

INTRO TO LAW

MAX ROEMER





*WHY DO WE HAVE
LAWS?*

WHAT IS JUSTICE?

- We will read a series of statements describing situations in which individuals are met with judicial action.
- We will also describe a list of possible judicial processes to pursue in regards to those individuals.
- Please select an option depending on what judicial action you feel helps achieve justice.

SCENARIO ONE

A resident returns to their hall intoxicated and becomes combative when a roommate tries to intervene. No visible injuries result. The incident is reported to professional staff. What is your approach to justice?

Option 1: Meeting with Residence Director, Housing Relocation

Option 2: Meeting with Residence Director, Written Apology to Roommate, Community Service

Option 3: Meeting with Residence Director, Alcohol Meeting with Campus Alcohol Counselor

Option 4: Written and In-Person Apology to Roommate, Meeting with Residence Director, Alcohol Education

SCENARIO TWO

A repeat offender has served years in prison for burglary and demonstrated that burglary is a way of life. Past imprisonment has not deterred their actions, and the individual commits physical assault and theft during a home break-in. The victim feels a loss of safety and security as a result. What is your approach to justice?

Option 1: Maximum Imprisonment and Fines

Option 2: Maximum Imprisonment and Community Service

Option 3: Moderate Imprisonment, Written Apology, Restitution

Option 4: Minimum Imprisonment, In-Person Apology,
Restitution

SCENARIO THREE

A group of six college students, after drinking while home on break, out of boredom decide to set fire to a wooden covered bridge, a historical landmark and icon in the community. Community members are outraged when the bridge is completely destroyed. What is your approach to justice?

Option 1: Maximum Imprisonment and Fines

Option 2: Moderate Imprisonment and Community Service

Option 3: Minimum Imprisonment, Community Conference, Restitution (pay money)

Option 4: Letter of Apology to Community and Community Service

WOULD YOUR ACTIONS CHANGE IF THERE WERE NO LAWS?

- Hit your roommate?
- Burglarize?
- Burn a bridge?

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- Follow through on Contracts?

WOULD YOUR ACTIONS CHANGE IF THERE WERE NO LAWS?

- Hit your roommate?
- Burglarize?
- Burn a bridge?
- Pay Taxes?
- Follow through on Contracts?
- Murder?
- Cannibalism?

The four defendants are members of an amateur organization interested in the exploration of caves. Last fall, while they were exploring a remote cave, a landslide occurred. Heavy boulders fell in such a manner as to block completely the only known opening to the cave. On the failure of the defendants and Roger Whetmore (a member of the organization) to return to their homes, the families called the police. A rescue party was promptly dispatched.





It was known that the explorers had carried with them only scant provisions, so the rescuers were concerned that the explorers might starve to death before they could be reached. On the 20th day of their imprisonment, it was learned that the explorers had taken with them into the cave a portable wireless machine capable of both sending and receiving messages. A similar machine was promptly installed in the rescue camp and oral communication was established.



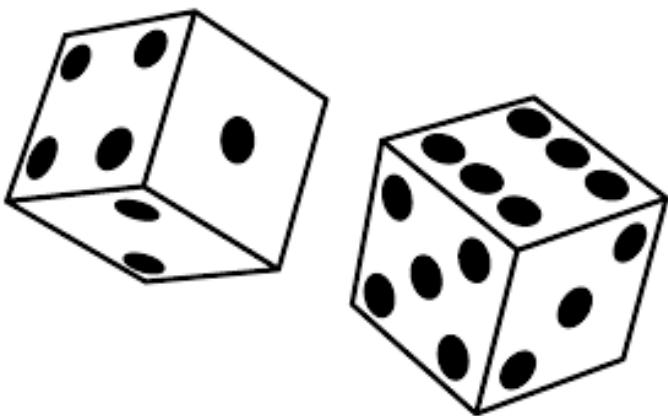
The explorers asked how long it would take to free them. The rescuers answered that at least 10 days would be required even if no new landslide occurred. The explorers then asked if any physicians were present and were placed in communication with a committee of medical experts. The explorers described their condition and the rations they had, then asked for a medical opinion whether they would be likely to live without food for 10 days longer. The chairwoman of the committee of physicians told them there was little possibility of this. The wireless machine remained silent for eight hours.



When communication was re-established, the explorers again asked to speak to the physicians. Whetmore, speaking on behalf of himself and the defendants, asked whether they would be able to survive for 10 days longer if they consumed the flesh of one of their number. The physicians' chairwoman reluctantly answered in the affirmative.

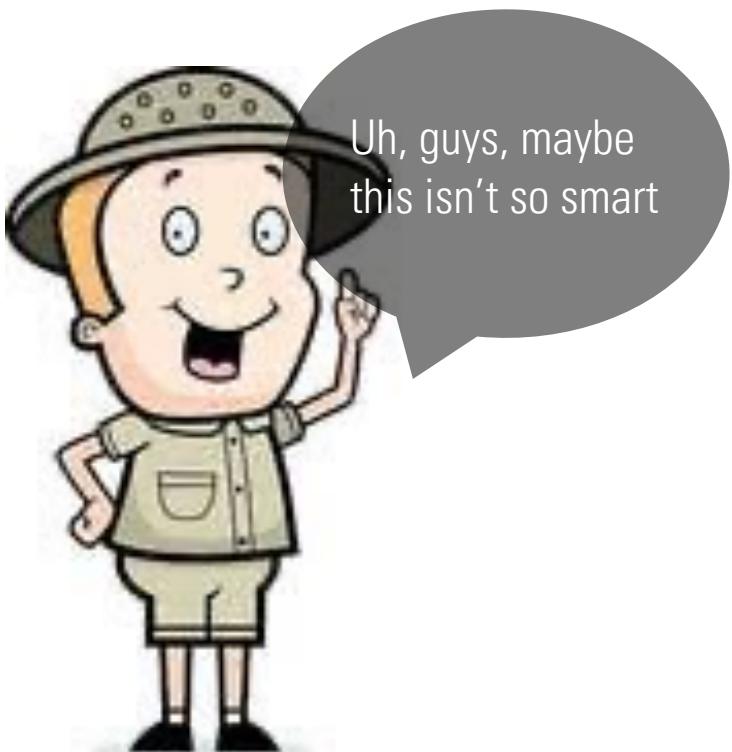


Whetmore asked whether it would be advisable for them to cast lots to determine which of them should be eaten. None of the physicians was willing to answer the question. Whetmore then asked if there was a judge or other government official to answer this question. None of those with the rescuers was willing to assume the role of advisor in this matter. Whetmore then asked if any minister, priest or rabbi would answer their question, but none was found who would do so. Thereafter, no further messages were received from the cave.



When the explorers were finally released, it was learned that on the 23rd day after their entrance into the cave, Whetmore had been killed and eaten by his companions.

From the testimony of the defendants, it appears that it was Whetmore who first proposed that they might survive by eating one of their own number. It was also Whetmore who first proposed the use of some method of casting lots, calling the attention of the defendants to a pair of dice he had with him. The defendants were at first reluctant, but ultimately agreed on Whetmore's plan.



- Before the dice were cast, however, Whetmore declared that he withdrew from the arrangement, as he had decided on reflection to wait another week before taking such a drastic step. The others charged him with a breach of faith and proceeded to cast the dice. When it came Whetmore's turn, the dice were cast for him by one of the defendants, and he was asked to declare any objections he might have to the fairness of the throw. He stated that he had no such objections. The throw went against him, and he was then put to death and eaten by his companions.



After the rescue of the defendants, they were treated in a hospital for malnutrition and shock. Thereafter, they were charged with the murder of Roger Whetmore. The language of our law is well known: “Whoever shall willfully take the life of another shall be punished by death.”

-- Adapted from the Harvard Law Review



Break into 3 Groups.
Judges Back of Class
Prosecution on the Left
Defense on the Right

3-5 Min Argument P
Judges Questions

3-5 Min Argument D
Judges Questions

2 Min Recess

2 Min Response P

2 Min Response D

2 Min Recess

Verdict!

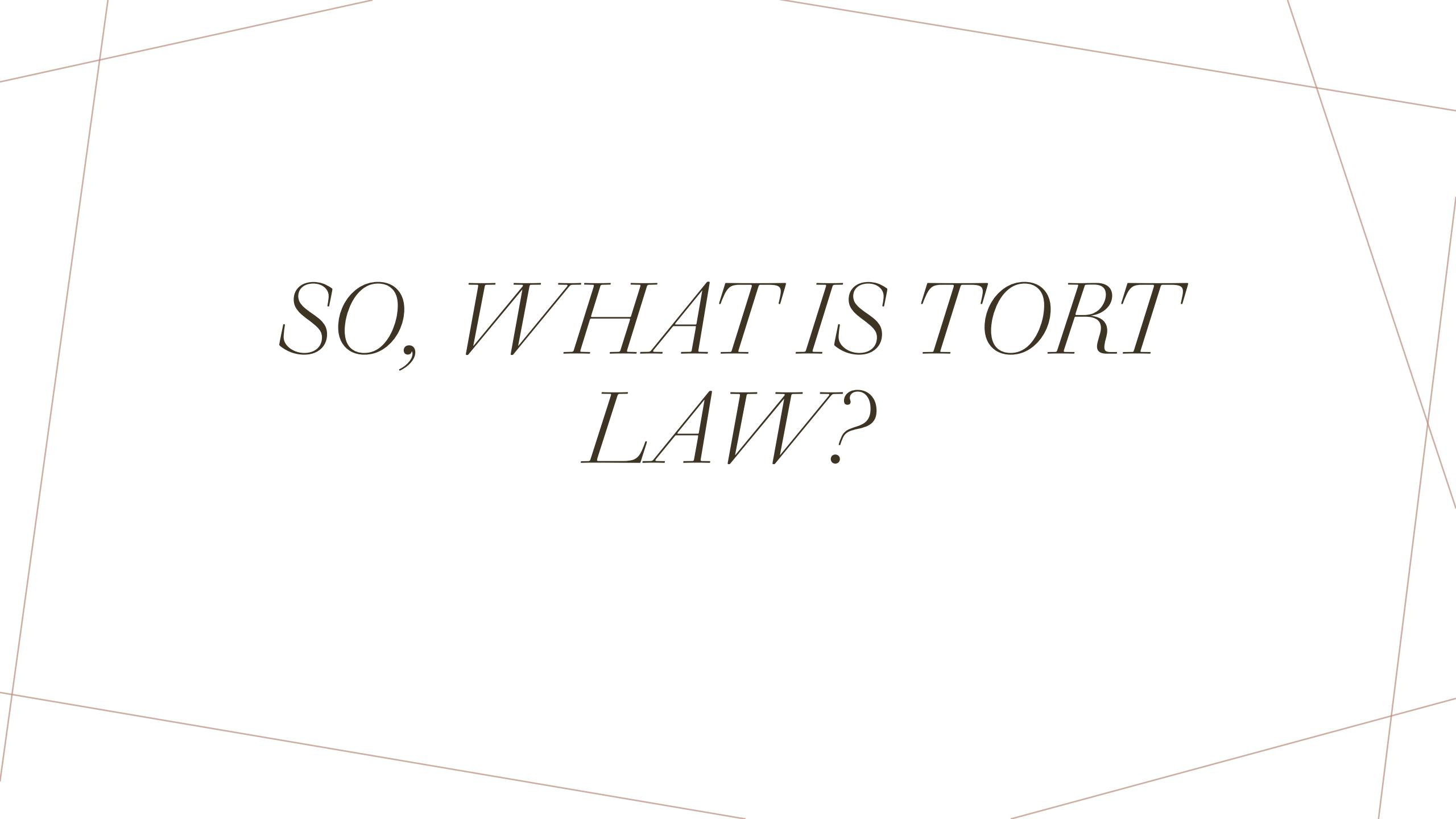
We recognize your difficulty ...

... but it doesn't justify murder.

Stephens

Dudley

REGINA V. DUDLEY AND STEPHENS



*SO, WHAT IS TORT
LAW?*

