities

The students can:

1. Create a written self-reflection & reaction guide drawing from excerpts of historical writing.
2. Cite evidence from informational sources to support their conclusions.

**SHIFT 3: Staircase of Complexity**

•Students read the central, grade appropriate text around which instruction is centered. Teachers are patient, create more time and space and support in the curriculum for close reading.

Students can:

1. Connect ToK concepts to the historical and ethical knowledge claims associated with their assignments.
2. Draw conclusions from case study materials and apply those experiences to contemporary issues.
3. Develop their reaction guide utilizing both class and out of class research opportunities.

**SHIFT 4: Text-based Answers**

•Students engage in rich and rigorous evidence based conversations about text.

Students can:

1. Share aloud question summaries from topics of study.
2. Organize study group material to reflect the answers from key questions in study investigation.
3. Apply shared information to a discussion that compares and contrasts ethical codes or paradigms.

**SHIFT 5: Writing from Sources**

•Writing emphasizes use of evidence from sources to inform or make an argument.

Students can:

1. Cite evidence from their chosen readings to support the answers they discovered to key historical and ethical questions.
2. Create written graphic organizers that display strengths and weaknesses for different types of evidence used to support knowledge claims.

**SHIFT 6: Academic Vocabulary**

•Students constantly build the transferable vocabulary they need to access grade level complex texts. This can be done effectively by spiraling like content in increasingly complex texts.

The Students can:

1. Explain knowledge claims in terms of ToK concepts of Ways of Knowing, Areas of Knowledge, and justification.
2. Analyze historical and ethical based facts used in specific real life situations.
3. I can analyze the extent to which we can judge moral behavior by comparing ethical codes or paradigms.
4. I can discuss the extent to which ethical codes apply to moral dilemmas.
5. I can evaluate the premise that supports utilitarianism by citing relevant text.
6. I can discuss how social factors affect moral behavior.

**Career and College Readiness Standards** incorporated in reading, writing, listening & speaking activities.

Especially highlighted – **Speaking and Listening**

1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11–12 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively. a. Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas. b. Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed. c. Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives. d. Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.  e. Seek to understand other perspectives and cultures and communicate effectively with audiences or individuals from varied backgrounds.

**Content Outline**

1. Introduction – Scope and Application
   1. What is ethics?
   2. Connections between Morality and Ethics
2. Methodology – and Language
   1. Ethical Codes or paradigms
      1. Moral Relativism
      2. Self Interest
      3. Religious – divine command
      4. Utilitarianism – Mill
      5. Consequentialism – Kant
         1. Universal ethical principles
   2. Personal Knowledge – ethical dilemmas
3. Link to personal knowledge
   1. How do social factors influence moral behaviors?
   2. Dr. Zimbardo’s Hero Project
   3. Which ways of knowing play a significant role in producing and considering ethical knowledge?
4. Historical Case Study – Justice Jackson & the Nuremberg Military Tribunals
   1. Background
   2. Who was Justice Jackson?
   3. The London Conference summer of 1945 – allied agreement
   4. Jackson’s opening statement
   5. Evaluating the role evidence played in supporting prosecution’s knowledge claim.
   6. Role of Language in considering positive law across cultures
   7. Evaluate the Nazi claims at defending their actions.
   8. The verdicts
5. Can universal moral behavior be applied across cultures?
   1. United Nations Declaration of Human Rights
   2. The role of the International Criminal Tribunals

**Day to Day Outline**

Day 1

* Intro to ethics with PP as guide
* Students define ethics/ compare with morality
* Discuss and use definition for comparison
* Unpack learning targets
* Can we judge moral behavior? Moral relativism and Self interest
* Pass out Kognity textbook assignment and review directions

Day 2

* Think/Pair/Share key ideas from assignment – discuss similarities and differences.
* Finish methodologies – Religious Ethics, utilitarianism, consequentialism
* Discuss with examples
* Religious Ethics – HW Sharia Law

Day 3

* To what extent should the possession of knowledge obligate action?
* Review ethical codes from previous lesson
* Think/Pair/Share responses from BBC article
* Complete scenarios from PP – T/P/S

Day 4

* How do different social factors affect moral behavior?
* Brainstorm student responses
* Intro bystander effect, bully dynamics
* Dr. Zimbardo’s research – role of the Human Sciences and the scientific method to help us acquire and consider knowledge – influence ethical knowledge
* Plato’s Ring of Gyges
* Ticket out the door – reflection question for journal.

Day 5

* Do intrinsic moral laws exist? If so, what does accountability look like?
* Historical case study – end of WW II – individual and collective immorality?
* History Channel clip on Hitler and WW II
* What should the allies do? Review options and evaluate each by class discussion
* Yalta Conference – Justice Jackson Intro and PowerPoint
* Into and HW assignment on Jackson – Liberty Under the Law video assignment

Days 6—IB connections

* What does justice look like?
* T/P/S key ideas and reactions to video – discuss as whole group
* London Conference – Summer of 1945 – provide background
* Define common  charges for indicting Nazi prisoners – common language
* Positive Law review and accountability at Nuremberg – structure and function as envisioned by Justice Jackson.

Day 7 – Statement of Ethical Principles

* The opening statement – Robert Jackson
* Students close read and annotate pages 23-25 from Eugene Gerhart’s historical perspective found in his Robert H. Jackson book.
* Students extract relevant ways of knowing – especially focused on Emotion vs Reason – role of sense perception and memory. Connections with faith in our institutions.

Day 8 – What constitutes valid evidence when considering truth?

* Students spend the period examining and evaluating the evidence for Crimes against Humanity – the Holocaust – compare to claims from those that deny the Holocaust occurred.
* In triads – students will use chrome books or computer lab to use common definitions and apply those to film, eye witness testimony, and Nazi Documents
* Students will write reactions to the evidence and consider the veracity of counter claims. Materials accessible through the Jackson Center website
* Answers and reflections recorded in their journals.

Day 9 – What role does language play in how we consider positive law across cultures?

* London Conference – revisited – criminal justice systems vary – how reconciled
* IBM’s solution to 4-language problem at Nuremberg
* The famous Hermann Goering cross examination
* Students read and respond to PBS article – use journals to capture key ideas from previous unit on Language as a way of knowing. – finish for HW

Day 10 – 12

To what extent are we obligated to act on knowledge of universally accepted immoral behavior?

* Students review the creation of the UN – video overview of Eleanor Roosevelt’s role in creating and ratifying the UN Declaration of Human Rights
* Creating the Categorical Imperative – Kant in action
* Students use research guide and library time to research the document, as well as the role of our UN Tribunals, Special Courts, and International Criminal Courts
* Research results and prompt responses recorded in journals.
* Stop sessions scheduled throughout the 3 days of work to CFU and provide additional guided feedback where necessary.

**Checking for Understanding as Assessment**

* Monitoring student written and oral responses to questions
* HW assignment responses
* Quality of Journal entries
* Whole group discussion feedback
* Graded reaction guide to journal entries

**Summative Assessment**

IBO Prompt – follow criteria on essay description sheet.

**Materials**

* PowerPoint
* Kognity On-Line text
* *Theory of Knowledge Pearson Baccalaureate* – by Sue Bastian
* BBC article on Sharia Law
* Companion assignment sheets
* Robert H Jackson Center Website and YouTube channel
* *Robert H. Jackson: Country Lawyer, Supreme Court Justice, America’s Advocate* – Eugene c Gerhart
* Scheduled library research time

**Self- Evaluation**