

## Notes to the Teacher

This text provides enough material for at least two semesters' work. Unless your class has a very specific academic preparation need, I would recommend that you choose those sections that appeal most to you rather than exhausting any one particular section.

The text has an academic orientation in terms of subject matter, but advanced classes with no specific academic orientation will also find the text very useful. Many of the topics are of general *cultural* interest. In fact, only the business negotiation section would have a limited audience. "Divorce," "Marital Issues," and "Paternalism," just to name a few topics, are issues of broad cultural interest.

The text gives students practice with phrases useful in carrying out speech functions. These phrases are labeled *Conversation Cues* and are discussed in the introduction to the student, then at greater length upon their first appearance in the introductory exercise, *Roommate Search*. One way to proceed with these cues is to ask students to put a check mark next to a cue each time they use it. After the unit is finished, you may ask different students which ones they used most or how often they used certain cues. Here is a list of those sections that contain *Conversation Cues* and the content of each set of cues.

|                                         |                                                                |
|-----------------------------------------|----------------------------------------------------------------|
| <i>Roommate Search (chap. 1):</i>       | <i>Stating Opinions, Suggestion</i>                            |
| <i>The Desert Dilemma (chap. 2):</i>    | <i>Adding Information, Pointing out Irrelevancy</i>            |
| <i>Synergy (Lost at Sea) (chap. 3):</i> | <i>Changing Your Mind, Asking for Repetition, Interruption</i> |
| <i>The Race (chap. 4):</i>              | <i>Strong Disagreement</i>                                     |

If you are looking for a specific kind of activity, here is a partial list to help you locate what you are looking for.

*Presentations*      *Gender Attitudes (chap. 3); Rationality (Sunk Costs) (chap. 3); Synergy (Lost at Sea) (chap. 3); Mrs. Kerr and Ms. Pink (chap. 4); Crime and Punishment (chap. 5);*

*Arranging the Marriage of Indira and Raphael (chap. 6); Conditionally Speaking (chap. 6); The Great Bun Caper (chap. 7); The Cow Dung Gaffe (chap. 7)*

*Jigsaw The Desert Dilemma (chap. 2)*

*Speeches Health Care—Providing Services to Visible and Invisible Victims (chap. 2)*

*Writing Coercion/Paternalism (chap. 2); Paternalism in Action: American Laws (chap. 2); JFK Memorial Hospital versus Heston (chap. 2); Health Care—Rationing (chap. 2); Health Care—Providing Services to Visible and Invisible Victims (chap. 2); The Candy Bar Dilemma (chap. 4); The Race (chap. 4); The Case of Humbert Philips (chap. 5); Freeloaders (chap. 7); The Great Bun Caper (chap. 7); The Cow Dung Gaffe (chap. 7)*

*Interviews Rationality (Sunk Costs) (chap. 3); Survey (chap. 3)*

*Cross-Cultural Marriage Cross-Culturally (chap. 3); You Don't Understand Me (chap. 6)*

For all of the exercises, the students should prepare before class. This allows more time for discussion. If conserving time is not essential, many of the exercises can be started in class. You would need to look over the exercises beforehand to decide which you might prefer to do that way.

Some of the exercises that work well for less advanced classes can be done without prior preparation, especially with a dictation of the first paragraph or two. These include: *The Candy Bar Dilemma (Part 1)* (chap. 4); *The Race (Part 1)* (chap. 4); *Mrs. Kerr and Ms. Pink (Part 1)* (chap. 4); *Joe, His Bread, the Lifeboat (Part 1)* (chap. 4); *Sam and the Posse* (chap. 4).

It is my intention in this text to avoid rigidity and dogmatism in approach. You may see fit to modify the procedures with any exercise. For instance, if you want oral reports or group presentations, you could use the “Fugu” article that appears in the *Coercion/Paternalism* section of chapter 2 for these purposes. And all the exercises lend themselves to writing exercises, which you can easily add.

The sections entitled “The International View” that appear at the ends of the topics give students the opportunity to take the topics in any direction they want and to consider them from their own perspectives.

These sections are meant to enhance cross-cultural communication and to give students an unstructured mode for discussion. This section can also be adapted, in almost all cases, to *presentations*.

Suggested Time is given for each section in the notes to the teacher, but different classes will need different amounts of time to finish any given unit.

Vocabulary is introduced by means of a gloss. There is an exercise in guessing meaning from context that appears in the *Coercion/Paternalism* section of chapter 2, but in a speaking text of this length, glossing is the only practical way to deal with vocabulary.

## 1. Introductory Exercise

### Roommate Search: Categories and Ranking

*Time:* 30-40 min.

If your class has trouble coming up with ideas, you can use the list below, which I have compiled from many experiments with the exercise. And if your class is creating its own list, bear these categories in mind as ways to generalize the potential questions they might ask the potential roommate.

| <i>Category</i>    | <i>Personal Ranking</i> | <i>Group Ranking</i> |
|--------------------|-------------------------|----------------------|
| smoking            | _____                   | _____                |
| drugs              | _____                   | _____                |
| occupation         | _____                   | _____                |
| housework/neatness | _____                   | _____                |
| food/cooking       | _____                   | _____                |
| interests/hobbies  | _____                   | _____                |
| politics           | _____                   | _____                |
| pets               | _____                   | _____                |
| style of life      | _____                   | _____                |
| religion           | _____                   | _____                |

I usually include the category *gay/lesbian* among the questions for determining a suitable roommate. Clearly, not all teachers of classes will be comfortable dealing with it. I use it because I have found the discussion is excellent. Some students find the idea unthinkable. Students are surprised to hear their peers say it wouldn't make any difference to them at all to have a gay roommate. This will be an eye-opener for many students, and exposing students to this viewpoint is something that I think is worthwhile.

You should ask students how many of the cues they used and which ones they used most often.

## **2. Ethics**

### **Coercion/Paternalism**

*Time:* 50 min.

Question 1. Teacher may act out—going to the window (assuming that there is one and it is not on the first floor) and telling the students that he or she is going to jump. Tell them that the theory of gravity is a hoax, nonsense, and you will prove it to them.

Encourage students, in preparation for this section, to think of other things that the state might ban. Add these to questions 3-5, and then ask their groups their opinions.

### **Paternalism in Action: American Laws**

*Time:* 40-60 min.

Question 5. In Massachusetts there are still “Blue Laws,” left over from colonial times, that regulate conduct in ways we now find intolerable (e.g., no spitting on the sidewalk; no kissing in public).

### **JFK Memorial Hospital versus Heston**

*Time:* 20-30 min.

The court ruled that the state has an interest in preserving life and could order the transfusion. It ruled that conduct in pursuit of religious beliefs could be regulated (what if they wanted to practice human sacrifice?).

Second, the hospital became an involuntary custodian of the patient. It had a duty to treat, which was stronger than the patient's right to die. It was unfair to ask a doctor, in effect, to kill the patient by operating without a transfusion.

In the past the court has ruled to order a transfusion for children of Jehovah's Witnesses when the parents didn't want it.

But in Illinois, the supreme court decided that a Jehovah's Witness did not have to have a transfusion. That person, the New Jersey court noted, did not have children who would become wards of the state. In any case, the New Jersey court decided that the state had an interest in preserving life and could order the transfusion.

(But consider this impossible scenario: the patient gets five pints of blood, and when he or she awakes, the doctor says, "We just gave you a transfusion, but there is a little plug that you can pull to let all the blood out. Good-bye." What would the patient do?)

You may wish to have students write an essay on this, expanding on the brief answer they wrote. The essay should be done after the discussion. You should instruct students to address the strongest contending views (which they have heard in the discussion) and argue forcefully against these contending views.

### **The Desert Dilemma**

*Time:* 1 1/2 hrs. for the entire activity. With some classes, when the discussion is lively, you can spend two hours or more.

*Procedure:* The teacher should read the following scenarios.

(Information that differs between scenarios is italicized.)

#### *Group I*

You are on an expedition to the Sahara desert. *It is a very hot place.* The expedition members are as follows: Professor Jones, the 50-year-old leader; William S. Benway, 40, *a physician who studied at Boston University;* two assistants; and a driver who is 34 years old and *has blue eyes.*

A few days ago, *on Monday*, you met a group of bedouin and agreed to take a woman who is *six months* pregnant and her two children, aged 12 and 13, to the nearest village, *where the water is colder than any other place in the Sahara. The boy's name is Moustapha.*

*At noon*, your truck struck a land mine, which had been buried there since World War II. *The Germans* had planted it there. The explosion was terrible, but fortunately no one was killed. However, the driver, *who has no health insurance*, was badly injured, and the physician says that he will die if he is not taken to a hospital. Also, the two assistants have suffered broken legs—*one the right leg, and the other the left leg*—and they cannot move. The truck, *a Mercedes*, is totally wrecked. But there is enough food *and water* to last nine days, provided that everyone stays quietly by the truck, *which is painted green*. Anyone leaving the truck would have to carry extra water *on his or her back* and thereby reduce the amount left for the others. You know that the police will begin to look for you.

## *Group II*

You are on an *archaeological* expedition to the Sahara desert. The expedition members are as follows: Professor Jones, the 50-year-old leader, *who used to be a navy pilot*; William S. Benway, *whose hobby is gardening*; two assistants, *who are unmarried*; and a driver who is 34 years old *and used to race motorcycles*.

A few days ago, *on Tuesday*, you met a group of Bedouin and agreed to take a woman who is pregnant and her two children, *a boy aged 12 and a girl aged 13*, to the nearest village.

*At exactly 12:15 P.M.*, your truck struck a land mine, which had been buried there since World War II. *The English* had planted it there. The explosion was terrible, but fortunately no one was killed. However, the driver, *who is left handed*, was badly injured, and the physician says that he will die if he is not taken to a hospital *within four days. Fortunately, his left arm was uninjured*. Also, the two assistants have suffered broken legs, and they cannot move. The truck is totally wrecked *and needed oil change anyway*. But there is enough food to last nine days, provided that everyone stays quietly by the truck. *The assistants believe in astrology, and the moon is in Saturn*. Anyone leaving the truck would have to carry extra water and thereby reduce the amount

left for the others. You know that the police will begin to look for you *if you do not report to the next town within seven days. And your sister, who works for the U.N., will also wonder what has happened to you.*

### **Commentary**

The vocabulary here is not difficult, and the idea is that students will explain to each other the words they do not know. If the group has any doubts, you should help them. The only crucial and difficult words are “land mine” and “mine field.” Students should decide for themselves whether these are personnel mines or tank/vehicular mines. They should note that the boundaries of the mine field are necessarily vague and not posted, and that the truck was destroyed by a mine outside of the mapped mine field. As you listen to the groups, you may bring up, if they do not, the difference between *astrology* and *astronomy*. When you hear an unchallenged irrelevancy, you might cough or in your own fashion signal distress to draw attention to it. Make sure that the students refer to the list of rejoinders to be used to point out irrelevancy.

Of critical importance is the discussion of how fast one can actually walk in the desert. Also, students will blithely volunteer to walk due north, but given where the accident took place, it is clear that the mine “field” extends beyond its markings. As for the oasis, bear in mind how easy it would be to miss such a small place thirty kilometers away. As for carrying water back from it, how is it to be carried? Water is very heavy. Almost as much would be used getting there and back as could be lugged.

Are there helicopters in small towns? Is there a compass? Would the camping equipment be intact? Is there food in an oasis? A McDonald’s? These questions are best left to the group to decide, or guess, rather than the teacher providing a definitive yes or no. Some groups may come to quick decisions. In this case, after listening to their decision, you should bring up potential problems with it, then let them wrestle with it more thoroughly.

## **Health Care—Rationing**

*Time:* Discussion of introductory questions and giving answers to social values questions, 10 min.

### *Part 1. Values That Affect Health Care Rationing*

- d ability to function normally
- a cost-effectiveness or cost-ineffectiveness
- c length of life
- f quality of life
- b benefit to many as opposed to a few
- e equality of service

### *Part 3. Ranking Treatments as a Part of Health Care Rationing*

*Time:* Discussion of question a or b: 5 min. Small group consensus, 40-60 min.

## **Health Care—Providing Services to Visible and Invisible Victims**

*Time:* 30-50 min.

## **Knowledge, Information, and Ethics in Relation to Insurance and Health Care**

*Time:* 20-30 min.

## **3. Psychology**

### **Survey**

*Time:* 15-20 min.

### *Answers*

1. a

2. a
3. b
4. Women—usually better at reading facial expressions. Men—usually better at interpreting tone of voice.
5. a
6. no
7. Early in marriage: money, jealousy, relatives, communication, sex  
Parenthood: money, sex, jealousy, communication, relatives  
Later: money, sex, communication, relatives, jealousy
8. a
9. b

With question 6, you should ask the students which item they thought was first, second, and so forth, writing the order on the board as you hear it. You can play with suspense here. Note that money is always in first place. Ask why jealousy moves from second place early in marriage to third then to last place as time goes by. Ask why *sex* moves from last place in early marriage to second place during parenting. I have never had a problem with students addressing this question in a mature fashion. You might ask why *relatives* are more of a problem early in marriage. This case allows you to call on the married people in your class as “experts.”

## **Marriage, Cross-Culturally**

### *Part 1. Marriage Is About*

*Time:* 15 min.

### *Part 2. Characteristics of a Good Spouse*

*Time:* 35-40 min.

In this section you may get some strange suggestions, and it does no good to have on the list items that virtually everyone will think inapplicable, so you should help the students whittle their lists. If you want a shortcut, here is a list that has been created after many “goes” at it.

## *Characteristics of a Good Spouse*

kind

generous

healthy

intelligent

good lover

tolerant

forgiving

obedient

faithful

good sense of humor

physically attractive

loving

shared interests and tastes

shared political beliefs

supportive in bad times (*e.g., when money is tight, someone is very sick, etc.*)

## **Gender Attitudes**

*Time:* 40-60 min.

Answers to Reading Questions: 1. b 2. b 3. b 4. b 5. c 6. a 7. a

The “Gender and Power in Discussion” exercises is often more difficult than it seems. Second language students often find it hard to decide what a challenge is or even what an interruption is. Therefore, the students chosen to quantify these indicators may not find this an easy task. Also, you may be surprised at the results. The goal here is neither accuracy nor orthodoxy but merely getting students sensitized to language and allowing

them to see how fascinating it can be. Of course, another goal is getting them to understand that there are power issues at play in any communication.

Consider the oft-noted phenomenon that men tend not to be able to ask for directions when lost. (Some male comedians, for example, self-deprecatingly point this out for laughs.) You might ask your students if this is true in their cultures. And ask if women in those cultures, like American women tend not to display this behavior.

Tag questions can also be confirmation-beggars, not real questions (e.g., “Nixon really was a crook, wasn’t he [?]”). These, in my view, are expressions of power, but you need not complicate the task for the students since this kind of tag will seldom if ever be used by students. If you notice some of this sophisticated language use, you can talk about it after, or during, the class discussion of the results. It will be fascinating.

## **Marital Issues**

*Time:* 40-60 min.

## **Divorce**

*Time:* 30-45 min.

After a class discussion of the introductory question on fault as a determinant in awarding alimony, the teacher should read the three scenarios of the Joneses. Get several responses, enough to show real differences of opinion and arouse interest, but with no discussion.

When the groups have finished, write their decisions for the three cases on the chalkboard. Now you can draw conclusions about the justice of treating *fault* for men and for women. Case *a* is the baseline. A nonsexist decision will vary in case *b* and case *c* by *the same amount!* For example, if the alimony in case *a* is \$10,000, in case *b* is \$15,000, and in case *c* is \$5,000, then the *fault* is penalized by \$5,000 in cases *b* and *c*.

The same variance from the baseline will probably occur about 33% of the time. Most of the time, however, you will find that fault for the woman is penalized much more than fault for the man. Some students

will justify this result by citing that the man brings in the money, or at least the lion's share of it. If this is the case, then the woman does not have equal rights to the distribution thereof.

I tend to let the facts speak for themselves. The seeds of doubt will be sown in the minds of some students. When social values are deeply ingrained, this is probably the best one can do. If students are to revise their values, the impetus must come from within. I think you will find that you have sown a robust seed.

### **Rationality (Sunk Costs)**

*Time:* 90 min. 2 hrs.

*N.B.:* This is a presentation exercise (that is, individual students will present reports to the class) and the *Peer Feedback Sheet* (that appears in chapter 7) should be photocopied and used. Do not be daunted by the time needed. You can do two cases per day. Even if you have a two-hour class, it is not advisable to do all in one day. If you have videotaping capability, this is a good time to use it both for individual presentation and for class discussion. Another variation is possible if the environment is such that asking people their opinions outside of class is not feasible: you can have students learn to present one question, without looking at the other questions. Then have them ask each other their questions in class, roving around and telling their particular scenario to others who do not have the same case to present. After one student explains his or her hypothetical situation and elicits an opinion, the other does the same.

Experiments 1 and 3 present clear cases of sunk costs. Would you go where you would prefer not to be just because you already had paid for that privilege? You should feel free to share your own point of view, but console those who honor the sunk cost by pointing out that many of the American subjects in the original experiments also did so. Leave open the possibility of differing versions of rationality.

Experiments 3 and 4 show two sides of the same coin. There seems little economic reason to complete the project in either case. It would result in a loss. Students will suggest that they will sell their plane more cheaply, but you should point out that the competition can cut costs and be in the black while you are in the red. Those who chose *yes* in 3 are honoring a sunk cost, which seems irrational, but the vast majority of subjects in the original experiments chose *yes*. Again, however, it is irrational to be contradictory, and those who chose *yes*

for 3 and *no* for 4 appear to be acting contradictorily. Some Japanese students have pointed out that *yes* is the appropriate answer for both and that Americans who choose *no* are following the typical American business pattern of looking at short-run profit. Sometimes, the Japanese say, you have to take a loss just to get market share, to get your name out there. What you learn from this mistake may come in handy in your next venture. This is an interesting argument.

In experiment 5 the loss of \$10 is not linked specifically to the ticket purchase, and its effect on the decision accordingly is slight. In experiment 6 the expense to see the show was seen as \$20, a cost that many of the respondents apparently found excessive. To be rational, one cannot be contradictory. It is difficult to defend the rationality of choosing *yes* in one of these two experiments and *no* in the other. Some students will not see the play because they will not enjoy it, thinking all the while of where they might have lost the ticket or the money, but this sentiment should apply to both 5 and 6.

It is interesting to note that self-punishment is sometimes the rationale for not buying another ticket. This appears to be at odds with the economists' notion of a rational person, all of whose actions are motivated by self-interest. It is curious to consider how self-punishment can be self-interest.

### **Synergy (Lost at Sea)**

*Time:* 50 min. at least for discussion, 15 min. more the following day for synergy report

Manage the times carefully if you need to finish the discussion and the giving of the answers within your time limit. Push any group that is behind the others. When assigning this the day before, for homework, get a volunteer to do the synergy report and let him or her read the directions carefully. You should allow the student some time with you to answer any question he or she has. This is really *not* complicated. All students will understand it. You just need to spend 15 minutes yourself to figure it out.

Also, try to go over the list of items in class. Ask if there are any that the students don't understand, and let other students explain the vocabulary. Usually, they can. For example, "mosquito netting" is not always universally understood.

### *Answers*

According to the experts, the basic supplies needed when a person is stranded in the ocean are articles to attract attention and articles to aid survival until rescuers arrive. Articles for navigation are of little importance; even if a small life raft were capable of reaching land, it would be impossible to store enough food and water to subsist during that period of time. Therefore, of primary importance are the shaving mirror and the two-gallon can of oil-gas mixture. These items could be used for signaling air-sea rescue. Of secondary importance are items such as water and food, for example, the case of emergency food.

The rationale for the ranking of the items that follows does not represent all of the potential uses for the specified items but, rather, the primary importance of each.

1. shaving mirror—critical for signaling air-sea rescue
2. two-gallon can of oil-gas mixture—critical for signaling (the mixture will float on the water and could be ignited with a dollar bill and a match—obviously outside the raft)
3. five-gallon can of water
4. one case (24 cans) emergency food
5. 20 square feet of opaque plastic—to collect rain water and for shelter from elements
6. two boxes of chocolate bars—reserve food supply
7. fishing kit—ranked lower than the candy bars because "a bird in the hand is worth two in the bush" (there is no assurance that you will catch any fish)
8. fifteen feet of nylon rope—to tie equipment down and prevent it from falling overboard
9. seat cushion (flotation device)—life preserver if anyone were to fall overboard
10. shark repellent—obvious

11. one quart of strong rum, 80% alcohol (that is, 160 proof)—antiseptic
12. one “Walkman” radio—has no transmitter and you’re out of range of your favorite station
13. maps of the Pacific Ocean—worthless without additional navigational equipment
14. mosquito netting—no mosquitoes in the mid Pacific
15. sextant—without tables and chronometer (stopwatch), relatively useless (alternatively, hit the shark with it . . . or the guy who is drinking your share of the rum)

### **Philosophy (Distributive Justice)**

All these cases are intermediate level material that can be used at the advanced level. Since these cases treat the same general issue, it is advisable not to do all of them. I find that “The Candy Bar Dilemma” is a good “first day” exercise that can be done for fun (with candy as a prize) at low advanced levels. The cases can also be given as dictation. For long cases, you might do just one paragraph as dictation.

### **The Candy Bar Dilemma**

*Time:* 30 min.

Deceptively simple, this case deals with all the criteria for a just distribution: *want*, *need*, and *desert*. This case is difficult because all of them want the candy (you cannot let the teens make the decision—they will fight—and you cannot buy another bar), but none of them needs it. (*N.B.:* It may seem strange to include “want” as a criterion, but absent claims of need or desert, it is just to distribute a good on the basis of who wants it.) The question here is “who needs most *not* to have it.” And the importance of teaching Carol not to be a pig should not be undervalued. You should begin by getting suggestions for as many different distributions as possible and writing them on the board. Then challenge students individually (“Do you agree with this one?”). The writing on this seemingly superficial but actually profound topic can be very good. And there are built-in organizational units. You will need to have available two candy bars for each small group.

## **The Race**

*Time:* 30-50 min.

The issue dealt with here is also valuable at an advanced level. In *The Race*, we are faced with the ultimate question of validity of any *criterion* in a just distribution. (Thus, this case follows, perhaps dovetails with, *The Candy Bar* case.) The distribution is of an honor—making the track team.

The major criterion at work here is *desert*. (note, however, that the claims of Carlos and Ben are largely based on *want* and *need*, respectively.) Ordinarily, one makes the team not by wanting or needing but by deserving. (Isn't Ben's claim a form of blackmail?)

But it seems that no single criterion is ever valid for justice. The contest is all important. There does not seem to be any criterion that should not, in some case, be amended. This is one of the primary bases for affirmative action. Desert is not so cut and dried as we often think.

Intuitively, we all have criteria for desert. One of these, universally recognized, is responsibility. Students will pick up on this, especially in the case of Harry. But the waters (or perhaps the track) soon become muddy, for some will feel that a person is responsible for catching a cold while others will find this more an accident of nature.

Political philosopher William Galston's conclusion of like issues is that *there is no criterion that cannot be bent*. But if we can bend the rules justly in one case, why not in another, and another—so that here the qualification race is interminable. In effect, we decide where to draw the line *arbitrarily* within some societal consensus. This has ramifications for affirmative action, admission to schools, etc.

## **Mrs. Kerr and Ms. Pink**

*Part 1*

*Time:* 20 min.

*Part 2*

*Time:* 20 min.

Instruct presenters to learn the case and retell it. They should not try to memorize it.

You need not do both parts. If you do both, Part 2 needs to be done on another day, as the roles must be learned.

### **Finders, Keepers**

*Time:* 30 min.

The case may be done as *presentation*. It is best if you decide on some maximum number of the items to be distributed, smaller than the number of group members. Otherwise, the decision becomes easy—everyone gets one. You should feel free to veto any suggestions for additional items that you think unsuitable—for example, “my boyfriend.” And you will get some funny and outrageous ones, like “an inflatable replica of my boyfriend.”

### **Joe, His Bread, the Lifeboat**

*Time:* 30 min.

The case may be done as *presentation*. One student may be asked to present the case to the students, with the briefest of notes, if any.

A follow-up to this unit that some teachers have found fitting is watching Alfred Hitchcock’s *Lifeboat*.

### **Sam and the Posse**

*Time:* 30 min.

The case may be done as *presentation*. One student may be asked to present the case to students, with the briefest of notes, if any.

## **5. Law**

### **Crime and Punishment**

*Time:* 50-70 min.

Teacher may play devil's advocate to get things going if there is general agreement. Get two or three opinions on some of the topics before doing small group work. Repeat the procedural instruction to try to recall similar scenarios that the students might know of and give them an opportunity to talk about these incidents in class.

Question 1. You may help by giving students the term *attempted murder*.

Question 3. The man's actions (you can act it out) make it appear that he clearly had the *intention* to kill. But as we can see, although murder is defined by intention, this term is very slippery.

Question 4. With more detailed cases like this one it is often useful to ask some students to recap.

Question 6. "Private punishment" is the theme. In European law, private punishment is acceptable in the very rare case when the wrongdoer cannot be brought to justice *and* the punisher is certain of the guilt of the malefactor. Here, Edwina isn't saving anyone by slitting the parachute. She is planning the death of Patty.

Question 9. This is fun to act out.

### **Humor in the Court**

*Time:* 10-15 min.

This can be done in small groups or by the class as a whole.

### **The Case of Humbert Phillips**

*Time:* Discussion questions, 50-60 min. Trial, 50-60 min.

"Harmless wrong" refers to things like not paying taxes (no physical harm). "Wrongless harm" refers, for example, to a virus: it harms but cannot be said to be doing any wrong. As I see it, in the political philosophy of liberalism (cf. Joel Fineberg), harm is the critical ingredient in deciding what punishment should be. A more Aristotelian approach would be to take into consideration a malefactor's character. Herein is justification for more severe punishment for the loathsome individual with a long track

record of malfeasance and less severe punishment for individuals with outstanding character and records of public service.

Of special interest in this case are the notion of blackmail and the question of whether or not you can blackmail someone into doing good. If you thus *coerce* someone, is it still blackmail? If this is considered blackmail, then it would seem to fall into the category of harmless wrong.

Similarly, putting an add in the paper offering a prize (money) for anyone who can climb Mt. Everest might be seen as a wrongless harm, since it can hardly be against the law, but the person who places the ad must know that desperate people will be harmed, perhaps killed, trying to win the prize money.

And nude sunbathing may be seen as a harmless (moral) wrong by some but as a wrongless harm by others—if it is legal.

Those of you intrigued by this unit may want to look at *Trial by Jury*, Kevin King, Newbury House, 1984. *The Case of Humbert Phillips* follows the same format used there.

## 6. Linguistics

### You Don't Understand Me

*Time:* 40 min.

*Cross-Cultural and Paralinguistic Exercise:* In a multicultural class, ask two students to take their chairs to the front of the room and act out (reading, if they want) one or more of the scenarios. Make note of the positioning of the chairs. Are they facing each other? How close are they? I had one phenomenally illustrative class where one student kept dragging his chair back as the other dragged his forward, “encroaching.” This only stopped when the former reached the wall. After having several pairs do this, ask the class if they remember how any of the pairs stationed themselves, and ask what this tells about comfort zones.

Exercise 1. Carla was annoyed, not because she had not gotten her way, but because her preference had not been considered. She had wanted some popcorn. Rhett feels that people should say what they want, that Carla's manner is a kind of game playing.

- Exercise 2. Cordelia is irritated because she thought that Henry was withholding part of his life from her. She wants to offer emotional support, which he feels he doesn't need, since men are brought up to ignore minor injuries.
- Exercise 3. Prospero provides information other than that which Miranda requests. His reason (regarding the quantity of wine) *may be* that he is being protective of her. She may think that his replies show that he is on a power trip. One term used for this kind of response is mind reading. This can be offensive and presumptuous. It also is consistent with trying to hold power in a relationship.
- Exercise 4. This is very typical—men want to solve problems and women want to give and get empathy and emotional support. Anthony is happy with his ability to give Clea advice, but Clea thinks that he doesn't understand what she is feeling.
- Exercise 5. Orson doesn't understand that Marilyn's question is a suggestion.
- Exercise 6. Rhett doesn't understand that Carla's questions are an indirect way of saying she'd rather see some other movie. And Carla doesn't care so much about the popcorn as she does about sharing. Rhett does not understand this need.

### **Arranging the Marriage of Indira and Raphael (An Indirect Speech Exercise)**

*Time:* 1 hr.

Tell Raphael's family the following rumors. It is said that Indira has a very bad temper that she does not try to control. (Consider, also, the possibility of using these rumors: (1) She is a radical feminist who hates men; (2) She is not a virgin.) It is said that she plans to have thirty-seven cats as soon as she has a home of her own. It is said that she is allergic to some very common substances like cotton.

Tell Indira's family the following rumors. It is said that there is a history of insanity in Raphael's family. It is said that Raphael loves garlic and must have it with every meal and that his breath smells bad. It is also said that he hates children and small furry animals.

### **Conditionally Speaking**

Time: 30-40 min.

1. No. There might be French donkeys in Spain, in which case the donkey in *a* is beaten but the donkey in *b* is not.
2. Yes
3. False. A black-eyed donkey might be both stubborn and stupid.
4. Yes! In *b* you *must* open it to prevent the explosion! *N.B.*: The word “then” does not usually have this force. But what *b* means is “if and only if” or “provided that.”
5. The butler is not the murderer. This can be fun. If you are familiar with logical notation and transitivity theory, you might find the following proof valuable. For most teachers, however, this proof will be superfluous.

$P$  = Butler is murderer     $Q$  = Butler left by window     $R$  = Butler has mud on shoes.

$P \rightarrow Q$      $Q \rightarrow R$ , therefore  $P \rightarrow R$

$P \rightarrow R$

—  $R$

—————

—  $P$

6. a. Speaker is a teacher. Listener is a bad student and the speech act is an incentive *or* listener is a good student and the speech act is a threat.  
b. Speaker is a teacher. Listener is a good student. Speech act is a threat.

*N.B.*: The important thing to note is that conditionals do not need an *if*. This kind of conditional is common in spoken English.

## 7. Business Negotiation

### Freeloaders

Time: 30-40 min.

## **The Great Bun Caper**

*Time:* Presentation of case and game, 20-25 min. Filling out feedback sheets and oral feedback, 10 min.

Negotiation game, 30 min.

## **The Cow Dung Gaffe**

*Time:* Presentation of case and game, 20-25 min. Filling out feedback sheets and oral feedback, 10 min.

Negotiation game, 20-30 min.

*The Great Bun Caper* and *The Cow Dung Gaffe* are cases for presentation. The teacher will need to meet with the presenters in *The Great Bun Caper* prior to class to assist them with their preparation. The presentations may be videotaped and replayed in the next class with appropriate analysis. It is, in my experience, not a wise allocation of time to replay all of a long presentation. Five minutes replay should be sufficient for each presenter.

After the case is done, students must fill out *Peer Feedback Sheets* (a reproducible sheet follows *The Cow Dung Gaffe* section in this chapter) on both the case and game presenters. If all is not done on the same day, feedback should be collected on the first day for the first presenter. These sheets are collected by the teacher and given to the presenter. It is often helpful to get some oral feedback, and the first comments should be positive. If you thought that students did something particularly well, ask for oral comments on that aspect of the presentation. The presenters then must write on paragraph on “What I Can Do to Improve Next Time.”

These cases involve negotiation games. The value of such games is very well documented. Students presenting this, and other demanding cases, might be awarded special compensation if yours is a class in which grades are given.

## **Laying Off at the Auto Plant (A Personnel Dilemma)**

*Time:* 30 min.