

Name \_\_\_\_\_

### **PART I      *Social Order: How have governments dealt with lawbreakers?***

Directions      Read each case study; then answer the questions that follow.

#### **Case Study #1: Legalism in the pre-modern civilizations**

The ancient Chinese thinker Hanfeizi, “father” of a philosophy called Legalism, argued that human beings are naturally evil, and therefore governments must administer severe punishments for disorderly actions. Many of the world’s early civilizations saw the rise of strict lawgivers who agreed with Legalist principles. The famous tyrant of Athens in ancient Greece, Draco once said “Even petty crimes deserve death, and I cannot find a more serious penalty for the greater crimes.” Perhaps no lawgiver, however, was stricter than the ancient Babylonian king Hammurabi. Listed below were some of the rules of Hammurabi’s Babylon:

- If a son strikes his father, his hands shall be cut off.
- If a man put out the eye of another man, his eye shall be put out.
- If a man breaks another man’s bone, his bone shall be broken.
- If a man knock out the teeth of his equal, his teeth shall be knocked out.
- If anyone strikes a man whose rank is higher than his, the man shall be whipped 60 times in public.
- If a wife has a relationship with another man, both shall be tied and thrown into water, but the wife can be pardoned by her husband and given to the king as a slave.
- If a builder builds a house that falls and kills the owner, then the builder shall be killed. If the son of the owner is killed, then the builder’s son shall be killed.
- If one accuses another with a capital offense [a crime punishable by death] but cannot prove the charges, then the accuser will be killed.

1. Do you agree with the fundamental principle of Legalism, that human beings are naturally evil? Why or why not? What is it that causes human evil?
  
  
  
  
  
  
  
  
  
  
2. Based on excerpts from the Hammurabi Code, write three main ideas about Hammurabi’s government. Follow the model.
  - a. MODEL: The law that sentenced an accuser to death for failing to prove an accusation shows that Hammurabi was not going to allow people to waste the time of his government or its courts.
  
  - b. MAIN IDEA:
  
  
  
  - c. MAIN IDEA:
  
  
  
  - d. MAIN IDEA:

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### **Case Study #2: Colonial New England, the 1600s**

Puritans in colonial New England enforced their law with *stocks*. Offenders of the law were put on display in the public square with head, arms, or legs locked between wooden blocks. Other citizens frequently passed by and humiliated the guilty offenders with insults or laughter. Some even spat upon the guilty.

Another form of punishment was branding. The Puritan community frequently branded criminals with hot iron rods, scarring them forever with tattooed evidence of their criminal conduct so that all would know of their crimes. If you were caught cheating on your husband or wife, for instance, your face might be branded with a large “A” for “adultery.” Everyone would plainly see that you were a cheater.

3. Based on context clues, what was the purpose of the punishments in colonial New England – in other words, what were the punishments supposed to do? Why???

### **Case Study #3: Singapore, 1994**

In 1994, an American teenager living in Singapore was sentenced to a painful flogging (a severe beating by a whip) for acts of vandalism (graffiti). The United States lashed out against Singapore, saying the punishment was cruel and unusual. An official of Singapore’s government defended the harsh penalty and said: “Unlike some other societies which tolerate acts of vandalism, Singapore has its own standards of social order as reflected in our laws. We are able to keep Singapore relatively crime-free. We do not have a situation where acts of vandalism are commonplace, as in cities like New York, where even police cars are not spared.”

4. Do you agree that whipping someone for graffiti/vandalism/tagging is “cruel and unusual” punishment? Why or why not?

### **Case Study #4: United States, controversial laws**

Many states in the US have “Three-Strikes Laws.” These laws require that someone guilty of three felony (serious) offenses be given a life-sentence in prison, regardless of when the previous crimes took place.

Another controversial law in the US has to do with drug-sentencing. Currently, individuals who are charged with possession of *crack-cocaine* are punished 18x more severely than individuals charged with possession of *powder-cocaine*. Powder is more powerful, more expensive, and harder to track down than crack. Crack offenders are typically members of the lower-middle classes in the inner-cities, and they are dealing out in the open on the streets. Powder cocaine deals generally occur behind closed doors in private living rooms.

5. Are these laws fair or unfair? Explain.

# CIVGAME Politics

CASE STUDIES: Order and Control

Name \_\_\_\_\_

## PART II Critical Thinking

Directions Answer the following questions *in complete sentences*. Write answers on other paper if necessary.

1. What do you think the purpose of punishment should be – *Punitive* (the punishment should be an appropriate negative consequence for unlawful actions), *Retributive* (the punishment should be an eye-for-an-eye form of revenge), or *Restorative* (the punishment should actually work to change the behavior of the offender)? Explain your answer.
2. Do you think “cruel and unusual” punishments (like torture, public humiliation, and extremely harsh sentences for minor crimes) are acceptable if they actually create a safer, more stable, and more orderly crime-free society? Explain your answer.
3. Do you think racial profiling (i.e. the government targets people of a specific age, race, and/or ethnic background for closer investigation) is acceptable if the actions are intended to prevent major crimes? For instance, if a group of people blew up a bunch of buildings in the US and said they were Yellowists (followers of the religion of Yellow), then would it be appropriate for the government of the US to start following, investigating, and scanning all people in airports who *look* like they might be Yellowists? Explain.
4. If you could offer Mrs. Stewart and the PC administrators one piece of advice regarding order, rule-breaking, and punishments here at Pearl-Cohn, then what would you say? Are the policies here too soft? Too harsh? Just right? Explain your thinking.