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| **Unit title:****Is there a difference between fairness and equality?** | **Term /date:** | **Duration:** 2 sessions (100 mins) |
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| **Big ideas:**  | **Essential questions:**  |
| * Fairness and equality are ethical concepts
* Both fairness and equality are contestable
* There is a relationship between fairness and equality
* The ‘is/ought gap’ (also known as Hume’s Razor, or Hume’s Law) claims that we cannot make moral judgements merely from observation
* Inequality may sometimes more fair than equality, if that inequality benefits the least fortunate in society
 | * Is treating people fairly the same as treating them equally?
* Is inequality ever fair?
* Is fairness more important than equality, or vice-versa?
* If nature is not fair or equitable, should society be?
* Why are fairness and equality valued in Australian society?
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| **Learning – This sample program targets content description VCECU019 at Levels 9-10. This is located on a developmental continuum, as shown below.** |
| **Ethical Capability strand and levels** | **Dimension / Content descriptions** | **Achievement standards** |
| Understanding Concepts (7 and 8) | Explore the contested meaning of concepts including freedom, justice, and rights and responsibilities, and the extent they are and should be valued by different individuals and groups [(VCECU014)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU014) | By the end of Level 8, students explain different ways ethical concepts are represented and analyse their value to society, identifying areas of contestability. |
| Understanding Concepts(9 and 10) | **Target Content Description:** Investigate the connections and distinctions between and the relative value of concepts including fairness and equality, and respect and tolerance [(VCECU019)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU019) | By the end of Level 10, students explain connections and distinctions between ethical concepts, identifying areas of contestability in their meanings and relative value. |

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| **Assessment Evidence / Activities**  |
| **Pre-assessment:** | **Ongoing formative assessment/s:** | **Summative assessment/s:** |
| Introduction:Stimulus Material written response | Shared Practice Discussion | Independently written responseSuccess Criteria |
| **Learning Sequence Overview** |
| **Session** | **Major focus / intention** |
| Session 1  | Inequalities that occur in nature are used as a stimulus to develop definitions of fairness and equality, to identify their contestabilities and discuss their value. Students consider why Australian society values both fairness and equality.  |
| **Reflections** |
| **Date** | **Comments** | **Teacher** |
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| **Lesson Resources:** 2 x Cartoon stimulus material, 2 x video links, 2 x texts for independent responses. Please read/view prior to the lesson and select as appropriate. Links provided in Planning document |

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| **‘Fairness and Equality’ (Lesson One – Know, Understand, Apply) 100 minutes** |
| **Learning intention**  | **For students:** *“Today we are learning about the connections between fairness and equality and about their relative value as ethical concepts.”* |
| **Focus/ Inquiry question(s)** | * What is meant by equality?
* What is meant by fairness?
* Is treating people fairly the same thing as treating people equally? Is treating people equally the same thing as treating people fairly? Is one concept a part of the other, or are they identical or not similar at all?
* If the natural world is not fair or equitable, why should we expect society to be?
* Is fairness valued more than equality in Australian society? Should it be?
* Does ‘all people are equal’ mean the same thing as ‘all people should be treated equally’?
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| **Key Teaching Points** | **Background points to support teaching****The meaning of equality:*** The meaning of equality concerns two or more objects or people sharing at least one similar characteristic.
* Treating someone equally means treating them with the same concern and respect, not necessarily the same way

**Contestabilities related to equality:** * Choosing the characteristic to compare can be contestable. Skin colour? Gender? Qualifications? Intelligence? Income? Simply being human?
* What kind of ideal is equality? Is it an end in itself or a means to other ends? Is equality inherently valuable, or only valuable in that it enables or supports other things we consider valuable, such as freedom, fulfilment of human potential, or avoidance of certain sufferings?
* What kinds of equality are people owed, that is equality of what? (Opportunity? Wealth? Respect? Something else?)
* Does ‘treated equally’ mean that people are treated in exactly the same way, or in equal proportion to what they deserve/need?
* How much inequality should be tolerated? The philosopher John Rawls’ difference principle states that when considering redistribution of some good, it should be such that the worst off gain maximum benefit, that is, just below the point that it undermines the basic rights and liberties of the better off.
* How should success in equality be measured? By results or by opportunities? For example by the actual distribution of income and wealth or by the nature of opportunities to improve income, which may or may not have been taken up.

**The relationship between fairness and equality and the meaning of fairness:*** Equality may be a part of fairness but not the whole picture, for example if achieving equality meant greatly harming someone in the process, this may be considered unfair as it is not deserved (the ancient Greek philosopher Plato wrote about this in the *Republic*).
* Fairness can involve the idea of reciprocity that equality need not involve, depending on how equality is conceived, for example everyone working as hard as they can and not freeloading.
* So the concept of fairness involves considering equality, as well as reciprocity and what is deserved.
* To discern what is fair, it is thought that impartiality is required (the idea that ‘justice is blind’)

**Contestabilities related to fairness** **(as fairness partly concerns equality some contestabilities overlap with equality):*** Are there some kinds of unequal treatment that are fair? It can be helpful to think in terms of civil freedoms, political participation, social positions and opportunities, and economic rewards
* If someone has natural strengths and/or contributes more, do they therefore deserve more?
* To what extent should choice play a role? One view (originating from the ancient Greek philosopher Aristotle) says that people who have created inequalities through their own decisions should not be compensated for these choices. For example, people whose health is worse due to smoking, or who are in poverty because they lost their money gambling. Under this view, it is not fair that those who did not make those choices compensate those who did (paying Medicare for smokers, or welfare to problem gamblers). But it is fair to compensate those that did not choose (Medicare for inherited cancer-sufferers, welfare for genuine job-seekers). Compare someone who is wheelchair-bound because of a congenital disability to those that choose to do a risky extreme sport and become disabled. Who should bear the health costs?

**The is/ought gap and the value of equality and fairness:*** Why should we be fair or equitable if the natural world has inequalities and if people are born with unequal attributes? The is/ought gap claims that the way the world is, is not necessarily how it should be. In this case, natural inequalities do not in themselves justify lack of action on improving equality. The ‘gap’ refers to a missing premise in the move from what ‘is’ to what we ‘should’ do.
* However some do try to claim that equal treatment does follow from the empirical fact of a shared common humanity. Note that this is not a logical claim, but an appeal to what is thought to be a self-evident ‘first principle’.

Consider the UN Declaration of Human Rights, in particular that it is a declaration, not an argument, and the first sentence of the preamble: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Here the use of the term ‘recognition’ could be seen as an appeal to something self-evident. **Relative value of fairness and equality:*** Consider to what extent inequality can be accepted opposed to unfairness.
* Compare the concepts of equality and fairness and how fairness is broader. Does this make a difference to the relative value?
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| **Success criteria (for students)** | * I understand ‘fairness’ and ‘equality’ as ethical concepts.
* I can explain the ‘is/ought gap’ (‘Hume’s Law’) in relation to fairness and equality.
* I can explain how ‘fairness’ and ‘equality’ are social/cultural values in Australian society.
* I can compare and contrast the concepts of ‘fairness’ and ‘equality’
* I can identify and respond to contestabilities (areas of disagreement) related to fairness and equality
* I can justify a point of view on whether fairness should be valued more than equality
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|  | **Activities** (considering different levels) | **Resources** (considering different levels) |
| **Assumed Prior Learning** | * That Australian society values fairness and equality, such as through right to a fair trial [(VCCCL022)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCCCL022).
* That equality and fairness are cohesive values in Australian society [(VCCCC025)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCCCC025)
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| **Introduction** **(10 min)** | You may have heard it said before that ‘life isn’t fair’, but what does that mean? And even if we accept that to be true, does that mean we shouldn’t try to make it fair?Show a stimulus piece such as one of the cartoons in the resources tab…**Think/pair/share:*** Are the people/animals in the cartoon being treated equally?
* Are there circumstances where this test/situation would be fair/unfair?
* How could the fairness be improved? What would happen to equality if this occurred?
* What point is this cartoon trying to make about equality and fairness?
* Does this cartoon help to discuss an issue such as treatment of people with disabilities? What about the gender pay gap?
 | Climb Tree Test:ttp://scholasticadministrator.typepad.com/thisweekineducation/2012/08/cartoons-climb-that-tree.html#.V42BDfl95pgSeeing over the fence:<http://www.unicef.org.au/getmedia/09f72ff3-76a8-422f-b110-7fa3e043c65f/equity-equality.aspx> |
| **Explicit teaching phase****(20 min)** | **Think aloud:*** Drawing on the class discussion about the stimulus and the teaching points above, develop definitions of fairness and equality
* Introduce contestabilities related to equality and fairness and focus on some in more detail by relating them to the stimulus.
* Should the weaker animals / the shorter person be compensated in some way? Why? How?

Apply Rawls’ difference principle to the chosen cartoon as a test of different ideas to make the situation fairer.Sum up your thinking by considering the relationship between fairness and equality and how fairness is broader than equality and the contestabilities related to each concept.Introduce the idea that equality and fairness are valued in Australian society and in fact the basis of some principles, for example that all people should be treated equally/fairly. * Should our society be compensating people who may be at a social disadvantage? If so, why, and in what way?

We have already seen that there can be inequalities in nature – not all the animals were equally suited to climbing the tree. Similarly people do not have equal attributes. This is the way things are.* Hume’s Law states that we should not make an ‘ought…’ statement based on an ‘is… statement.
* Do you think that this law should be used against those for example who may want to argue that might is right?
* What about those who want to argue that it follows from the fact that we are all human that we should all be treated equally?
 | Video explaining Rawls’s Difference Principle (3:07)<https://youtu.be/jsD4qbqDNL4>Video explaining Hume’s Law (1:28):<https://www.youtube.com/watch?v=eT7yXG2aJdY> |
| **Shared practice phase****(15 minutes)** | **Class discussion:*** Is life in general sometimes unfair? Should this be accepted as inevitable?
* We need to distinguish between the way things are, and the way we feel that they should be (to not do so, is the ‘naturalistic fallacy’)
* This distinction is called the ‘is/ought gap’, or sometimes ‘Hume’s Law’, after the Scottish philosopher David Hume.
* Our society values fairness and equality
* We’re going to examine whether our society **ought to be** fair and equal, even if nature **is** not. Or should we accept inequality if it is to the advantage of the least privileged (Rawls)?
* This will help us work out how much we should value equality and fairness.
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| **Independent practice phase****(30 minutes)**(10 min reading)(20 min response) | Individually students consider whether Australia is a fair and equal society, based on the shared understanding developed on the board. They articulate their thinking in writing.Handout at least one representation of equality and fairness, for example the Commonwealth Government’s ‘Australian values statement’, or Vonnegut’s science-fiction short story, “Harrison Bergeron”.Students consider (and respond in writing to) questions including:* What kind of equality is valued?
* What aspects of the concepts of fairness are represented?
* Is equality a means to an end or an end in itself?
* Is fairness a means to an end or an end in itself?
* Why should equality and fairness be valued, if inequality and unfairness is a natural part of life? Is one more important than the other?
 |  Representation of concepts of equality and fairness in society, for example:Australian non-fiction:<https://www.border.gov.au/Trav/Life/Aust/living-in-australia-values-statement-long>Or an American narrative fiction:<https://archive.org/stream/HarrisonBergeron/Harrison%20Bergeron_djvu.txt> |
| **Reflection/ evaluation** **(10 minutes)** | **Class Discussion:**As a whole class compare responses and draw on students to address contestabilities.* Students compare their understanding of ‘fairness’ and ‘equality’ with the understandings of others. They identify similarities between these concepts, and how the concepts might conflict with or differ from each other.
* They consider whether and why fairness or equality are considered important ethical principles in Australian society.
* Students consider what Australia should do more to become fair and equal and identify issues related to this, (based on gender, race, education, religion, class, colour, culture, etc.) based on the points developed in the lesson.
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| **Assessment and Feedback****(5 minutes)** | Students self-assess using Success CriteriaTeacher provides individual feedback throughout lesson. Have students submit their independent responses to the handout problems for summative feedback | Success Criteria aboveSummative descriptors on unit planner |